Journal of the Senate

Number 21—Regular Session **Monday, April 27, 1998**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Jennings at 10:00 a.m. A quorum present—37:

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

Excused: Senator Cowin until 12:15 p.m. and Senator Diaz-Balart until 3:15 p.m.

PRAYER

The following prayer was offered by Lucy Hadi, Policy Director, Office of the Senate President:

In peace and with reverence we pray to you, Lord God. We ask your blessings on the Senate family and, especially, on these men and women who have been chosen to lead and to serve. In times of stress and struggle, fill them with your peace. When they grow weary, refresh their spirits and sharpen their senses.

When they are tempted to speak hastily or hurtfully, renew their patience and give them thoughts of unity and words of comfort. When cynicism threatens, lead them to look again for joy in the simple blessings of life, in the warmth of friendship and in the wonder and beauty of your creation.

Give them strength and courage to serve you and those they represent with vigor and with honor. Help us to find and nurture that which is good and noble in ourselves and in each other. Empower us to do your will in all that we undertake.

All this we ask in your holy name. Amen.

PLEDGE

Senate Pages Tony Labno of Ormond Beach and Shaun Porter of Brandon, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Latvala—

By Senator Latvala—

SR 2664—A resolution commending the vocational student organizations in this state.

WHEREAS, the vocational student organizations in this state promote many of the skills needed for employment, and

WHEREAS, the vocational student organizations in this state prepare students to successfully compete at the highest national and international levels and prepare them to make reasoned and thoughtful lifelong decisions, and

WHEREAS, the vocational student organizations in this state train and encourage students to manage information and be effective communicators, problem solvers, critical thinkers, and responsible and cooperative workers, and

WHEREAS, the vocational student organizations in this state have provided business and career education to students for many years, NOW, THEREFORE,

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

That the Florida Senate commends vocational student organizations in this state for their many years of providing career and business education to the students.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Travis A. Manning, 1997-1998 President of the Cooperative Education Clubs of Florida, as a tangible token of the sentiments of the Florida Senate.

—**SR 2664** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By Senators Cowin, Williams, Bankhead and Kirkpatrick—

SR 2716—A resolution commending the 351st Military Police Company from Ocala for their service in Bosnia.

WHEREAS, the members of the 351st Military Police Company serve our country with courage and distinction, and

WHEREAS, the Reserve and National Guard Forces of the United States comprise over 50 percent of this country's military strength, and

WHEREAS, the 351st Military Police Company has served our country with distinction in Operation Desert Shield and Operation Desert Storm, and

WHEREAS, the members of the 351st Military Police Company proudly fulfill the Military Police motto, "Of the Troops, For the Troops, and By the Troops", and

WHEREAS, the 351st Military Police Company has brought decades of honor and service to the Ocala community, and

WHEREAS, the 351st Military Police Company has been called to active duty to share the principles, patriotism, and freedoms of the United States with the citizens of Bosnia, NOW, THEREFORE,

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

That the 351st Military Police Company is commended for its service, commitment, and patriotism to the United States.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the 351st Military Police Company as a tangible token of the sentiments of the Florida Senate.

—**SR 2716** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 680**, **SB 732**, **SB 1504**, **SB 2190**, **SB 1082** and **SB 2302** were withdrawn from the Committee on Commerce and Economic Opportunities and referred to the Committee on Ways and Means; and **SB 612** was withdrawn from the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; Commerce and Economic Opportunities; and Community Affairs; and referred to the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1060** was withdrawn from the Committee on Banking and Insurance; **CS for SB 1900** was withdrawn from the Committee on Commerce and Economic Opportunities; and **SB 2072** was withdrawn from the Committee on Judiciary.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 754**, **CS for SB 1122**, **SB 1632** and **CS for SB 1664** were withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **SJR 82**, **SB 464**, **SB 1220**, **SB 1368**, **CS for SB 2014** and **CS for SB 460** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 464** was withdrawn from the Committee on Natural Resources; **SB 936**, **CS for SB 1114** and **CS for SB 1608** were withdrawn from the Committee on Commerce and Economic Opportunities; **CS for SB 2542** and **CS for SB 2080** were withdrawn from the Committee on Health Care; and **CS for SB 296** was withdrawn from the Committee on Governmental Reform and Oversight.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Committee on Ways and Means was granted permission to meet this day from 1:15 p.m. until 2:15 p.m.

On motion by Senator Sullivan, the rules were waived and the Committee on Ways and Means was granted permission to place **SB 680**, **SB 732**, **SB 1504**, **SB 2190**, **SB 1082**, **SB 2302**, **SB 192**, **CS for SB 1612**, **SB 612** and **CS for SB 68** on the agenda at the meeting this day.

On motion by Senator Bankhead, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet this day from 7:00 p.m. until completion in lieu of upon recess as scheduled this day.

On motion by Senator McKay, the rules were waived and the Conference Committee on Civil Litigation Reform was granted permission to meet from 7:30 p.m. until 9:00 p.m. in lieu of 6:30 p.m. until 8:00 p.m. as scheduled this day.

MOTIONS

On motion by Senator Bankhead, a deadline of 7:05 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Tuesday, April 28.

On motion by Senator Bankhead, the rules were waived and a deadline of 10:00 a.m. Tuesday, April 28, was set for filing amendments to the new bills placed on the Special Order Calendar to be considered that day.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2054**, **CS for SB 1466** and **CS for CS for SB 502** was deferred.

On motion by Senator Latvala—

CS for SB 152—A bill to be entitled An act relating to the powers and duties of the Governor; amending s. 14.23, F.S.; regulating the nomination of appointees to federal regional fisheries management councils; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 152** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 978** was deferred.

On motion by Senator Lee—

CS for SB 2474—A bill to be entitled An act relating to planning for educational facilities; amending s. 163.3177, F.S.; requiring that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools; specifying the date by which such plans must comply and providing effect of noncompliance; providing requirements with respect to the data and analyses on which a public school facilities element should be based; providing for goals, objectives, and policies; providing for a future conditions map; amending s. 163.3180, F.S.; revising requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement; requiring a public schools facilities element; providing requirements for level of service standards; providing requirements for designation of service areas; providing requirements with respect to financial feasibility; specifying an availability standard; requiring that intergovernmental coordination requirements be satisfied and providing that certain municipalities are not required to be a signatory of the required interlocal agreement; providing duties of such municipalities to evaluate their status and enter into the interlocal agreement when required, and providing effect of failure to do so; providing requirements for an interlocal agreement; directing the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element; amending s. 163.3191, F.S.; providing that the local planning agency's periodic report on the comprehensive plan shall assess the coordination of the plan with public schools; amending s. 235.185, F.S.; directing school boards to adopt annually 10-year and 20-year work programs in addition to the required 5-year district facilities work program; amending s. 235.186, F.S.; including additional expenditures in a district's planned basic capital outlay expenditures that may be eligible for an effort index grant; including districts that have adopted a public school facilities element in districts to which priority consideration for such grants should be given under certain circumstances; amending s. 235.19, F.S.; providing a directive to school boards with respect to school location; amending s. 235.193, F.S.; providing requirements for the 5-year district facilities work program with respect to enrollment and population projections; precluding the siting of new schools in certain jurisdictions; amending s. 235.2155, F.S.; specifying additional savings by school districts which the SIT Program is designed to reward; providing that the SMART Schools Clearinghouse shall examine data relating to educational facilities planning, and favorably consider districts where local governments have adopted a public school facilities element, in recommending SIT Program awards; authorizing use of such awards for offsite infrastructure needs generated by

development of educational facilities; providing for interim use of certain criteria and guidelines by the state land planning agency in compliance review of a school concurrency system; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendments which were adopted:

Amendment 1—On page 13, lines 6-10, delete those lines and insert:

(e) Availability standard.--Consistent with the public welfare, a local government may not deny a development permit authorizing residential development for failure to achieve and maintain the level of service standard for public school capacity in a local-option school concurrency system where adequate school facilities will be in place or under actual construction within 3 years after permit issuance.

Amendment 2 (with title amendment)—On page 18, line 16 through page 20, line 9, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 15-22, delete those lines and insert: program; amending

Amendment 3 (with title amendment)—On page 21, line 16 through page 22, line 27, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, line 30 through page 3, line 10, delete those lines and insert: providing for interim use of

Amendment 4—On page 22, lines 28-31 and on page 23, lines 1-13, delete those lines and insert:

Section 9. *Until the minimum criteria for a public school facilities element adopted for purposes of imposition of school concurrency, as required by section 163.3180(13), Florida Statutes, are in effect, the state land planning agency shall utilize the minimum criteria for a public school facilities element adopted for purposes of imposition of school concurrency contained in the Final Report and Consensus Text by the Department of Community Affairs Public School Construction Working Group, dated March 9, 1998, in any compliance review of any such element.*

(Redesignate subsequent sections.)

Amendment 5 (with title amendment)—On page 23, between lines 13 and 14, insert:

Section 10. *Any county whose adopted public school facilities element is the subject of a final order entered by the Administration Commission prior to the effective date of this act may implement its public school facilities element in accordance with the general law concerning public school facilities concurrency in effect when the final order was entered and in accord with the final order consistent with any appellate court decision. The county shall comply with the requirements of the final order, consistent with any appellate decision, in implementing its public school facilities element and in adopting any necessary amendment to its comprehensive plan.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 13, after the semicolon (;) insert: providing an alternative concurrency system for counties subject to final order by the Administration Commission;

Pursuant to Rule 4.19, **CS for SB 2474** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2076** and **SB 1738** was deferred.

On motion by Senator Burt—

CS for SB 2004—A bill to be entitled An act relating to the Viatical Settlement Act; amending s. 626.9911, F.S.; modifying definitions used in the act and adding a definition of related provider trust; amending s. 626.9913, F.S.; requiring viatical settlement providers to file certain information with the Department of Insurance; specifying applicability of fee and deposit requirements; amending s. 626.9914, F.S.; specifying liability of a viatical settlement provider for a related provider trust; amending s. 626.9921, F.S.; requiring certain providers to file notice with the department; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, between lines 18 and 19, insert:

Section 5. Section 626.99235, Florida Statutes, is created to read:

626.99235 Disclosures to investors; misrepresentations.—

(1) No person shall misrepresent the nature of the return or the duration of time to obtain the return of any investment related to one or more viatical settlements sold by a viatical settlement provider or related provider trust.

(2) The viatical settlement provider, itself or through another person, shall provide in writing the following disclosures to any investor or investor prospect:

(a) That the return available under the viatical investment is directly tied to the projected life span or date of death of one or more viators;

(b) If a return is represented, the disclosure shall indicate the projected life span or date of death of the viator or viators whose life or lives are tied to the return.

(c) If required by the terms of the investment contract, that the investor may be responsible for the payment of insurance premiums on the life of the viator or late or surrender fees or other costs related to the life insurance policy on the life of the viator or viators which may reduce the return.

(d) The amount of any trust fees or other expenses, if any, to be charged to the investor.

The written disclosure required under this subsection shall be conspicuously displayed in any investment agreement, and any solicitation material furnished to the investor by such provider, trust or person, and shall be in contrasting color and in not less than 10 point type or no smaller than the largest type on the page if larger than 10 point type.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: creating s. 626.99235, F.S.; prohibiting misrepresentation; providing disclosure of required information;

Pursuant to Rule 4.19, **CS for SB 2004** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

SB 1738—A bill to be entitled An act relating to public records; amending section 446.609, F.S.; providing an exemption from public records requirements for the identity of donors to the Florida Endowment Foundation for Florida's Graduates; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Horne and adopted:

Amendment 1—On page 2, line 6, delete "House Bill ____" and insert: Senate Bill 1736

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

Amendment 2—On page 1, line 30, after "*of*" insert: *anonymous*

Pursuant to Rule 4.19, **SB 1738** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 932** was deferred.

On motion by Senator Brown-Waite—

SB 1404—A bill to be entitled An act relating to the Coastal Zone Construction Act; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1404** to **HB 3863**.

Pending further consideration of **SB 1404** as amended, on motion by Senator Brown-Waite, by two-thirds vote **HB 3863** was withdrawn from the Committee on Community Affairs.

On motion by Senator Brown-Waite—

HB 3863—A bill to be entitled An act relating to the Coastal Zone Protection Act; amending s. 161.54, F.S.; redefining the term "substantial improvement"; providing an effective date.

—a companion measure, was substituted for **SB 1404** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 3863** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for SB 1430—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Choose Life license plate; providing for the distribution of annual use fees received from the sale of such plates; providing certain limitations on the use of such funds; providing a contingent effective date.

—was read the second time by title.

Senator Lee moved the following amendments which were adopted:

Amendment 1—On page 2, lines 22 and 23, delete those lines and insert: *lieu of the annual audit. The Office of Program Policy Analysis and Government Accountability shall review the expenditure of*

Amendment 2—On page 2, line 29 through page 3, line 2, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

Pursuant to Rule 4.19, **CS for SB 1430** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

CS for SB 1256—A bill to be entitled An act relating to inland waterway management; amending s. 374.976, F.S.; authorizing the Florida Inland Navigation District and the West Coast Inland Navigation District to enter into cooperative agreements with the Federal Government, participate with the United States Army Corps of Engineers in waterway maintenance projects, engage in anchorage management programs and beach renourishment projects, and enter into ecosystem management agreements with the Department of Environmental Protection; conforming language relating to existing matching fund requirements; repealing s. 374.976(5), F.S., as amended by ch. 96-320, Laws of Florida, to clarify legislative intent with respect to duplicate provisions; amending s. 403.061, F.S.; providing a supplemental process for issuance of joint coastal permits and environmental resource permits for regional waterway management activities; amending s. 311.105, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1256** to **CS for HB 3369**.

Pending further consideration of **CS for SB 1256** as amended, on motion by Senator Harris, by two-thirds vote **CS for HB 3369** was withdrawn from the Committee on Natural Resources.

On motion by Senator Harris—

CS for HB 3369—A bill to be entitled An act relating to inland waterway management; amending s. 374.976, F.S.; authorizing the Florida Inland Navigation District and the West Coast Inland Navigation District to enter into cooperative agreements with the Federal Government, participate with the United States Army Corps of Engineers in waterway maintenance projects, engage in anchorage management programs and beach renourishment projects, and enter into ecosystem management agreements with the Department of Environmental Protection; conforming language relating to existing matching fund requirements; repealing s. 374.976(5), F.S., as amended by ch. 96-320, Laws of Florida, to clarify legislative intent with respect to duplicate provisions; amending s. 403.061, F.S.; providing a supplemental process for issuance of joint coastal permits and environmental resource permits for regional waterway management activities; amending s. 311.105, F.S.; correcting cross references; repealing s. 8 of ch. 90-264, Laws of Florida, relating to Sundown review and repeal of the West Coast Inland Navigation District; providing an effective date.

—a companion measure, was substituted for **CS for SB 1256** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3369** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1506** was deferred.

On motion by Senator Dudley—

CS for SB 1624—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.103, F.S.; defining the terms "buyer" and "division"; amending s. 718.111, F.S.; providing for the operation of certain condominiums created prior to 1977 as single associations; permitting consolidated financial operation; requiring a developer-controlled association to exercise due diligence to obtain and maintain insurance; providing that failure to obtain and maintain adequate insurance shall constitute a breach of fiduciary responsibility by the developer-appointed members of the board of directors; providing that records may be obtained in person or by mail; providing specified associations must, upon written request, copy and deliver requested records and charge its actual costs; amending s. 718.112, F.S.; providing requirements for eligibility to be a candidate for the board; amending s. 718.116, F.S.; providing for unit owners and the developer to be assessed in accordance with their ownership interest in losses resulting from a natural disaster or an act of God; amending s. 719.103, F.S.; defining the terms "buyer" and "division"; amending s. 719.1035, F.S.; requiring filing of information; amending s. 719.104, F.S.; requiring notification; amending s. 719.106, F.S.; providing requirements relating to association meetings; amending s. 719.301, F.S.; providing rulemaking authority; amending s. 719.403, F.S.; requiring filing of information; amending s. 719.502, F.S.; providing conditions precedent to closing on a contract for sale or specified contracts for lease; providing rulemaking authority; amending s. 719.503, F.S.; providing conditions for closing within the 15-day voidability period; creating s. 719.621, F.S.; providing rulemaking authority; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1624** to **CS for CS for HB 3321**.

Pending further consideration of **CS for SB 1624** as amended, on motion by Senator Dudley, by two-thirds vote **CS for CS for HB 3321** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Dudley—

CS for CS for HB 3321—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.103, F.S.; defining the terms "buyer" and "division"; amending s. 718.104, F.S.; requiring filing of recording information with creation of condominiums; amending s. 718.111, F.S.; providing for the operation of certain condominiums created prior to 1977 as single associations; permitting consolidated financial operation; requiring a developer-controlled association to exercise due diligence to obtain and maintain insurance; providing that failure to obtain and maintain adequate insurance shall constitute a breach of fiduciary responsibility by the developer-appointed members of the board of directors; providing for the recording of certain meetings; providing that records may be obtained in person or by mail; providing that an association with more than 50 units must, upon written request, copy and deliver requested records and charge its actual costs; providing a fine for subsequent violations; amending s. 718.112, F.S.; providing requirements relating to association meetings; providing requirements for eligibility to be a candidate for the board; amending s. 718.116, F.S.; providing for unit owners and the developer to be assessed in accordance with their ownership interest in losses resulting from a natural disaster or an act of God; amending s. 718.117, F.S.; requiring notification of certain mergers or termination; amending s. 718.301, F.S.; providing rulemaking authority for requirements relating to the transition of a condominium; amending s. 718.403, F.S.; requiring filing of recording information; amending s. 718.502, F.S.; providing certain requirements prior to the closure on any contract for sale or lease of over 5 years; providing rulemaking authority for requirements relating to filing and review programs and timetables; amending s. 718.503, F.S.; providing requirements relating to the closure of a transaction for the purchase of a condominium unit; creating s. 718.621, F.S.; providing rulemaking authority; amending s. 719.103, F.S.; providing definitions; amending s. 719.1035, F.S.; requiring filing of certain information with respect to the creation of a cooperative; amending s. 719.104, F.S.; requiring notification; amending s. 719.106, F.S.; providing requirements relating to association meetings; amending s. 719.301, F.S.; providing rulemaking authority; amending s. 719.403, F.S.; requiring filing of information; amending s. 719.502, F.S.; providing conditions precedent to closing on a contract for sale or specified contracts for lease; providing rulemaking authority; amending s. 719.503, F.S.; providing conditions for closing within the 15-day voidability period; creating s. 719.621, F.S.; providing rulemaking authority; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 1624** as amended and read the second time by title.

Senator Dudley moved the following amendment which was adopted:

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

Section 1. Section 718.103, Florida Statutes, is amended to read:

718.103 Definitions.—As used in this chapter, the term:

(1) "Assessment" means a share of the funds which are required for the payment of common expenses, which from time to time is assessed against the unit owner.

(2) "Association" means, in addition to those entities responsible for the operation of common elements owned in undivided shares by unit owners, any entity which operates or maintains other real property in which condominium unit owners have use rights, where unit owner membership in the entity is composed exclusively of condominium unit owners or their elected or appointed representatives, and where membership in the entity is a required condition of unit ownership.

(3) "Association property" means that property, real and personal, which is owned or leased by, or is dedicated by a recorded plat to, the association for the use and benefit of its members.

(4) "Board of administration" means the board of directors or other representative body which is responsible for administration of the association.

(5) "Buyer" means a person who purchases a condominium. The term "purchaser" may be used interchangeably with the term "buyer."

(6)~~(5)~~ "Bylaws" means the bylaws of the association as they exist from time to time.

(7)~~(6)~~ "Committee" means a group of board members, unit owners, or board members and unit owners appointed by the board or a member of the board to make recommendations to the board regarding the association budget or take action on behalf of the board.

(8)~~(7)~~ "Common elements" means the portions of the condominium property which are not included in the units.

(9)~~(8)~~ "Common expenses" means all expenses and assessments which are properly incurred by the association for the condominium.

(10)~~(9)~~ "Common surplus" means the excess of all receipts of the association collected on behalf of a condominium (including, but not limited to, assessments, rents, profits, and revenues on account of the common elements) over the common expenses.

(11)~~(10)~~ "Condominium" means that form of ownership of real property which is created pursuant to the provisions of this chapter, which is comprised of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

(12)~~(11)~~ "Condominium parcel" means a unit, together with the undivided share in the common elements which is appurtenant to the unit.

(13)~~(12)~~ "Condominium property" means the lands, leaseholds, and personal property that are subjected to condominium ownership, whether or not contiguous, and all improvements thereon and all easements and rights appurtenant thereto intended for use in connection with the condominium.

(14)~~(13)~~ "Conspicuous type" means type in capital letters no smaller than the largest type, exclusive of headings, on the page on which it appears and, in all cases, at least 10-point type. Where conspicuous type is required, it must be separated on all sides from other type and print. Conspicuous type may be used in contracts for purchase or public offering statements only where required by law.

(15)~~(14)~~ "Declaration" or "declaration of condominium" means the instrument or instruments by which a condominium is created, as they are from time to time amended.

(16)~~(15)~~ "Developer" means a person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business, but does not include an owner or lessee of a condominium or cooperative unit who has acquired the unit for his or her own occupancy, nor does it include a cooperative association which creates a condominium by conversion of an existing residential cooperative after control of the association has been transferred to the unit owners if, following the conversion, the unit owners will be the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion.

(17) "Division" means the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation.

(18)~~(16)~~ "Land" means, unless otherwise defined in the declaration as hereinafter provided, the surface of a legally described parcel of real property and includes, unless otherwise specified in the declaration and whether separate from or including such surface, airspace lying above and subterranean space lying below such surface. However, if so defined in the declaration, the term "land" may mean all or any portion of the airspace or subterranean space between two legally identifiable elevations and may exclude the surface of a parcel of real property and may mean any combination of the foregoing, whether or not contiguous.

(19)~~(17)~~ "Limited common elements" means those common elements which are reserved for the use of a certain condominium unit or units

to the exclusion of other units, as specified in the declaration of condominium.

(20)~~(18)~~ "Operation" or "operation of the condominium" includes the administration and management of the condominium property.

(21)~~(19)~~ "Rental agreement" means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.

(22)~~(20)~~ "Residential condominium" means a condominium consisting of condominium units, any of which are intended for use as a private temporary or permanent residence, except that a condominium is not a residential condominium if the use for which the units are intended is primarily commercial or industrial and not more than three units are intended to be used for private residence, and are intended to be used as housing for maintenance, managerial, janitorial, or other operational staff of the condominium. With respect to a condominium that is not a timeshare condominium, a residential unit includes a unit intended as a private temporary or permanent residence as well as a unit not intended for commercial or industrial use. With respect to a timeshare condominium, the timeshare instrument as defined in s. 721.05(28) shall govern the intended use of each unit in the condominium. If a condominium is a residential condominium but contains units intended to be used for commercial or industrial purposes, then, with respect to those units which are not intended for or used as private residences, the condominium is not a residential condominium. A condominium which contains both commercial and residential units is a mixed-use condominium subject to the requirements of s. 718.404.

(23)~~(21)~~ "Special assessment" means any assessment levied against unit owners other than the assessment required by a budget adopted annually.

(24)~~(22)~~ "Timeshare estate" means any interest in a unit under which the exclusive right of use, possession, or occupancy of the unit circulates among the various purchasers of a timeshare plan pursuant to chapter 721 on a recurring basis for a period of time.

(25)~~(23)~~ "Timeshare unit" means a unit in which timeshare estates have been created.

(26)~~(24)~~ "Unit" means a part of the condominium property which is subject to exclusive ownership. A unit may be in improvements, land, or land and improvements together, as specified in the declaration.

(27)~~(25)~~ "Unit owner" or "owner of a unit" means a record owner of legal title to a condominium parcel.

(28)~~(26)~~ "Voting certificate" means a document which designates one of the record title owners, or the corporate, partnership, or entity representative, who is authorized to vote on behalf of a condominium unit that is owned by more than one owner or by any entity.

(29)~~(27)~~ "Voting interest" means the voting rights distributed to the association members pursuant to s. 718.104(4)(i).

Section 2. Subsections (6) and (11), paragraph (c) of subsection (12), and subsection (15) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(6) OPERATION OF ~~PHASE~~ CONDOMINIUMS *CREATED PRIOR TO 1977*.—Notwithstanding any provision of this chapter, an association may operate *two or more* residential condominiums in *which the initial condominium declaration was recorded prior to January 1, 1977,* ~~a phase project initially created pursuant to former s. 711.64~~ and may continue to so operate such *condominiums* ~~project~~ as ~~though it were~~ a single condominium for purposes of financial matters, including budgets, assessments, accounting, recordkeeping, and similar matters, if provision is made for such consolidated operation in the applicable declarations of each such condominium ~~as initially recorded~~ or in the bylaws ~~as initially adopted~~. *An association for such condominiums may also provide for consolidated financial operation as described in this section either by amending its declaration pursuant to s. 718.110(1)(a) or by amending its bylaws and having the amendment approved by not less than two-thirds of the total voting interests.* Notwithstanding any provision in this chapter, common expenses for residential condominiums in such a project being operated by a single association may be assessed against all unit owners in such project pursuant to the proportions or percentages established therefor in the declarations as initially recorded or in the bylaws as initially adopted, subject, however, to the limitations of ss. 718.116 and 718.302.

(11) INSURANCE.—

(a) *A unit-owner controlled* ~~The~~ association shall use its best efforts to obtain and maintain adequate insurance to protect the association, the association property, the common elements, and the condominium property required to be insured by the association pursuant to paragraph (b). *If the association is developer-controlled, the association shall exercise due diligence to obtain and maintain such insurance. Failure to obtain and maintain adequate insurance during any period of developer control shall constitute a breach of fiduciary responsibility by the developer appointed members of the board of directors of the association, unless said members can show that despite such failure, they have exercised due diligence. An* ~~The~~ association may also obtain and maintain liability insurance for directors and officers, insurance for the benefit of association employees, and flood insurance for common elements, association property, and units. An association or group of associations may self-insure against claims against the association, the association property, and the condominium property required to be insured by an association, upon compliance with ss. 624.460-624.488. A copy of each policy of insurance in effect shall be made available for inspection by unit owners at reasonable times.

(b) Every hazard policy which is issued to protect a condominium building shall provide that the word "building" wherever used in the policy include, but not necessarily be limited to, fixtures, installations, or additions comprising that part of the building within the unfinished interior surfaces of the perimeter walls, floors, and ceilings of the individual units initially installed, or replacements thereof of like kind or quality, in accordance with the original plans and specifications, or as they existed at the time the unit was initially conveyed if the original plans and specifications are not available. However, unless prior to October 1, 1986, the association is required by the declaration to provide coverage therefor, the word "building" does not include unit floor coverings, wall coverings, or ceiling coverings, and, as to contracts entered into after July 1, 1992, does not include the following equipment if it is located within a unit and the unit owner is required to repair or replace such equipment: electrical fixtures, appliances, air conditioner or heating equipment, water heaters, or built-in cabinets. With respect to the coverage provided for by this paragraph, the unit owners shall be considered additional insureds under the policy.

(c) Every insurance policy issued to an individual unit owner shall provide that the coverage afforded by such policy is excess over the amount recoverable under any other policy covering the same property without rights of subrogation against the association.

(d) The association shall obtain and maintain adequate insurance or fidelity bonding of all persons who control or disburse funds of the association. The insurance policy or fidelity bond must cover the maximum funds that will be in the custody of the association or its management agent at any one time. As used in this paragraph, the term "persons who control or disburse funds of the association" includes, but is not limited to, those individuals authorized to sign checks and the president, secretary, and treasurer of the association. The association shall bear the cost of bonding.

(12) OFFICIAL RECORDS.—

(c) The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the association member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying. The failure of an association to provide the records within 10 working days after receipt of a written request shall create a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this paragraph. The minimum damages shall be $50 per calendar day up to 10 days, the calculation to begin on the 11th working day after receipt of the written request. The failure

to permit inspection of the association records as provided herein entitles any person prevailing in an enforcement action to recover reasonable attorney's fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records for inspection. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet provided for in s. 718.504 *and year-end financial information required in this section* on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the same. Notwithstanding the provisions of this paragraph, the following records shall not be accessible to unit owners:

1. A record which was prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings until the conclusion of the litigation or adversarial administrative proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

3. Medical records of unit owners.

(15) COMMINGLING.—All funds shall be maintained separately in the association's name. Reserve and operating funds of the association shall not be commingled *unless combined for investment purposes. This subsection is not meant to prohibit prudent investment of association funds even if combined with operating or other reserve funds of the same association, but such funds must be accounted for separately, and the combined account balance may not, at any time, be less than the amount identified as reserve funds in the combined account.* No manager or business entity required to be licensed or registered under s. 468.432, and no agent, employee, officer, or director of a condominium association shall commingle any association funds with his or her funds or with the funds of any other condominium association or community association as defined in s. 468.431.

Section 3. Subsection (2) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(a) Administration.—

1. The form of administration of the association shall be described indicating the title of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and boards. In the absence of such a provision, the board of administration shall be composed of five members, except in the case of a condominium which has five or fewer units, in which case in a not-for-profit corporation the board shall consist of not fewer than three members. In the absence of provisions to the contrary in the bylaws, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of such officers customarily performed by officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them the duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board of administration. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. When a unit owner files a written inquiry by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days of receipt of the inquiry. The board's response shall either give a substantive response to the inquirer, notify the inquirer that a legal opinion has been requested, or notify the inquirer that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the inquirer. If a legal opinion is requested, the board shall, within 60 days after the receipt of the inquiry, provide in writing a substantive response to the inquiry. The failure to provide a substantive response to the inquiry as provided herein precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the inquiry. The association may through its board of administration adopt reasonable rules and regulations regarding the frequency and manner of responding to unit owner inquiries, one of which may be that the association is only obligated to respond to one written inquiry per unit in any given 30-day period. In such a case, any additional inquiry or inquiries must be responded to in the subsequent 30-day period, or periods, as applicable.

(b) Quorum; voting requirements; proxies.—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be a majority of the voting interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)3., decisions shall be made by owners of a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, after January 1, 1992, unit owners may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive financial statement requirements as provided by s. 718.111(14); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), after January 1, 1992, no proxy, limited or general, shall be used in the election of board members. General proxies may be used for other matters for which limited proxies are not required, and may also be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding the provisions of this subparagraph, unit owners may vote in person at unit owner meetings. Nothing contained herein shall limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association.

3. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy is revocable at any time at the pleasure of the unit owner executing it.

(c) Board of administration meetings.—Meetings of the board of administration at which a quorum of the members is present shall be open to all unit owners. Any unit owner may tape record or videotape meetings of the board of administration. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt reasonable rules governing the frequency, duration, and manner of unit owner statements. Adequate notice of all meetings, which notice shall specifically incorporate an identification of agenda items, shall be posted conspicuously on the condominium property at least 48 continuous hours preceding the meeting except in an emergency. Any item not included on the notice may be taken up on an emergency basis by at least a majority plus one of the members of the board. Such emergency action shall be noticed and ratified at the next regular meeting of the board. However, written notice of any meeting at which nonemergency special assessments, or at which amendment to rules regarding unit use, will be considered shall be mailed or delivered to the unit owners and posted conspicuously on the condominium property not less than 14 days prior to the meeting. Evidence of compliance with this 14-day notice shall be made by an affidavit executed by the person providing the notice and filed among the official records of the association. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the condominium property or association property upon which all notices of board meetings shall be posted. If there is no condominium property or association property upon which notices can be posted, notices of board meetings shall be mailed or delivered at least 14 days before the meeting to the owner of each unit. Notice of any meeting in which regular assessments against unit owners are to be considered for

any reason shall specifically contain a statement that assessments will be considered and the nature of any such assessments. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to the provisions of this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to the provisions of this section, unless those meetings are exempted from this section by the bylaws of the association. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners is inapplicable to meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, when the meeting is held for the purpose of seeking or rendering legal advice.

(d) Unit owner meetings.—

1. There shall be an annual meeting of the unit owners. Unless the bylaws provide otherwise, a vacancy on the board of administration caused by the expiration of a director's term shall be filled by electing a new board member, and the election shall be by *secret* ~~closed~~ ballot; however, if *the number of vacancies equals or exceeds the number of candidates* ~~there is only one candidate for election to fill the vacancy~~, no election is required. If there is no provision in the bylaws for terms of the members of the board of administration, the terms of all members of the board of administration shall expire upon the election of their successors at the annual meeting. Any unit owner desiring to be a candidate for board membership shall comply with subparagraph 3. *In order to be eligible for board membership a person must meet the requirements set forth in the declaration. A person who has been convicted of any felony by any court of record in the United States and who has not had his or her right to vote restored pursuant to law in the jurisdiction of his or her residence is not eligible for board membership. The validity of an action by the board is not affected if it is later determined that a member of the board is ineligible for board membership due to having been convicted of a felony.*

2. The bylaws shall provide the method of calling meetings of unit owners, including annual meetings. Written notice, which notice must include an agenda, shall be mailed or delivered to each unit owner at least 14 days prior to the annual meeting and shall be posted in a conspicuous place on the condominium property at least 14 continuous days preceding the annual meeting. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the condominium property or association property upon which all notices of unit owner meetings shall be posted; however, if there is no condominium property or association property upon which notices can be posted, this requirement does not apply. Unless a unit owner waives in writing the right to receive notice of the annual meeting by mail, the notice of the annual meeting shall be sent by mail to each unit owner. Where a unit is owned by more than one person, the association shall provide notice, for meetings and all other purposes, to that one address which the developer initially identifies for that purpose and thereafter as one or more of the owners of the unit shall so advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, shall provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered, in accordance with this provision, to each unit owner at the address last furnished to the association.

3. ~~After January 1, 1992,~~ The members of the board of administration shall be elected by written ballot or voting machine. Proxies shall in no event be used in electing the board of administration, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. Not less than 60 days before a scheduled election, the association shall mail or deliver, whether by separate association mailing or included in another association mailing or delivery including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. Any unit owner or other eligible person desiring to be a candidate for the board of administration must give written notice to the association not less than 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 2., the association shall mail or deliver a second notice of the election to all unit owners entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the association shall include an information sheet, no larger than 8½ inches by 11 inches, which must be furnished by the candidate not less than 35 days before the election, to be included with the mailing of the ballot, with the costs of mailing or delivery and copying to be borne by the association. However, the association has no liability for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with the provisions contained herein, including rules providing for the secrecy of ballots. Elections shall be decided by a plurality of those ballots cast. There shall be no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election of members of the board of administration. No unit owner shall permit any other person to vote his or her ballot, and any such ballots improperly cast shall be deemed invalid. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain assistance in casting the ballot. Any unit owner violating this provision may be fined by the association in accordance with s. 718.303. The regular election shall occur on the date of the annual meeting. The provisions of this subparagraph shall not apply to timeshare condominium associations. Notwithstanding the provisions of this subparagraph, an election and balloting are not required unless more candidates file notices of intent to run or are nominated than vacancies exist on the board.

4. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), shall be made at a duly noticed meeting of unit owners and shall be subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any statute *that* ~~which~~ provides for such action.

5. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any statute.

6. Unit owners shall have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

7. Any unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

8. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to the requirements of subparagraph 3. unless the association has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (j) and rules adopted by the division.

Notwithstanding subparagraphs (b)2. and (d)3., an association may, by the affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which vote may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(e) Budget meeting.—The board of administration shall ~~mail or~~ hand deliver to each unit owner, *or mail to each unit owner* at the address last furnished to the association, a meeting notice and copies of the proposed annual budget of common expenses not less than 14 days prior to the meeting of the unit owners or the board of administration at which the budget will be considered. Evidence of compliance with this 14-day notice must be made by an affidavit executed by an officer of the association or the manager or other person providing notice of the meeting and filed among the official records of the association. The meeting must be open to the unit owners. If an adopted budget requires assessments against the unit owners in any fiscal or calendar year which exceed 115 percent of the assessments for the preceding year, the board, upon written application of 10 percent of the voting interests to the board, shall

call a special meeting of the unit owners within 30 days upon not less than 10 days' written notice to each unit owner. At the special meeting, unit owners shall consider and enact a budget. Unless the bylaws require a larger vote, the adoption of the budget requires a vote of not less than a majority vote of all the voting interests. The board of administration may propose a budget to the unit owners at a meeting of members or in writing, and if the budget or proposed budget is approved by the unit owners at the meeting or by a majority of all the voting interests in writing, the budget is adopted. If a meeting of the unit owners has been called and a quorum is not attained or a substitute budget is not adopted by the unit owners, the budget adopted by the board of directors goes into effect as scheduled. In determining whether assessments exceed 115 percent of similar assessments in prior years, any authorized provisions for reasonable reserves for repair or replacement of the condominium property, anticipated expenses by the condominium association which are not anticipated to be incurred on a regular or annual basis, or assessments for betterments to the condominium property must be excluded from the computation. However, as long as the developer is in control of the board of administration, the board may not impose an assessment for any year greater than 115 percent of the prior fiscal or calendar year's assessment without approval of a majority of all the voting interests.

(f) Annual budget.—

1. The proposed annual budget of common expenses shall be detailed and shall show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 718.504(20). In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached thereto shall show amounts budgeted therefor. *If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(20) are not applicable, they need not be listed.*

2. In addition to annual operating expenses, the budget shall include reserve accounts for capital expenditures and deferred maintenance. These accounts shall include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other item for which the deferred maintenance expense or replacement cost exceeds $10,000. The amount to be reserved shall be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. This subsection does not apply to budgets in which the members of an association have, by a majority vote at a duly called meeting of the association, and voting determined for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. However, prior to turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 718.301, the developer may vote to waive the reserves or reduce the funding of reserves for the first 2 years of the operation of the association, after which time reserves may ~~only~~ be waived or reduced *only* upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association. If a meeting of the unit owners has been called to determine to provide no reserves or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a ~~vote of the~~ majority *vote* ~~of the voting interests voting in person or by limited proxy~~ at a duly called meeting of the association. Prior to turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association shall not vote to use reserves for purposes other than that for which they were intended without the approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association.

(g) Assessments.—The manner of collecting from the unit owners their shares of the common expenses shall be stated in the bylaws. Assessments shall be made against units not less frequently than quarterly in an amount which is not less than that required to provide funds in advance for payment of all of the anticipated current operating expenses and for all of the unpaid operating expenses previously incurred. Nothing in this paragraph shall preclude the right of an association to accelerate assessments of an owner delinquent in payment of common expenses. Accelerated assessments shall be due and payable on the date the claim of lien is filed. Such accelerated assessments shall include the amounts due for the remainder of the budget year in which the claim of lien was filed.

(h) Amendment of bylaws.—

1. The method by which the bylaws may be amended consistent with the provisions of this chapter shall be stated. If the bylaws fail to provide a method of amendment, the bylaws may be amended if the amendment is approved by the owners of not less than two-thirds of the voting interests.

2. No bylaw shall be revised or amended by reference to its title or number only. Proposals to amend existing bylaws shall contain the full text of the bylaws to be amended; new words shall be inserted in the text underlined, and words to be deleted shall be lined through with hyphens. However, if the proposed change is so extensive that this procedure would hinder, rather than assist, the understanding of the proposed amendment, it is not necessary to use underlining and hyphens as indicators of words added or deleted, but, instead, a notation must be inserted immediately preceding the proposed amendment in substantially the following language: "Substantial rewording of bylaw. See bylaw . . . . for present text."

3. Nonmaterial errors or omissions in the bylaw process will not invalidate an otherwise properly promulgated amendment.

(i) Transfer fees.—No charge shall be made by the association or any body thereof in connection with the sale, mortgage, lease, sublease, or other transfer of a unit unless the association is required to approve such transfer and a fee for such approval is provided for in the declaration, articles, or bylaws. Any such fee may be preset, but in no event may such fee exceed $100 per applicant other than husband/wife or parent/dependent child, which are considered one applicant. However, if the lease or sublease is a renewal of a lease or sublease with the same lessee or sublessee, no charge shall be made. The foregoing notwithstanding, an association may, if the authority to do so appears in the declaration or bylaws, require that a prospective lessee place a security deposit, in an amount not to exceed the equivalent of 1 month's rent, into an escrow account maintained by the association. The security deposit shall protect against damages to the common elements or association property. Payment of interest, claims against the deposit, refunds, and disputes under this paragraph shall be handled in the same fashion as provided in part II of chapter 83.

~~(j) Fidelity bonds.—The association shall obtain and maintain adequate fidelity bonding of all persons who control or disburse funds of the association. As used in this section, the term "persons who control or disburse funds of the association" means those individuals authorized to sign checks, and the president, secretary, and treasurer of the association. If an association's annual gross receipts do not exceed $100,000, the bond shall be in the principal sum of not less than $10,000 for each such person. If an association's annual gross receipts exceed $100,000, but do not exceed $300,000, the bond shall be in the principal sum of $30,000 for each such person. If an association's annual gross receipts exceed $300,000, the bond shall be in the principal sum of not less than $50,000 for each such person. The association shall bear the cost of bonding.~~

(j)~~(k)~~ Recall of board members.—Subject to the provisions of s. 718.301, any member of the board of administration may be recalled and removed from office with or without cause by the vote or agreement in writing by a majority of all the voting interests. A special meeting of the unit owners to recall a member or members of the board of administration may be called by 10 percent of the voting interests giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting.

1. If the recall is approved by a majority of all voting interests by a vote at a meeting, the recall will be effective as provided herein. The board shall duly notice and hold a board meeting within 5 full business days of the adjournment of the unit owner meeting to recall one or more board members. At the meeting, the board shall either certify the recall, in which case such member or members shall be recalled effective immediately and shall turn over to the board within 5 full business days any

and all records and property of the association in their possession, or shall proceed as set forth in subparagraph 3.

2. If the proposed recall is by an agreement in writing by a majority of all voting interests, the agreement in writing or a copy thereof shall be served on the association by certified mail or by personal service in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. The board of administration shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement in writing. At the meeting, the board shall either certify the written agreement to recall a member or members of the board, in which case such member or members shall be recalled effective immediately and shall turn over to the board within 5 full business days any and all records and property of the association in their possession, or proceed as described in subparagraph 3.

3. If the board determines not to certify the written agreement to recall a member or members of the board, or does not certify the recall by a vote at a meeting, the board shall, within 5 full business days after the meeting, file with the division a petition for arbitration pursuant to the procedures in s. 718.1255. For the purposes of this section, the unit owners who voted at the meeting or who executed the agreement in writing shall constitute one party under the petition for arbitration. If the arbitrator certifies the recall as to any member or members of the board, the recall will be effective upon mailing of the final order of arbitration to the association. If the association fails to comply with the order of the arbitrator, the division may take action pursuant to s. 718.501. Any member or members so recalled shall deliver to the board any and all records of the association in their possession within 5 full business days of the effective date of the recall.

4. If the board fails to duly notice and hold a board meeting within 5 full business days of service of an agreement in writing or within 5 full business days of the adjournment of the unit owner recall meeting, the recall shall be deemed effective and the board members so recalled shall immediately turn over to the board any and all records and property of the association.

5. If a vacancy occurs on the board as a result of a recall and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any provision to the contrary contained in this subsection. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies shall be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this subsection. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but prior to the recall election.

(k)~~(l)~~ Arbitration.—There shall be a provision for mandatory nonbinding arbitration as provided for in s. 718.1255.

(l)~~(m)~~ Certificate of compliance.—There shall be a provision that a certificate of compliance from a licensed electrical contractor or electrician may be accepted by the association's board as evidence of compliance of the condominium units to the applicable fire and life safety code.

(m)~~(n)~~ Common elements; limited power to convey.—

1. With respect to condominiums created on or after October 1, 1994, the bylaws shall include a provision granting the association a limited power to convey a portion of the common elements to a condemning authority for the purpose of providing utility easements, right-of-way expansion, or other public purposes, whether negotiated or as a result of eminent domain proceedings.

2. In any case where the bylaws are silent as to the association's power to convey common elements as described in subparagraph 1., the bylaws shall be deemed to include the provision described in subparagraph 1.

Section 4. Paragraph (b) of subsection (1) of section 718.115, Florida Statutes, is amended to read:

718.115 Common expenses and common surplus.—

(1)

(b) If so provided in the declaration, the cost of a master antenna television system or duly franchised cable television service obtained pursuant to a bulk contract shall be deemed a common expense. *If the declaration does not provide for the cost of a master antenna television system or duly franchised cable television service obtained under a bulk contract as a common expense, the board of administration may enter into such a contract and the cost of the service will be a common expense but allocated on a per-unit basis rather than a percentage basis if the declaration provides for other than an equal sharing of common expenses and any contract entered into before July 1, 1998, in which the cost of the service is not equally divided among all unit owners, may be changed by vote of a majority of the voting interests present at a regular or special meeting of the association, to allocate the cost equally among all units.*~~, and if not, such cost shall be considered common expense if it is designated as such in a written contract between the board of administration and the company providing the master television antenna system or the cable television service.~~ The contract shall be for a term of not less than 2 years.

1. Any contract made by the board after the effective date hereof for a community antenna system or duly franchised cable television service may be canceled by a majority of the voting interests present at the next regular or special meeting of the association. Any member may make a motion to cancel said contract, but if no motion is made or if such motion fails to obtain the required majority at the next regular or special meeting, whichever is sooner, following the making of the contract, then such contract shall be deemed ratified for the term therein expressed.

2. Any such contract shall provide, and shall be deemed to provide if not expressly set forth, that any hearing impaired or legally blind unit owner who does not occupy the unit with a *non-hearing-impaired* ~~non-hearing impaired~~ or sighted person may discontinue the service without incurring disconnect fees, penalties, or subsequent service charges, and as to such units, the owners shall not be required to pay any common expenses charge related to such service. If less than all members of an association share the expenses of cable television, the expense shall be shared equally by all participating unit owners. The association may use the provisions of s. 718.116 to enforce payment of the shares of such costs by the unit owners receiving cable television.

Section 5. Subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter shall comply with the provisions of this subsection prior to the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws, and rules of the association, as well as a copy of the question and answer sheet provided for by s. 718.504 *and a copy of the financial information required by s. 718.111.*

(b) If a person licensed under part I of chapter 475 provides to or otherwise obtains for a prospective purchaser the documents described in this subsection, the person is not liable for any error or inaccuracy contained in the documents.

(c) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, *A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION* AND THE QUESTION AND ANSWER SHEET MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S IN-

TENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, *A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION* AND QUESTION AND ANSWER SHEET IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 6. Section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division *and a copy of the financial information required by s. 718.111*. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(1) The front cover or the first page must contain only:

(a) The name of the condominium.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.

(6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such

lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, either directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built.

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM. There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES. Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall

appear, identifying the proposed or existing contract manager: THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER). Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD. Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED. Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(16) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(17) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(18) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(19) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(20) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated either as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves.

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(21) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(22) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the condominium.

(e) The management agreement and all maintenance and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year.

(f) The estimated operating budget for the condominium and the required schedule of unit owners' expenses.

(g) A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

(h) The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (16).

(24) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with the provisions of this chapter.

(25) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(26) If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1) or a statement that such acceptance or approval has not been acquired or received.

(27) Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

Section 7. Paragraph (a) of subsection (9) of section 718.116, Florida Statutes, is amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(9)(a) No unit owner may be excused from the payment of his or her share of the common expense of a condominium unless all unit owners are likewise proportionately excused from payment, except as provided in subsection (1) and in the following cases:

1. If the declaration so provides, a developer or other person who owns condominium units offered for sale may be excused from the payment of the share of the common expenses and assessments related to those units for a stated period of time subsequent to the recording of the declaration of condominium. The period must terminate no later than the first day of the fourth calendar month following the month in which the closing of the purchase and sale of the first condominium unit occurs. However, the developer must pay *those* ~~the portion of~~ common expenses incurred during that period which exceed the amount assessed against other unit owners. *Notwithstanding this limitation, if a developer-controlled association has maintained all insurance coverages required by s. 718.111(11)(a), the common expenses incurred during the foregoing period resulting from a natural disaster or an act of God, which are not covered by insurance proceeds from the insurance maintained by the association, may be assigned against all unit owners owning units on the date of such natural disaster or act of God, and their successors and assigns, including the developer with respect to units owned by the developer. In the event of such an assessment, all units shall be assessed in accordance with their ownership interest in the common elements as required by s. 718.115(2).*

2. A developer or other person who owns condominium units or who has an obligation to pay condominium expenses may be excused from the payment of his or her share of the common expense which would have been assessed against those units during the period of time that he or she has guaranteed to each purchaser in the purchase contract, declaration, or prospectus, or by agreement between the developer and a majority of the unit owners other than the developer, that the assessment for common expenses of the condominium imposed upon the unit owners would not increase over a stated dollar amount and has obligated himself or herself to pay any amount of common expenses incurred during that period and not produced by the assessments at the guaranteed level receivable from other unit owners. *Notwithstanding this limitation, if a developer-controlled association has maintained all insurance coverages required by s. 718.111(11)(a), the common expenses incurred during the guarantee period resulting from a natural disaster or an act of God, which are not covered by insurance proceeds from the insurance maintained by the association, may be assessed against all unit owners owning units on the date of such natural disaster or act of God, and their successors and assigns, including the developer with respect to units owned by the developer. In the event of such an assessment, all units shall be assessed in accordance with their ownership interest in the common elements as required by s. 718.115(2).* The guarantee may provide that after an initial stated period, the developer has an option or options to extend the guarantee for one or more additional stated periods.

Section 8. Section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(1) "Assessment" means a share of the funds required for the payment of common expenses, which from time to time is assessed against the unit owner.

(2) "Association" means the corporation for profit or not for profit that owns the record interest in the cooperative property or a leasehold of the property of a cooperative and that is responsible for the operation of the cooperative.

(3) "Board of administration" means the board of directors or other representative body responsible for administration of the association.

(4) "Buyer" means a person who purchases a cooperative. The term "purchaser" may be used interchangeably with the term "buyer."

(5)~~(4)~~ "Bylaws" means the bylaws of the association existing from time to time.

(6)~~(5)~~ "Committee" means a group of board members, unit owners, or board members and unit owners appointed by the board or a member of the board to make recommendations to the board regarding the association budget or take action on behalf of the board.

(7)~~(6)~~ "Common areas" means the portions of the cooperative property not included in the units.

(8) "Common areas" includes within its meaning the following:

(a) The cooperative property which is not included within the units.

(b) Easements through units for conduits, ducts, plumbing, wiring, and other facilities for the furnishing of utility services to units and the common areas.

(c) An easement of support in every portion of a unit which contributes to the support of a building.

(d) The property and installations required for the furnishing of utilities and other services to more than one unit or to the common areas.

(e) Any other part of the cooperative property designated in the cooperative documents as common areas.

(9)~~(7)~~ "Common expenses" means all expenses and assessments properly incurred by the association for the cooperative.

(10)~~(8)~~ "Common surplus" means the excess of all receipts of the association—including, but not limited to, assessments, rents, profits, and revenues on account of the common areas—over the amount of common expenses.

(11) "Conspicuous type" means type in capital letters no smaller than the largest type on the page on which it appears.

(12)~~(9)~~ "Cooperative" means that form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property.

(13)~~(10)~~ "Cooperative documents" means:

(a) The documents that create a cooperative, including, but not limited to, articles of incorporation of the association, bylaws, and the ground lease or other underlying lease, if any.

(b) The document evidencing a unit owner's membership or share in the association.

(c) The document recognizing a unit owner's title or right of possession to his or her unit.

(14)~~(11)~~ "Cooperative parcel" means the shares or other evidence of ownership in a cooperative representing an undivided share in the assets of the association, together with the lease or other muniment of title or possession.

(15)~~(12)~~ "Cooperative property" means the lands, leaseholds, and personal property owned by a cooperative association.

(16)~~(13)~~ "Developer" means a person who creates a cooperative or who offers cooperative parcels for sale or lease in the ordinary course of business, but does not include the owner or lessee of a unit who has acquired or leased the unit for his or her own occupancy, nor does it include a condominium association which creates a cooperative by conversion of an existing residential condominium after control of the association has been transferred to the unit owners if, following the conversion, the unit owners will be the same persons.

(17) "Division" means the Division of Florida Land Sales, Condominiums and Mobile Homes of the Department of Business and Professional Regulation.

(18) "Limited common areas" means those common areas which are reserved for the use of a certain cooperative unit or units to the exclusion of other units, as specified in the cooperative documents.

(19)~~(14)~~ "Operation" or "operation of the cooperative" includes the administration and management of the cooperative property.

(20) "Rental agreement" means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.

(21) "Residential cooperative" means a cooperative consisting of cooperative units, any of which are intended for use as a private residence. A cooperative is not a residential cooperative if the use of the units is intended as primarily commercial or industrial and not more than three units are intended to be used for private residence, domicile, or homestead, or if the units are intended to be used as housing for maintenance, managerial, janitorial, or other operational staff of the cooperative. If a cooperative is a residential cooperative under this definition, but has units intended to be commercial or industrial, then the cooperative is a residential cooperative with respect to those units intended for use as a private residence, domicile, or homestead, but not a residential cooperative with respect to those units intended for use commercially or industrially.

(22)~~(15)~~ "Unit" means a part of the cooperative property which is subject to exclusive use and possession. A unit may be improvements, land, or land and improvements together, as specified in the cooperative documents.

(23)~~(16)~~ "Unit owner" or "owner of a unit" means the person holding a share in the cooperative association and a lease or other muniment of title or possession of a unit that is granted by the association as the owner of the cooperative property.

~~(17) "Residential cooperative" means a cooperative consisting of cooperative units, any of which are intended for use as a private residence. A cooperative is not a residential cooperative if the use of the units is intended as primarily commercial or industrial and not more than three units are intended to be used for private residence, domicile, or homestead, or if the units are intended to be used as housing for maintenance, managerial, janitorial, or other operational staff of the cooperative. If a cooperative is a residential cooperative under this definition, but has units intended to be commercial or industrial, then the cooperative is a residential cooperative with respect to those units intended for use as a private residence, domicile, or homestead, but not a residential cooperative with respect to those units intended for use commercially or industrially.~~

~~(18) "Rental agreement" means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.~~

~~(19) "Conspicuous type" means type in capital letters no smaller than the largest type on the page on which it appears.~~

~~(20) "Limited common areas" means those common areas which are reserved for the use of a certain cooperative unit or units to the exclusion of other units, as specified in the cooperative documents.~~

~~(21) "Common areas" includes within its meaning the following:~~

~~(a) The cooperative property which is not included within the units.~~

~~(b) Easements through units for conduits, ducts, plumbing, wiring, and other facilities for the furnishing of utility services to units and the common areas.~~

~~(c) An easement of support in every portion of a unit which contributes to the support of a building.~~

~~(d) The property and installations required for the furnishing of utilities and other services to more than one unit or to the common areas.~~

~~(e) Any other part of the cooperative property designated in the cooperative documents as common areas.~~

Section 9. Section 719.1035, Florida Statutes, is amended to read:

719.1035 Creation of cooperatives.—The date when cooperative existence shall commence is upon commencement of corporate existence of the cooperative association as provided in s. 607.0203. The cooperative documents must be recorded in the county in which the cooperative is located before property may be conveyed or transferred to the cooperative. All persons who have any record interest in any mortgage encumbering the interest in the land being submitted to cooperative ownership

must either join in the execution of the cooperative documents or execute, with the requirements for deed, and record, a consent to the cooperative documents or an agreement subordinating their mortgage interest to the cooperative documents. *Upon creation of a cooperative, the developer or association shall file the recording information with the division within 30 working days on a form prescribed by the division.*

Section 10. Subsection (10) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(10) NOTIFICATION OF DIVISION.—When the board of directors intends to dissolve or merge the cooperative association, the board shall so notify the division before taking any action to dissolve or merge the cooperative association.

Section 11. Paragraphs (b) and (c) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(b) Quorum; voting requirements; proxies.—

1. Unless otherwise provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be a majority of voting interests, and decisions shall be made by owners of a majority of the voting interests. Unless otherwise provided in this chapter, or in the articles of incorporation, bylaws, or other cooperative documents, and except as provided in subparagraph (d)1., decisions shall be made by owners of a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, after January 1, 1992, unit owners may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (j)2., for votes taken to amend the articles of incorporation or bylaws pursuant to this section, and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), after January 1, 1992, no proxy, limited or general, shall be used in the election of board members. General proxies may be used for other matters for which limited proxies are not required, and may also be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding the provisions of this section, unit owners may vote in person at unit owner meetings. Nothing contained herein shall limit the use of general proxies or require the use of limited proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare cooperative.

3. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken and may not be used for the purposes of creating a quorum.

5. When some or all of the board or committee members meet by telephone conference, those board or committee members attending by telephone conference may be counted toward obtaining a quorum and may vote by telephone. A telephone speaker shall be utilized so that the conversation of those board or committee members attending by telephone may be heard by the board or committee members attending in person, as well as by unit owners present at a meeting.

(c) Board of administration meetings.—Meetings of the board of administration at which a quorum of the members is present shall be open to all unit owners. Any unit owner may tape record or videotape meetings of the board of administration. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt reasonable *written* rules governing the frequency, duration, and manner of unit owner statements. Adequate notice of all meetings shall be posted in a conspicuous place upon the cooperative property at least 48 continuous hours preceding the meeting, except in an emergency. Any item not included on the notice may be taken up on an emergency basis by at least a majority plus one of the members of the board. Such emergency action shall be noticed and ratified at the next regular meeting of the board. However, written notice of any meeting at which nonemergency special assessments, or at which amendment to rules regarding unit use, will be considered shall be mailed or delivered to the unit owners and posted conspicuously on the cooperative property not less than 14 days prior to the meeting. Evidence of compliance with this 14-day notice shall be made by an affidavit executed by the person providing the notice and filed among the official records of the association. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the cooperative property upon which all notices of board meetings shall be posted. Notice of any meeting in which regular assessments against unit owners are to be considered for any reason shall specifically contain a statement that assessments will be considered and the nature of any such assessments. Meetings of a committee to take final action on behalf of the board or to make recommendations to the board regarding the association budget are subject to the provisions of this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to the provisions of this section, unless those meetings are exempted from this section by the bylaws of the association. Notwithstanding any other law to the contrary, the requirement that board meetings and committee meetings be open to the unit owners is inapplicable to meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, when the meeting is held for the purpose of seeking or rendering legal advice.

Section 12. Subsection (6) is added to section 719.301, Florida Statutes, to read:

719.301 Transfer of association control.—

(6) The division may adopt rules administering the provisions of this section.

Section 13. Subsection (7) is added to section 719.403, Florida Statutes, to read:

719.403 Phase cooperatives.—

(7) Upon recording the cooperative documents or amendments adding phases pursuant to this section, the developer or association shall file the recording information with the division within 30 working days on a form prescribed by the division.

Section 14. Subsection (1) of section 719.502, Florida Statutes, is amended to read:

719.502 Filing prior to sale or lease.—

(1)*(a)* A developer of a residential cooperative shall file with the division one copy of each of the documents and items required to be furnished to a buyer or lessee by ss. 719.503 and 719.504, if applicable. Until the developer has so filed, a contract for sale or lease of a unit for more than 5 years shall be voidable by the purchaser or lessee prior to the closing of his or her purchase or lease of a unit. *A developer shall not close on any contract for sale or contract for a lease period of more than 5 years until the developer prepares and files with the division documents complying with the requirements of this chapter and the rules promulgated by the division and until the division notifies the developer that the filing is proper. A developer shall not close on any contract for sale or contract for a lease period of more than 5 years, as further provided in s. 719.503(1)(b), until the developer prepares and delivers all documents required by s. 719.503(1)(b) to the prospective buyer.*

(b) The division may by rule develop filing, review, and examination requirements and the relevant timetables necessary to ensure compliance with the notice and disclosure requirements of this section.

Section 15. Paragraph (b) of subsection (1) of section 719.503, Florida Statutes, is amended to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(b) Copies of documents to be furnished to prospective buyer or lessee.—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a unit or lease it for more than 5 years, the contract may be voided by that person, entitling the person to a refund of any deposit together with interest thereon as provided in s. 719.202. The contract may be terminated by written notice from the proposed buyer or lessee delivered to the developer within 15 days after the buyer or lessee receives all of the documents required by this section. *The developer shall not close for 15 days following the execution of the agreement and delivery of the documents to the buyer as evidenced by a receipt for documents signed by the buyer unless the buyer is informed in the 15-day voidability period and agrees to close prior to the expiration of the 15 days. The developer shall retain in his or her records a separate signed agreement as proof of the buyer's agreement to close prior to the expiration of said voidability period. Said proof shall be retained for a period of 5 years after the date of the closing transaction.* The documents to be delivered to the prospective buyer are the prospectus or disclosure statement with all exhibits, if the development is subject to the provisions of s. 719.504, or, if not, then copies of the following which are applicable:

1. The question and answer sheet described in s. 719.504, and cooperative documents, or the proposed cooperative documents if the documents have not been recorded, which shall include the certificate of a surveyor approximately representing the locations required by s. 719.104.

2. The documents creating the association.

3. The bylaws.

4. The ground lease or other underlying lease of the cooperative.

5. The management contract, maintenance contract, and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year, and any management contracts that are renewable.

6. The estimated operating budget for the cooperative and a schedule of expenses for each type of unit, including fees assessed to a shareholder who has exclusive use of limited common areas, where such costs are shared only by those entitled to use such limited common areas.

7. The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.

8. The lease of recreational and other common areas that will be used by unit owners in common with unit owners of other cooperatives.

9. The form of unit lease if the offer is of a leasehold.

10. Any declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.

11. If the development is to be built in phases or if the association is to manage more than one cooperative, a description of the plan of phase development or the arrangements for the association to manage two or more cooperatives.

12. If the cooperative is a conversion of existing improvements, the statements and disclosure required by s. 719.616.

13. The form of agreement for sale or lease of units.

14. A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

15. A copy of all covenants and restrictions which will affect the use of the property and which are not contained in the foregoing.

16. If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the cooperative, a copy of any such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502(1) or a statement that such acceptance or approval has not been acquired or received.

17. Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

Section 16. Section 719.621, Florida Statutes, is created to read:

719.621 Rulemaking authority.—The division may adopt rules to administer and ensure compliance with a developer's obligations with respect to cooperative conversions concerning the filing and noticing of intended conversions, rental agreement extensions, rights of first refusal, and disclosures and post-purchase protections.

Section 17. Subsection (28) of section 721.05, Florida Statutes, is amended to read:

721.05 Definitions.—As used in this chapter, the term:

(28) "Timeshare estate" means a right to occupy a timeshare unit, coupled with a freehold estate or an estate for years with a future interest in a timeshare property or a specified portion thereof. The term shall also mean an interest in a condominium unit pursuant to *s. 718.103* ~~s. 718.103(22)~~.

Section 18. Subsection (1) of section 721.97, Florida Statutes, as created by CS for CS for SB 626 (1998) is amended to read:

(1) The Governor may appoint commissioners of deeds to take acknowledgments, proofs of execution, or oaths in any foreign country. The term of office is 4 years. Commissioners of deeds shall have authority to take acknowledgments, proofs of execution, and oaths in connection with the execution of any deed, mortgage, deed of trust, contract, power of attorney, or any other writing to be used or recorded in connection with a timeshare estate, timeshare license, any property subject to a timeshare plan, or the operation of a timeshare plan located within this state; provided such instrument or writing is executed outside the United States. Such acknowledgments, proofs of execution, and oaths must be taken or made in the manner directed by the laws of this state, including but not limited to s. 117.05(4), (5)(a) and (6), *Florida Statutes (1997)* and certified by a commissioner of deeds. The certification must be endorsed on or annexed to the instrument or writing aforesaid and has the same effect as if made or taken by a notary public licensed in this state.

Section 19. *The amendment to section 721.97(1), Florida Statutes, made by section 18 of this act shall take effect only if CS for HB 1125 (1998) becomes law, and shall operate retroactively to the effective date of CS for CS for SB 626 (1998).*

Section 20. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.103, F.S.; defining the terms "buyer" and "division"; amending s. 718.111, F.S.; providing for the operation of certain condominiums created prior to 1977 as single associations; permitting consolidated financial operation; requiring a developer-controlled association to exercise due diligence to obtain and maintain insurance; providing that failure to obtain and maintain adequate insurance shall constitute a breach of fiduciary responsibility by the developer-appointed members of the board of directors; requiring adequate insurance or fidelity bonding to cover funds in the custody of an association; providing for financial reporting requirements; providing for the commingling of reserve and operating funds; amending s. 718.112, F.S.; providing requirements for eligibility to be a candidate for the board; providing for the validity of certain actions by the board; amending procedures for elections; amending procedures for recall of board members; amending procedures for mailing of notices; amending procedures for annual budgets; deleting fidelity bonding requirements; amending s. 718.115, F.S.; providing procedures that allocate cable television services as a common expense; amending ss. 718.503, 718.504, F.S.; requiring disclosure of financial information; amending s. 718.116, F.S.; providing for unit owners and the developer to be assessed in accordance with their ownership interest in losses resulting from a natural disaster or an act of God; amending

s. 719.103, F.S.; defining the terms "buyer" and "division"; amending s. 719.1035, F.S.; requiring filing of information; amending s. 719.104, F.S.; requiring notification; amending s. 719.106, F.S.; providing requirements relating to association meetings; amending s. 719.301, F.S.; providing rulemaking authority; amending s. 719.403, F.S.; requiring filing of information; amending s. 719.502, F.S.; providing conditions precedent to closing on a contract for sale or specified contracts for lease; providing rulemaking authority; amending s. 719.503, F.S.; providing conditions for closing within the 15-day voidability period; creating s. 719.621, F.S.; providing rulemaking authority; amending s. 721.05, F.S.; conforming a cross-reference; amending s. 721.97, F.S. as created by CS for CS for SB 626 (1998); providing a 1997 statutory reference; providing for contingent retroactive application; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 3321** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

HB 3509—A bill to be entitled An act relating to motor vehicle specialty license plates; amending s. 320.08053, F.S.; revising language with respect to requirements for requests to establish specialty license plates; amending s. 320.08056, F.S.; revising language with respect to specialty license plates to provide criteria for the discontinuance of the issuance of an approved plate; amending s. 320.08062, F.S.; revising language with respect to an annual required audit or report; revising language with respect to annual use fees of special license plates; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Burt and adopted:

Amendment 1—In title, on page 1, lines 1 and 2, delete those lines and insert: An act relating to motor vehicles; amending s. 320.08053, F.S.;

The Committee on Transportation recommended the following amendment which was moved by Senator Burt and failed:

Amendment 2—On page 2, delete line 14 and insert:

(c) An *initial* application fee not to exceed $30,000, *and any amount of the annual use fee required*

The Committee on Transportation recommended the following amendment which was moved by Senator Burt and adopted:

Amendment 3 (with title amendment)—On page 6, between lines 7 and 8, insert:

Section 4. Section 320.023, Florida Statutes, is created to read:

320.023 Requests to establish voluntary check-off on motor vehicle registration application.—

(1) *An organization that seeks authorization to establish a voluntary contribution on a motor vehicle registration application must submit to the department:*

(a) A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms.

(b) An application fee, not to exceed $10,000 to defray the department's cost for reviewing the application and developing the voluntary contribution check-off, if authorized. State funds may not be used to pay the application fee.

(c) A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

The information required under this subsection must be submitted to the department at least 90 days before the convening of the next regular session of the Legislature.

(2) If the voluntary contribution is not approved by the Legislature, the application fee must be refunded to the requesting organization.

(3) The department must include any voluntary contributions approved by the Legislature on the motor vehicle application form when the form is reprinted by the agency.

(4)(a) The department must discontinue the voluntary contribution if:

1. Less than $25,000 has been contributed by the end of the 5th year.

2. Less than $25,000 is contributed during any subsequent 5-year period.

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request.

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, or to pay the cost of the audit or report required by law.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law. Such audits must be delivered to the department no later than December 31 of the calendar year in which the audit was performed.

(c) In lieu of an annual audit, any organization receiving less than $15,000 in voluntary contributions directly from the department may annually report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(6) By February 1 each year, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The Auditor General and the department have the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

Section 5. Section 322.081, Florida Statutes, is created to read:

322.081 Requests to establish voluntary check-off on driver's license application.—

(1) *An organization that seeks authorization to establish a voluntary contribution on a driver's license application must submit to the department:*

(a) A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms.

(b) An application fee, not to exceed $10,000 to defray the department's cost for reviewing the application and developing the voluntary

contribution check-off, if authorized. State funds may not be used to pay the application fee.

(c) A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

The information required under this subsection must be submitted to the department at least 90 days before the convening of the next regular session of the Legislature.

(2) If the voluntary contribution is not approved by the Legislature, the application fee must be refunded to the requesting organization.

(3) The department must include any voluntary contributions approved by the Legislature on the driver's license application form when the form is reprinted by the agency.

(4)(a) The department must discontinue the voluntary contribution if:

1. Less than $25,000 has been contributed by the end of the 5th year.

2. Less than $25,000 is contributed during any subsequent 5-year period.

(b) The department is authorized to discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request.

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, or to pay the cost of the audit or report required by law.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

(b) All organizational recipients of any voluntary contributions in excess of $15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law. Such audits must be delivered to the department no later than December 31 of the calendar year in which the audit was performed.

(c) In lieu of an annual audit, any organization receiving less than $15,000 in voluntary contributions directly from the department may annually report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(6) By February 1 each year, the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

(7) The Auditor General and the department have the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: creating s. 320.023, F.S.; revising language with respect to requirements for requests to establish voluntary contributions on motor vehicle registration applications; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; creating s. 322.081, F.S.; revising language with respect to requirements for requests to establish voluntary contributions on driver's license applications; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution;

Senator Burt moved the following amendment which was adopted:

Amendment 4—On page 5, line 6, after "*department*" insert: *, or from another state agency,*

Pursuant to Rule 4.19, **HB 3509** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 1352—A bill to be entitled An act relating to investment of public funds; amending s. 215.44, F.S.; authorizing the Office of Program Policy Analysis and Government Accountability to conduct performance audits; repealing s. 215.455, F.S., relating to the loan of securities; amending s. 215.515, F.S.; deleting provisions relating to review of charges for investment services of the State Board of Administration; amending s. 215.47, F.S.; revising list of eligible securities; authorizing the loan of securities or investments under specified conditions; creating s. 413.0115, F.S.; authorizing the State Board of Administration to manage the investment portfolio of the Division of Blind Services; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1352** to **CS for HB 3661**.

Pending further consideration of **CS for SB 1352** as amended, on motion by Senator Rossin, by two-thirds vote **CS for HB 3661** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Rossin—

CS for HB 3661—A bill to be entitled An act relating to authority of the State Board of Administration to invest public funds; amending s. 215.44, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to conduct or have conducted periodic performance audits of the board's management of trust fund investments and to submit the audit reports to the board and specified individuals; authorizing the State Board of Administration to invest funds of a state agency or unit of local government under certain circumstances; amending s. 215.47, F.S.; revising provisions relating to the investment of public funds and the securities authorized for such investment; providing for the loan of securities; repealing s. 215.455, F.S., relating to the loan of securities, to conform; amending s. 215.50, F.S.; correcting a cross reference, to conform; amending s. 215.515, F.S.; eliminating review by the Department of Management Services of charges of the board for investment services rendered; amending s. 215.835, F.S.; authorizing the board to adopt rules necessary to carry out the provisions and intent of the State Bond Act; amending s. 159.825, F.S.; authorizing the board to adopt rules necessary to carry out provisions of law relating to interest rate waivers for the sale of taxable bonds; amending s. 190.016, F.S.; correcting a cross reference, to conform; amending s. 218.407, F.S.; revising provisions relating to local government resolutions required for deposit of surplus funds in the Local Government Surplus Funds Trust Fund; amending s. 235.187, F.S.; authorizing covenants that additional funds from lottery and certain similar sources will be available for payments for Classrooms First Program bonds before any other purpose; amending s. 235.2195, F.S.; authorizing covenants that additional funds from lottery and certain similar sources will be available for payments for the 1997 School Capital Outlay Bond Program bonds before any other purpose; creating s. 218.412, F.S.; authorizing the board to adopt rules necessary for the administration of the trust fund; creating s. 413.0115, F.S.; authorizing the board to invest and reinvest the portfolio of stocks,

bonds, and mutual funds held by the Division of Blind Services; requiring the division director to make the portfolio available and transfer it to the board for investment; providing intent with respect to a time limitation on the issuance of certain lottery bonds; providing an effective date.

—a companion measure, was substituted for **CS for SB 1352** as amended and read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1—On page 3, between lines 27 and 28, insert:

(6) The Auditor General shall audit annually the entire operation of the board. *The Office of Program Policy Analysis and Government Accountability* ~~In addition to his or her regular financial and compliance audit, the Auditor General~~ shall ~~also~~ perform or cause to be performed a performance audit of the management by the board of investments *every 2 years.*~~, including among other things his or her independent verification of the data included by the board in its reports to the Legislature required by subsection (5). The Auditor General may elect to contract with a private professional firm qualified in investment portfolio management to conduct the performance audit of investment management required by this subsection.~~ In addition to the duties prescribed in this subsection, the Auditor General *and the Office of Program Policy Analysis and Government Accountability* shall annually as part of his or her audit conduct performance postaudits of investments under s. 215.47(6) which are not otherwise authorized under ss. 215.44-215.53. The Auditor General shall submit such audit report to the board, the President of the Senate, and the Speaker of the House of Representatives and their designees.

Pursuant to Rule 4.19, **CS for HB 3661** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote **HB 755** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Grant—

HB 755—A bill to be entitled An act relating to education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.289, F.S.; revising rulemaking for credit card, charge card, or debit card use; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), and 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB's 1358 and 160** and read the second time by title.

Senator Grant moved the following amendment:

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

Section 1. Paragraph (a) of subsection (6) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)(a) The provisions of subsections (2), (3), and (4) do not apply to any employee for whom the Board of Regents or the Board of Trustees of the Florida School for the Deaf and the Blind is the employer as defined in s. 447.203(2); except that, for purposes of subsection (5), ~~the Board of Regents and~~ the Board of Trustees of the Florida School for the Deaf and the Blind shall comply with the recordkeeping and reporting requirements adopted by the department pursuant to subsection (3) with respect to those other-personal-services employees exempted by this subsection.

Section 2. Subsection (1) of section 228.055, Florida Statutes, is amended to read:

228.055 Regional autism centers.—

(1) *Six* ~~Five~~ regional autism centers are established to provide nonresidential resource and training services for persons of all ages and of all levels of intellectual functioning who have autism, as defined in s. 393.063; who have a pervasive developmental disorder that is not otherwise specified; who have an autistic-like disability; who have a dual sensory impairment; or who have a sensory impairment with other handicapping conditions. Each center shall be operationally and fiscally independent and shall provide services within its geographical region of the state. Each center shall coordinate services within and between state and local agencies and school districts but may not duplicate services provided by those agencies or school districts. The respective locations and service areas of the centers are:

(a) The Department of Communication Disorders at Florida State University, which serves Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.

(b) The College of Medicine at the University of Florida, which serves Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, ~~Lake,~~ Levy, Marion, ~~Orange, Osceola,~~ Putnam, ~~Seminole, Sumter,~~ Suwannee, and Union Counties.

(c) The University of Florida Health Science Center at Jacksonville, which serves Baker, ~~Brevard,~~ Clay, Duval, Flagler, Nassau, *and* St. Johns~~, and Volusia~~ Counties.

(d) The Florida Mental Health Institute at the University of South Florida, which serves Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee, Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

(e) The Mailman Center for Child Development at the University of Miami, which serves Broward, Dade, Monroe, and Palm Beach Counties.

(f) The College of Health and Public Affairs at the University of Central Florida, which serves Brevard, Lake, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

Section 3. Section 235.055, Florida Statutes, is amended to read:

235.055 Construction of facilities on leased property; conditions.—

(1) *A board may* ~~Boards, including the Board of Regents, are authorized to~~ construct or place educational facilities and ancillary facilities on land which is owned by any person after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.

(2) A board *may*~~, including the Board of Regents, is authorized to~~ enter into a short-term lease for the use of land owned by any person on which temporary or relocatable facilities are to be utilized.

Section 4. Subsections (2), (3), and (4) of section 235.195, Florida Statutes, are amended to read:

235.195 Cooperative development and use of facilities by two or more boards.—

(2) An educational plant survey must be conducted within 90 days after submission of the joint resolution and substantiating data describing the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed project. Upon completion of the educational plant survey, the participating boards may include the recommended projects in their plan as provided in *s. 235.15* ~~s. 235.16~~. Upon approval of the project by the commissioner, ~~up to~~ 25 percent of the total cost of the project, *or the pro rata share based on space utilization of 25 percent of the cost,* must be included in the department's legislative capital outlay budget request as provided in s. 235.41 for educational plants. The participating boards must include in their joint resolution a commitment to finance the remaining funds necessary to complete the planning, construction, and equipping of the facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(3) Included in all proposals for joint-use facilities ~~which result in the creation of one or more new campuses for public postsecondary educational institutions~~ must be documentation that the proposed *new* campus *or new joint-use facility* has been reviewed by the Postsecondary Education Planning Commission, recommended to the State Board of Education, and has been formally requested for authorization by the Legislature in accordance with s. 240.147(8).

(4) No school board, community college, or state university shall receive funding for more than one approved joint-use facility *per campus* in any *3-year* ~~5-year~~ period ~~effective August 1, 1990. All projects previously approved under the provisions of this section shall not be affected. The first year of the 5-year period shall be the first year a board receives an appropriation~~.

Section 5. Paragraph (j) is added to subsection (10) of section 240.1201, Florida Statutes, to read:

240.1201 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition fees in public community colleges and universities.

(10) The following persons shall be classified as residents for tuition purposes:

(j) Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending a public community college or university within 50 miles of the military establishment where they are stationed.

Section 6. Subsection (4) of section 240.147, Florida Statutes, is amended to read:

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

(4) Recommend to the State Board of Education contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education. In making recommendations, the commission shall consider the annual report submitted by the Board of Regents pursuant to *s. 240.209(3)(s)* ~~s. 240.209(3)(r)~~. Each program shall be reviewed, with the cooperation of the institution, every 5 years.

Section 7. Subsection (6) of section 240.205, Florida Statutes, is amended to read:

240.205 Board of Regents incorporated.—The Board of Regents is hereby created as a body corporate with all the powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:

(6) Acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for *the acquisition of commodities,* goods, equipment, *contractual* ~~or~~ services, ~~including educational services for~~ leases of real and personal property, and ~~for~~ construction~~, in accordance with chapter 287, as applicable~~. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. The board may also acquire the same *commodities,* goods, equipment, *contractual* services, leases, and construction~~, as designated for the board,~~ for use by a university when the contractual obligation exceeds *$1 million* ~~$500,000~~. Title to all real property, however acquired, shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. *Notwithstanding any other provisions of this subsection, the Board of Regents shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.*

Section 8. Paragraphs (e) and (r) of subsection (3) of section 240.209, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214~~(2)~~ and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 50 percent of funds from the student financial aid fee shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award.

5. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

6. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

(r) Adopt such rules as are necessary to carry out its duties and responsibilities, *including, but not limited to, procedures to administer an acquisition program for the purchase or lease of real and personal property and contractual services pursuant to s. 240.205(6).*

(9) Notwithstanding the provisions of s. 253.025, the Board of Regents may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of a university in the State University System.

(a) The board may secure appraisals and surveys. The board shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

(b) The board may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board.

(c) This subsection is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by the board shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

Section 9. Subsections (1) and (3) of section 240.2097, Florida Statutes, are amended to read:

240.2097 Education programs, limited access status; transfer students; student handbook; rules.—The Board of Regents shall adopt rules to include the following provisions:

(1) The criteria for assigning limited access status to an educational program shall be delineated. A process for the periodic review of programs shall be identified so that the board can determine the need for retention or removal of limited access status. ~~The board shall provide in a report to the Legislature, by institution, a list of all limited access programs, the minimum admission standards for each program, and a copy of the most recent review demonstrating the need for retention of limited access status. Such report shall be submitted by December 1, 1990, and annually thereafter.~~

(3) Each university shall *review* ~~compile~~ and update *as necessary* ~~annually~~ a student handbook that includes, but is not limited to, ~~a comprehensive calendar that emphasizes important dates and deadlines,~~ student rights and responsibilities, appeals processes available to students, a roster of contact persons within the administrative staff available to respond to student inquiries, and a statement as to the State University System policy on acquired immune deficiency syndrome including the name and telephone number of the university acquired immune deficiency syndrome counselor. Each student handbook must include a statement displayed prominently which provides that the university will not tolerate the sale, possession, or use of controlled substances, with the exception of medication prescribed by a physician and taken in accordance with the prescribed usage, nor will the university tolerate the consumption of alcoholic beverages by students younger than 21 years of age or the sale of alcoholic beverages to students younger than 21 years of age. Each student handbook must also list the legal and university-specific sanctions that will be imposed upon students who violate the law or university policies regarding controlled substances and alcoholic beverages.

Section 10. Section 240.214, Florida Statutes, is amended to read:

240.214 State University System accountability process.—It is the intent of the Legislature that an accountability process be implemented which provides for the systematic, ongoing evaluation of quality and effectiveness in the State University System. It is further the intent of the Legislature that this accountability process monitor performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process shall provide for the adoption of systemwide performance standards and performance goals for each standard identified through a collaborative effort involving the State University System, the Legislature, and the Governor's Office. *These standards and goals shall be consistent with s. 216.011(1) to maintain congruity with the performance-based budgeting process. This process requires that university accountability reports reflect measures defined through performance-based budgeting. The performance-based budgeting measures must also reflect the elements of teaching, research, and service inherent in the missions of the institutions in the State University System.* ~~The accountability process shall result in an annual accountability report to the Legislature.~~

~~(1) The annual accountability report shall include goals and measurable objectives related to the systemwide strategic plan pursuant to s. 240.209. The plan must include, at a minimum, objectives related to the following measures:~~

~~(a) Total student credit hours;~~

~~(b) Total number of contact hours of instruction produced by faculty, by institution, rank, and course level;~~

~~(c) Pass rates on professional licensure examinations, by institution;~~

~~(d) Institutional quality as assessed by followup, such as analyses of employment information on former students, national rankings, and surveys of alumni, parents, clients, and employers;~~

~~(e) Length of time and number of academic credits required to complete an academic degree, by institution and by degree;~~

~~(f) Enrollment, progression, retention, and graduation rates by race and gender;~~

~~(g) Student course demand;~~

~~(h) An analysis of administrative and support functions;~~

~~(i) Every 3 years, beginning 1995-1996, an analysis of the cumulative debt of students; and~~

~~(j) An evaluation of the production of classroom contact hours at each university in comparison to a standard of 12 contact hours per term or 32 contact hours per year for each full-time instructional position and the level of funding provided for instruction.~~

(1)~~(2)~~ By December 31 of each year, the Board of Regents shall submit *an* ~~the~~ annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during

the next year. The accountability reports shall be designed in consultation with the Governor's Office, the Office of the Auditor General, and the Legislature.

(2)~~(3)~~ The Board of Regents shall recommend in the annual accountability report any appropriate modifications to this section.

Section 11. Subsections (12) and (13) of section 240.227, Florida Statutes, are amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. Each university president shall:

(12) Approve and execute contracts for *the acquisition of commodities,* goods, ~~for~~ equipment, ~~for~~ services, ~~including educational services, for~~ leases *of* ~~for~~ real *and personal* property, and ~~for~~ construction to be rendered to or by the university, provided such contracts are made pursuant to *rules of the Board of Regents* ~~the provisions of chapter 287, as applicable~~, are for the implementation of approved programs of the university, and do not require expenditures in excess of *$1 million* ~~$500,000~~. *The acquisition* ~~Goods and equipment~~ may be *made* ~~acquired~~ by installment or lease-purchase contract. Such contracts may provide for the payment of interest on the unpaid portion of the purchase price. *Notwithstanding any other provisions of this subsection, university presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment for projects with building programs and construction budgets approved by the Board of Regents.*

(13) Manage the property and financial resources of the university, *including, but not limited to, having the authority to adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the Board of Regents. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited* ~~pursuant to s. 240.225~~.

Section 12. Subsection (16) is added to section 240.241, Florida Statutes, to read:

240.241 Divisions of sponsored research at state universities.—

(16) Notwithstanding the provisions of s. 216.351, section 216.346 does not apply to contracts or subcontracts between state universities, between community colleges, or between state universities and community colleges.

Section 13. Section 240.2605, Florida Statutes, is amended to read:

240.2605 Trust Fund for Major Gifts.—

(1) There is established a Trust Fund for Major Gifts. *The purpose of the* ~~Such~~ trust fund *is to enable* ~~shall provide~~ *the Board of Regents Foundation,* each university, and New College ~~with the opportunity~~ to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments, which *must* ~~shall~~ be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by *procedure* ~~rule~~ of the Board of Regents. All funds appropriated for the challenge grants, new donors, major gifts, or eminent scholars program *must* ~~shall~~ be deposited into the trust fund and invested pursuant to ~~the provisions of~~ s. 18.125 until the Board of Regents allocates *the* ~~such~~ funds to universities to match private donations. Notwithstanding ~~the provisions of~~ s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund *which is* not matched and distributed to universities *must remain in the trust fund and used to* ~~shall~~ increase the total funds available for challenge grants. The Board of Regents may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 240.272.

(2) The Board of Regents shall specify the process for submission, documentation, and approval of requests for matching funds, accountability for endowments and proceeds of endowments, allocations to universities, restrictions on the use of the proceeds from endowments, and criteria used in determining the value of donations.

(3)(a) *The Board of Regents shall allocate* the amount appropriated to the trust fund ~~shall be allocated by the Board of Regents~~ to *the Board of Regents Foundation,* each university, and New College based on the amount of the donation and the restrictions applied to the donation.

(b) Donations for a specific purpose *must be* ~~are~~ matched in the following manner:

1. *The Board of Regents Foundation and* each university that raises at least $100,000 but no more than $599,999 from a private source *must* ~~shall~~ receive a matching grant equal to 50 percent of the private contribution.

2. *The Board of Regents Foundation and* each university that raises a contribution of at least $600,000 but no more than $1 million from a private source *must* ~~shall~~ receive a matching grant equal to 70 percent of the private contribution.

3. *The Board of Regents Foundation and* each university that raises a contribution in excess of $1 million but no more than $1.5 million from a private source *must* ~~shall~~ receive a matching grant equal to 75 percent of the private contribution.

4. *The Board of Regents Foundation and* each university that raises a contribution in excess of $1.5 million but no more than $2 million from a private source *must* ~~shall~~ receive a matching grant equal to 80 percent of the private contribution.

5. *The Board of Regents Foundation and* each university that raises a contribution in excess of $2 million from a private source *must* ~~shall~~ receive a matching grant equal to 100 percent of the private contribution.

(c) The Board of Regents shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge grant and the amount of the private donations actually received by the university *or Board of Regents Foundation* for the respective challenge grant.

(4) Matching funds may be provided for contributions encumbered or pledged under the Florida Endowment Trust Fund for Eminent Scholars Act prior to July 1, 1994, and for donations or pledges of any amount equal to or in excess of the prescribed minimums which are pledged for the purpose of this section.

(5)(a) *The Board of Regents Foundation,* each university foundation, and New College Foundation shall establish a challenge grant account for each challenge grant as a depository for private contributions and state matching funds to be administered on behalf of the *Board of Regents, the* university, or New College. State matching funds *must* ~~shall~~ be transferred to a university foundation or New College Foundation upon notification that the university or New College has received and deposited the amount specified in this section in a foundation challenge grant account.

(b) The foundation serving a university and New College Foundation *each has* ~~shall have~~ the responsibility for the maintenance and investment of its challenge grant account and for the administration of the program on behalf of the university or New College, pursuant to procedures specified by the Board of Regents. Each foundation shall include in its annual report to the Board of Regents information concerning collection and investment of matching gifts and donations and investment of the account.

(c) A donation of at least $600,000 and associated state matching funds may be *used to designate* ~~designated as~~ an Eminent Scholar Endowed Chair pursuant to procedures specified by the Board of Regents.

(6) The donations, state matching funds, or proceeds from endowments established *under* ~~pursuant to~~ this section *may* ~~shall~~ not be expended for the construction, renovation, or maintenance of facilities or for the support of intercollegiate athletics.

(7) The Board of Regents Foundation may participate in the same manner as a university foundation with regard to the provisions of this section.

Section 14. Subsection (9) of section 240.281, Florida Statutes, is amended to read:

240.281 Deposit of funds received by institutions and agencies in the State University System.—All funds received by any institution or agency in the State University System, from whatever source received and for whatever purpose, shall be deposited in the State Treasury subject to disbursement in such manner and for such purposes as the Legislature may by law provide. The following funds shall be exempt from the provisions of this section and, with the approval of the Board of Regents, may be deposited outside the State Treasury:

(9) Such other funds as may be approved by the Board of Regents and the Executive Office of the Governor *subject to the review provisions of s. 216.177*.

Section 15. Present subsection (4) of section 243.151, Florida Statutes, is renumbered as subsection (5), present subsection (3) is renumbered as subsection (4) and amended, and a new subsection (3) is added to that section, to read:

243.151 Lease agreements; land, facilities.—

(3) Upon approval by the Board of Regents, a university may:

(a) Construct educational facilities on land that is owned by a direct-support organization, as defined in s. 240.299, or a governmental agency at the federal, state, county, or municipal level, if the university has acquired a long-term lease for the use of the land. The lease must be for at least 40 years or the expected time the facilities to be constructed on the land are expected to remain in a condition acceptable for use, whichever is longer.

(b) Acquire a short-term lease from one of the entities listed in paragraph (a) for the use of land, if adequate temporary or relocatable facilities are available on the land.

(c) Enter into a short-term lease for the use of land and buildings upon which capital improvements may be made.

If sufficient land is not available from any of the entities listed in paragraph (a), a university may acquire a short-term lease from a private landowner or developer.

(4)~~(3)~~ Agreements as provided in this section shall be entered into with an offeror resulting from publicly announced competitive bids or proposals, except that the university may enter into an agreement *with an entity enumerated in paragraph (3)(a) for leasing land or* with a direct-support organization as provided in s. 240.299, which shall enter into subsequent agreements for financing and constructing the project after receiving competitive bids or proposals. Any facility constructed, lease-purchased, or purchased under such agreements, whether erected on land under the jurisdiction of the university or not, shall conform to the construction standards and codes applicable to university facilities. The Board of Regents shall adopt such rules as are necessary to carry out its duties and responsibilities imposed by this section.

Section 16. Subsection (1) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(1) "Agency" means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. *"Agency" does not include the Board of Regents or the State University System.*

Section 17. *Section 240.247, subsection (4) of section 240.4988, subsection (3) of section 287.017, and section 240.225, Florida Statutes, are repealed.*

Section 18. Section 240.2475, Florida Statutes, is amended to read:

240.2475 State University System *employment* equity accountability program.—

(1) ~~No later than August 1, 1992,~~ Each state university shall *maintain an annual equity* ~~develop a~~ plan for *appropriate representation* ~~increasing the number~~ of women and minorities in senior-level administrative positions, *within tenure-track faculty, and within faculty granted tenure. Such plan shall be maintained until appropriate representation has been achieved. As used in this subsection, the term:*

(a) "Appropriate representation" means category employment representation that at least meets comparable national standards for at least two consecutive reporting periods.

(b) "Category" means major executive, administrative, and professional grouping, including senior-level administrative and professional positions, senior academic administrative-level positions, and tenure-track faculty ~~for increasing the number of women and minorities in ranked faculty positions, and for increasing the number of women and minorities granted tenure. The plan must include specific measurable goals and objectives, specific strategies for accomplishing these goals and objectives, a time period for accomplishing these goals and objectives, and comparative national standards. The plan shall be submitted to the Legislature on or before September 1, 1992~~.

(2)(a) By *April 1* ~~October 31~~ of each year, each state university president shall submit an *annual* equity ~~accountability~~ report to the Chancellor and the Board of Regents. *The equity report shall consist of a status update, an analysis, and a status report of selected personnel transactions. As used in this paragraph, the term, "selected personnel transactions" means new hires in, promotions into, tenure actions in, and terminations from a category. Each university shall provide the job classification title, gender, race, and appointment status of selected personnel transactions. The status update shall assess underrepresentation in each category. The status report shall consist of current category employment representation, comparable national standards, an evaluation of representation, and annual goals to address underrepresentation.* ~~which shows the number of administrative positions in the faculty and in the administrative and professional pay plans which were filled in the previous fiscal year. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration under standard practice CM 87-17.1 and positions in the administrative and professional pay plans that are defined as administrative positions under the Board of Regents' classification of occupational groupings. The report must include the following information pertaining to the employees hired in those positions:~~

~~1. Job classification title;~~

~~2. Gender;~~

~~3. Ethnicity;~~

~~4. Appointment status pursuant to chapter 6C-5.105, Florida Administrative Code;~~

~~5. The salary at which the individual was hired;~~

~~6. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires;~~

~~7. Guidelines for ensuring a gender-balanced and ethnically balanced selection committee for each vacancy;~~

~~8. Steps taken to develop a diverse pool of candidates for each vacancy; and~~

~~9. An assessment of the university's accomplishment of annual goals and of long-range goals for hiring and promoting women and minorities in senior-level administrative positions.~~

(b) *After 1 year of implementation of a plan, and annually thereafter, for those categories in which prior year goals were not achieved, each university shall provide, in its annual equity report, a narrative explanation and a plan for achievement of equity. The plan shall include guidelines for ensuring balanced membership on selection committees and specific steps for developing a diverse pool of candidates for each vacancy in the category. The plan shall also include a systematic process by which those responsible for hiring are provided information and are evaluated regarding their responsibilities pursuant to this section.* ~~Each university's equity accountability report must also include the following information pertaining to candidates formally applying for tenure:~~

~~1. Rank;~~

~~2. Gender;~~

~~3. Ethnicity;~~

~~4. The salary at which the individual was hired; and~~

~~5. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires.~~

(c) *The equity report shall include an analysis and assessment of the university's accomplishment of annual goals, as specified in the university's affirmative action plan, for increasing the representation of women and minorities in tenure-earning and senior-level administrative positions.* ~~The report must also include:~~

~~1. The requirements for achieving tenure;~~

~~2. The gender and ethnic composition of the committees that review tenure recommendations at the department, college, and university levels;~~

~~3. Guidelines for ensuring the equitable distribution of assignments that would enhance tenure opportunities for women and minority faculty; and~~

~~4. Guidelines for obtaining feedback on the annual progress towards achievement of tenure by women and minorities.~~

(d) The equity report shall also include the current rank, race, and gender of faculty eligible for tenure in a category. In addition, each university shall report representation of the pool of tenure-eligible faculty at each stage of the transaction process, and provide certification that each eligible faculty member was apprised annually of progress toward tenure. Each university shall also report on the dissemination of standards for achieving tenure; racial and gender composition of committees reviewing recommendations at each transaction level; and dissemination of guidelines for equitable distribution of assignments.

(3)(a) A factor in the evaluation of university presidents, vice presidents, deans, and chairpersons shall be their annual progress in achieving the annual and long-range hiring and promotional goals and objectives, *as specified in the university's equity plan and affirmative action plan*. Annual budget allocations for positions and funding shall be based on this evaluation. *A summary of such evaluations* ~~Such evaluation~~ shall be submitted to the Chancellor and the Board of Regents *as part of the university's annual equity report.*

(b) ~~Beginning January 1994,~~ The Chancellor and the Board of Regents shall annually evaluate the performance of the university presidents in achieving the annual *equity* ~~and long-term~~ goals and objectives. *A summary of the results of such evaluations shall be included as part of the annual equity progress report submitted by the Board of Regents to the Legislature and the State Board of Education.*

(4) The Board of Regents shall submit an *annual* equity progress report to the *President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the State Board of Education on or before *August* ~~December~~ 1 of each year.

(5) *Each university shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the university president and the Board of Regents, the plan shall be submitted as part of the annual equity report submitted by each university to the Board of Regents.* ~~Effective July 1, 1993, positions that become vacant in the faculty or the administrative and professional pay plans at a university shall be transferred into a pool at that university to be allocated by the administration to departments to reward department managers for attaining equity goals. Each university president shall develop rules regarding the filling of vacant positions and the transferring of positions into the pool. Such rules must provide for a total cap on the vacant position pool at 10 percent of the number of vacant positions for the university as of the date of the preparation of the initial operating budget for each year. The rule must also provide that the number of positions to be transferred into the vacant position pool, at the departmental level, may not exceed 10 percent of the total number of authorized positions for the department as of the date of the preparation of the initial operating budget for each year. Subject to available funding, the Legislature shall provide an annual appropriation to be allocated to the department managers in recognition of the attainment of equity goals and objectives.~~

(6) Relevant components of each university's affirmative action plan may be used to satisfy the requirements of this section.

(7) Subject to available funding, the Legislature shall provide an annual appropriation to the Board of Regents to be allocated to the universities to further enhance equity initiatives and related priorities that support the mission of departments, divisions, or colleges in recognition of the attainment of equity goals and objectives.

Section 19. Section 240.3355, Florida Statutes, is amended to read:

240.3355 Community College System *employment* equity accountability program.—

(1) ~~No later than May 1, 1993,~~ Each community college *shall include in its* annual equity update ~~plan must include~~ a plan for increasing the *representation* ~~number~~ of women and minorities in senior-level administrative positions *and*~~, for increasing the number of women and minorities~~ in *full-time* ~~ranked~~ faculty positions, and for increasing the *representation* ~~number~~ of women and minorities who have attained continuing-contract status. *Positions shall be defined in the personnel data element directory of the Division of Community Colleges.* The plan must include specific measurable goals and objectives, specific strategies *and timelines* for accomplishing these goals and objectives, and *comparable national standards as provided by the Division of Community Colleges* ~~a time period for accomplishing these goals and objectives~~. The goals *and objectives* shall *be based on meeting or exceeding comparable national standards and shall* be reviewed and recommended by the State Board of Community Colleges as appropriate. *Such plans shall be maintained until appropriate representation has been achieved and maintained for at least 3 consecutive reporting years.*

(2)(a) On *or before* May 1 of each year, each community college president shall submit *an* ~~the~~ annual *employment accountability plan* ~~equity update~~ to the Executive Director of the State Board of Community Colleges. The *accountability plan* ~~equity update~~ must show *faculty and administrator employment data according to requirements specified on the federal Equal Employment Opportunity (EE0-6) report* ~~the number of deans, associates, assistant deans, vice presidents, associate and assistant presidents, provosts, legal counsel, and similar administrative positions which were filled in the previous 12-month period. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration by rule and positions that are defined as administrative positions under the Community College System's classification of occupational groupings~~.

(b) The *plan* ~~report~~ must show the following information for those positions including, but not limited to:

1. Job classification title.~~;~~

2. Gender.~~;~~

3. Ethnicity.~~;~~

4. Appointment status.~~;~~

5. Salary information. *At each community college, salary information shall also include* ~~including~~ the salary *ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications.* ~~at which the individual was hired compared to the salary range for the respective position and to other employees in the same job title classification;~~

6. Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the community college by race, gender, and salary range compared to the number of new hires.~~;~~

7. *A statement certifying diversity and balance in* the gender and ethnic composition of the selection committee for each vacancy, *including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees.*;

~~8. Steps taken to develop a diverse pool of candidates for each vacancy; and~~

(c)~~9.~~ *The annual employment accountability plan shall also include an analysis and* an assessment of the community college's *attainment* ~~accomplishment~~ of annual goals and of long-range goals for increasing the number of women and minorities in *faculty and* senior-level administrative positions, *and a corrective action plan for addressing underrepresentation*.

(d)~~(c)~~ Each community college's *employment* ~~equity~~ accountability *plan* ~~report~~ must also include:

1. The requirements for receiving a continuing contract.;

2. *A brief description of the process used to grant* ~~The gender and ethnic composition of the committees that review~~ continuing-contract *status.* ~~recommendations;~~

3. *A brief description of the process used to annually apprise each eligible faculty member of progress toward attainment of continuing-contract status.* ~~The enhancement of continuing-contract opportunities for women and minority faculty; and~~

~~4. Written documentation of feedback on the annual progress towards achievement of continuing-contract status by women and minorities.~~

(3) Community college presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the *community college's employment accountability* ~~equity update~~ plan.

(a) The community college presidents, *or the president's designee,* shall annually evaluate each department chairperson, dean, *provost,* and vice president in achieving the annual and long-term goals and objectives. *A summary of the results of such evaluations shall be reported annually by the president of the community college to the board of trustees.* Annual budget allocations *by the board of trustees* for positions and funding must take into consideration *these evaluations* ~~this evaluation~~.

(b) ~~Beginning January 1994,~~ Community college district boards of trustees shall annually evaluate the performance of the community college presidents in achieving the annual and long-term goals and objectives. *A summary of the results of such evaluations shall be reported to the Executive Director of the State Board of Community Colleges as part of the community college's annual employment accountability plan, and to the Legislature and State Board of Education as part of the annual equity progress report submitted by the State Board of Community Colleges.*

(4)~~(c)~~ The State Board of Community Colleges shall submit an *annual* equity progress report to the *President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the State Board of Education on or before *January* ~~December~~ 1 of each year.

(5) Each community college shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the community college president and the State Board of Community Colleges, the plan shall be submitted as part of the annual employment accountability plan submitted by each community college to the State Board of Community Colleges.

(6)~~(4)~~ Subject to available funding, the Legislature shall provide an annual appropriation *to the State Board of Community Colleges* to be allocated to *community college presidents, faculty, and administrative personnel to further enhance equity initiatives and related priorities that support the mission of colleges and departments* ~~the department managers~~ in recognition of the attainment of the equity goals and objectives.

Section 20. Subsection (1) of s. 240.2803, Florida Statutes, is amended to read:

240.2803 Auxiliary enterprises; contracts, grants, and donations; definitions.—As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(1) "Auxiliary enterprises" includes activities that directly or indirectly provide *a product or* a service, *or both,* to a university or its students, faculty, or staff and for which *a charge is made* ~~is charged a fee related to, but not necessarily in an amount that will cover, the cost of the service~~. *These* auxiliary enterprises are *business activities of a university which require no support from the General Revenue Fund* ~~generally self-sufficient operations~~, and include *activities such as* housing, bookstores, student health services, continuing education programs, food services, college stores, *operation of* vending machines, specialty shops, day care centers, golf courses, student activities programs, *data center operations, and* ~~financial aid programs,~~ intercollegiate athletics programs~~, and other programs for which the funds are deposited outside the State Treasury~~.

Section 21. Section 3 of chapter 97-381, Laws of Florida, is amended to read:

Section 3. When the Department of Insurance receives a $6 million settlement as specified in the Consent Order of the Treasurer and Insurance Commissioner, case number 18900-96-c, that portion of the $6 million not used to satisfy the requirements of section 18 of the Consent Order must be transferred from the Insurance Commissioner's Regulatory Trust Fund to the State Student Financial Assistance Trust Fund is appropriated from the State Student Financial Assistance Trust Fund to provide Ethics in Business scholarships to students enrolled in public community colleges and independent postsecondary education institutions eligible to participate in the Florida Resident Access Grant Program under section 240.605, Florida Statutes. The funds shall be allocated to institutions for scholarships in the following ratio: Two-thirds for community colleges and one-third for eligible independent institutions. The Department of Education shall administer the scholarship program for students attending community colleges and independent institutions. These funds must be allocated to institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing Ethics in Business scholarships. Public funds may not be used to provide the match, nor may funds collected for other purposes. *Notwithstanding any other provision of law, the State Board of Administration shall have the authority to invest the funds appropriated under this section.* The Department of Education may adopt rules for administration of the program.

Section 22. 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 postsecondary education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 228.055, F.S.; providing for a regional autism center; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross-reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements for state universities and community colleges; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.281, F.S.; revising the authority for an

institution to deposit certain funds outside the State Treasury; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; amending s. 240.2803, F.S., clarifying the definition of auxiliary enterprises; amending s. 3, ch. 75-381, Laws of Florida; providing authority to the State Board of Administration to invest certain funds; providing an effective date.

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

Amendment 1A (with title amendment)—On page 32, between lines 22 and 23, insert:

Section 22. *(1) There is created the Leadership Board for Applied Research and Public Service to be staffed by the Institute of Science and Public Affairs at Florida State University. The purpose of the board is to focus, coordinate, and maximize university resources on current issues and events affecting Florida's residents and elected officials. Emphasis shall be placed on being responsive to and providing accurate, timely, useful, and relevant information to decisionmakers in state and local governments. The board shall set forth a process to provide comprehensive guidance and advice for improving the types and quality of services to be delivered by the State University System. Specifically, the board shall better identify and define the missions and roles of existing institutes and centers within the State University System, work to eliminate duplication and confusion over conflicting roles and missions, involve more students in learning with applied research and public service activities, and be organizationally separate from academic departments. The board shall meet at least quarterly. The board may create internal management councils that may include working institute and center directors. The board is responsible for, but is not limited to:*

(a) Providing strategic direction, planning, and accompanying decisions that support a coordinated applied public service and research approach in the state.

(b) Addressing State University System policy matters and making recommendations to the Board of Regents as they relate to applied public service and research.

(c) Serving as a clearinghouse for services requested by public officials.

(d) Providing support for funding and fiscal initiatives involving applied public service and research.

(2) Membership of the board shall be:

(a) The Chancellor of the Board of Regents, who shall serve as chair.

(b) The director of the Office of Planning and Budgeting of the Executive Office of the Governor.

(c) The Secretary of the Department of Management Services.

(d) The Director of Economic and Demographic Research.

(e) The Director of the Office of Program Policy Analysis and Government Accountability.

(f) The President of the Florida League of Cities.

(g) The President for the Florida Association of Counties.

(h) The President of the Florida School Board Association.

(i) Five additional university president members, designated by the Chancellor, to rotate annually.

(3) The board shall prepare a report for the Board of Regents to be submitted to the Governor and the Legislature by January 1 of each year which summarizes the work and recommendations of the board in meeting its purpose and mission.

Section 23. *For the 1998-1999 fiscal year, a recurring sum of $450,000 is appropriated from the General Revenue Fund to the Leadership Board for Applied Research and Public Service.*

Section 24. *For the 1998-1999 fiscal year, $200,000 is appropriated from the General Revenue Fund to the State Agency Dispute Resolution Demonstration Project at Florida State University.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 35, line 27, after the semicolon (;) insert: creating the Leadership Board for Applied Research and Public Service; providing for its membership and duties; providing an appropriation for the board; providing an appropriation for the State Agency Dispute Resolution Demonstration Project;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 755** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 366—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in this state; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 366** to **HB 909**.

Pending further consideration of **CS for SB 366** as amended, on motion by Senator Williams, by two-thirds vote **HB 909** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Williams—

HB 909—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in Florida; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

—a companion measure, was substituted for **CS for SB 366** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 909** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 1522—A bill to be entitled An act relating to sentencing; amending s. 2, ch. 97-194, Laws of Florida; clarifying that the Criminal Punishment Code does not apply to capital felonies; amending s. 921.002, F.S.; revising the principles embodied by the Criminal Punishment Code; requiring that the Department of Corrections report on sentencing trends and practices; requiring that the Criminal Justice Estimating Conference make certain estimates with respect to the prison population; requiring the Criminal Justice Estimating Conference to project the impact of proposed changes to the Criminal Punishment Code; authorizing the Department of Corrections to collect scoresheets and report on compliance; amending s. 921.0021, F.S.; clarifying application of the code; amending s. 921.0022, F.S.; providing for ranking certain offenses under the severity ranking chart of the code; specifying the ranking of additional offenses; amending s. 921.0023, F.S., relating to the ranking of unlisted offenses; deleting duplicative provisions; amending s. 921.0024, F.S.; revising the arrangement of the sentencing scoresheet; providing that domestic violence in the presence of a child be included as a multiplier on the offense score of the Criminal Punishment Code; providing for calculating the total sentence points and the lowest permissible sentence; clarifying the calculation of points for a prior capital felony; requiring the imposition of the code sentence when it exceeds the statutory maximum; authorizing a life sentence when the total sentence points equal or exceed a threshold amount; prohibiting discretionary early release for such offenders; requiring that the Department of Corrections consult with certain persons and entities and revise the scoresheet as necessary; requiring the department to distribute copies of scoresheets; creating s. 921.0025, F.S.; providing for the adoption and implementation of sentencing scoresheets; amending s. 921.0026, F.S.; prohibiting the court from imposing a sentence below the lowest permissible sentence unless there are mitigating circumstances; creating s. 921.00265, F.S.; requiring that the court delineate its reasons if the court decreases a defendant's sentence below the lowest permissible sentence; amending s. 775.082, F.S.; providing for the applicability of sentencing structures, based on the date of the offense; amending s. 775.084, F.S.; providing for community control without an adjudication of guilt to be considered a prior conviction under certain circumstances for purposes of sentencing; requiring that the court submit a report when the court finds it unnecessary to sentence a given defendant as a habitual felony offender, a habitual violent felony offender, or a violent career criminal; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; amending s. 924.06, F.S.; providing for an appeal of a sentence that exceeds the maximum penalty under s. 775.082, F.S.; amending s. 924.07, F.S.; authorizing the state to appeal a sentence imposed below the lowest sentence permitted under the Criminal Punishment Code; amending s. 944.17, F.S.; revising requirements for the sheriff or chief correctional officer in preparing scoresheets for a prisoner who is transferred to the state correctional system; creating s. 944.70, F.S.; specifying the conditions under which persons convicted of crimes may be released from incarceration; amending s. 944.705, F.S., relating to the release orientation program; conforming cross-references to changes made by the act; amending s. 948.015, F.S.; revising requirements for the presentence investigation report for certain defendants; amending s. 948.034, F.S., relating to probation for certain persons convicted of drug-related offenses; conforming cross-references; conforming provisions to reflect the reorganization of the Department of Health and Rehabilitative Services; amending s. 948.51, F.S., relating to community corrections assistance; conforming a cross-reference; conforming a reference to sentencing scores to reflect changes in sentencing requirements; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing for a sentence imposed outside of the code to be appealed; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1—On page 29, between lines 4 and 5, insert:

847.0135(3)	*3rd*	*Solicitation of a child, via a computer service, to commit an unlawful sex act.*

Pursuant to Rule 4.19, **CS for SB 1522** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 814** was deferred.

On motion by Senator Myers—

CS for SB 1646—A bill to be entitled An act relating to protection of children; amending s. 20.19, F.S.; deleting reference to child protection and sexual abuse treatment teams from responsibilities of the Children and Families Program Office of the Department of Children and Family Services; transferring all powers and duties relating to the child protection teams and the sexual abuse treatment program to the Department of Health; providing the Department of Health with certain authority with respect to transferred positions; amending s. 20.43, F.S.; providing responsibility of the Department of Health to provide services to abused and neglected children through the teams and program; amending ss. 39.4031, 39.4032, and 39.408, F.S., relating to children and family case plan requirements and case staffing, and hearings for dependency cases; providing for coordination with the child protection teams of the Department of Health; amending ss. 119.07, 415.50175, and 415.51, F.S.; providing confidentiality under existing public records exemptions for records of child protection teams and personnel thereof; amending ss. 415.50171, 415.5018, 415.503, 415.5055, and 415.5095, F.S.; clarifying respective responsibilities of the Department of Health and the Department of Children and Family Services, relating to child abuse and neglect cases, policy, and procedures, to child protection teams, and to child sexual abuse cases, pursuant to the transfer of responsibilities under the act; providing duties of the Division of Children's Medical Services; deleting requirements that child protection teams be capable of providing short-term psychological treatment; amending s. 415.501, F.S.; revising participants in the state plan for prevention of child abuse and neglect; creating s. 415.515, F.S.; authorizing rulemaking by the Department of Health; repealing s. 415.5075, F.S., relating to rulemaking; requiring a memorandum of agreement between the Department of Children and Family Services and the Department of Health; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, line 2, after "*Health*" insert: *, Division of Children's Medical Services,*

And the title is amended as follows:

On page 1, line 10, after "Health" insert: , Division of Children's Medical Services

Pursuant to Rule 4.19, **CS for SB 1646** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

SB 1266—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Barry University license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1—On page 1, lines 27-30, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

Pursuant to Rule 4.19, **SB 1266** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 190—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing an effective date.

—was read the second time by title.

Senator McKay moved the following amendment:

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

Section 1. Section 832.09, Florida Statutes, is created to read:

832.09 Suspension of driver license after warrant or capias is issued in worthless check case.—

(1) Any person who does not fulfill the agreements for a bad check diversion program pursuant to s. 832.08 or who is being prosecuted for passing a worthless check in violation of s. 832.05, who fails to appear before the court and against whom a warrant or capias for failure to appear is issued by the court shall have his or her driver's license suspended or revoked pursuant to s. 322.251.

(2) Within 5 working days after the issuance of a warrant or capias for failure to appear the clerk of the court in the county where the warrant or capias is issued, shall notify the Department of Highway Safety and Motor Vehicles by the most efficient method available of the action of the court.

Section 2. Subsection (7) is added to section 322.251, Florida Statutes, to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license.—

(7)(a) A person whose driving privilege is suspended or revoked pursuant to s. 832.09 shall be notified, pursuant to this section, and the notification shall direct the person to surrender himself or herself to the sheriff who entered the warrant to satisfy the conditions of the warrant. A person whose driving privilege is suspended or revoked under this subsection shall not have his or her driving privilege reinstated for any reason other than:

1. Full payment of any restitution, court costs, and fees incurred as a result of a warrant or capias being issued pursuant to s. 832.09.

2. The cancellation of the warrant or capias from the Department of Law Enforcement recorded by the entering agency.

3. The payment of an additional fee of $10 to the Department of Highway Safety and Motor Vehicles to be paid into the Highway Safety Operating Trust Fund.

(b) The Department of Law Enforcement shall provide electronic access to the department for the purpose of identifying any person who is the subject of an outstanding warrant or capias for passing worthless bank checks.

(c) The Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement shall develop and implement a plan to ensure the identification of any person who is the subject of an outstanding warrant or capias for passing worthless bank checks and to ensure the identification of the person's driver's license record.

Section 3. 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 worthless checks; creating s. 832.09, F.S.; providing for the suspension of a driver's license with respect to certain persons who do not fulfill an agreement for a bad check diversion program or against whom a warrant or capias is issued in a worthless check case; amending s. 322.251, F.S.; providing for notification; providing for conditions for reinstatement; providing a fee; directing the Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement to develop and implement a plan; providing an effective date.

Senator McKay moved the following amendment to **Amendment 1**:

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

Section 3. Subsections (5) and (6) are added to section 322.142, Florida Statutes, to read:

322.142 Color photographic or digital imaged licenses.—

(5) Notwithstanding any other provisions of law, the department may sell copies of photographs, electronically stored photographs, or digitized images and other driver's license and state identification card information on file, which are recorded and maintained as required, if such items are to be used solely for the prevention of fraud, including, but not limited to, use in mechanism intended to prevent the fraudulent use of credit cards, debit cards, or checks or fraud in other forms of financial transactions. The use of such photographs, electronically stored photographs, or digitized images obtained pursuant to this subsection is limited to the verification of the identity of the holder of an account, other form of identification, or other similar uses and may not be used for any other purpose.

(6) Notwithstanding any other provisions of law, the department may sell copies of photographs, electronically stored photographs, or digitized images maintained by the department as required, upon receipt of the following from an applicant:

(a) Proof of the identity of the applicant;

(b) A declaration, in such form as is required by the department, describing how the applicant will use such photographs, electronically stored photographs, or digitized images for the prevention of fraud; and

(c) Payment of a fee for the photographs, electronically stored photographs, or digitized images. The department shall establish a fee for providing copies of such photographs, electronically stored photographs, or digitized images and all fees collected pursuant to this subsection shall be used to defray the costs of the department in providing such copies to an applicant.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 22, after the semicolon (;) insert: amending s. 322.142, F.S.; allowing the Department of Highway Safety and Motor Vehicles to sell copies of certain records of the department;

On motion by Senator McKay, further consideration of **CS for SB 190** with pending **Amendment 1** and **Amendment 1A** was deferred.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:59 p.m. to reconvene at 2:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:45 p.m. A quorum present—39:

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

SPECIAL ORDER CALENDAR, continued

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

CS for SB 190—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing an effective date.

—which was previously considered this day. Pending **Amendment 1A** by Senator McKay was adopted.

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

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

Section 3. Section 832.10, Florida Statutes, is created to read:

832.10 Alternative to bad check diversion program; fees for collection.—

(1) In lieu of referring a complaint to a bad check diversion program, the state attorney may initiate a debt collection process involving collection by a private debt collector registered under part VI of chapter 559, for the purpose of diverting from prosecution certain persons accused of a violation of s. 832.04, s. 832.041, s. 832.05, or s. 832.06. The use of such debt collector shall not affect the authority of the state attorney to prosecute any person for any such violation.

(2) Upon receipt of the notification from the state attorney initiating the debt collection process authorized by this section, the payee on the bad check shall place or assign the debt evidenced by the bad check for collection by such debt collector. Upon such placement or assignment, the payee is entitled to add a collection fee to offset the cost of collection. This collection fee is in addition to the bad check service charges authorized by law. The collection fee payable to the debt collector must be a reasonable fee in accordance with industry standards and based upon the total amount collected.

(3) Unless extended by the state attorney, the debt collector shall have 90 days after the date of placement or assignment of the debt for collection within which to collect the amount of the bad check, applicable bad debt charges, and the collector's collection fee. Upon the expiration of the 90-day period and any extensions thereof, the state attorney shall proceed with prosecution or other disposition of the case. The debt collector may continue to try to collect the debt, provided that such collection effort does not impede the prosecution or other disposition of the case by the state attorney. The debt collector shall remit to the payee the amount collected less the collector's fee percentage on the total amount collected.

(4) The debt collector may compromise the amount to be collected only with the express consent of the payee of the check.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 22, after the semicolon (;) insert: creating s. 832.10, F.S.; providing for the use of private debt collectors;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 190** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 1644—A bill to be entitled An act relating to child care facilities; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1644** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 2122—A bill to be entitled An act relating to securities transactions; amending s. 517.12, F.S.; limiting certain assessment fee reductions under certain circumstances; amending s. 517.1203, F.S.; providing for allocations from the Securities Guaranty Fund for certain purposes; providing for certain additional disbursements from the fund; extending the period for filing claims; authorizing the Department of Banking and Finance to adopt rules; creating s. 517.1204, F.S.; creating the Investment Fraud Restoration Financing Corporation; providing purposes; providing for a board of directors; providing powers and duties of the corporation; authorizing the department and the corporation to enter into service contracts for certain purposes; authorizing the corporation to issue evidences of indebtedness for payment of certain claims; providing requirements and limitations; authorizing the corporation to validate bond obligations; exempting the corporation from certain taxes and assessments; providing application; prohibiting benefits or earnings of the corporation from inuring to private persons; providing for reversion of corporate property to the Securities Guaranty Fund upon dissolution of the corporation; providing for the State Board of Administration to be trustee of the corporation's securities; amending s. 517.131, F.S.; providing a limitation on allocations from the Securities Guaranty Fund under certain circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with title amendment)—On page 8, lines 30 and 31, delete those lines

And the title is amended as follows:

On page 1, lines 10 and 11, delete those lines and insert: creating s. 517.1204,

Amendment 2 (with title amendment)—On page 14, between lines 16 and 17, insert:

(14) The Auditor General may conduct a financial audit of the accounts and records of the corporation.

And the title is amended as follows:

On page 1, line 30, after the semicolon (;) insert: authorizing the Auditor General to conduct an audit of the corporation;

Pursuant to Rule 4.19, **SB 2122** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

SJR 542—A joint resolution proposing an amendment to Section 19 of Article III of the State Constitution relating to state budgeting, planning, and appropriation processes.

—was read the second time by title.

Pursuant to Rule 4.19, **SJR 542** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 244—A bill to be entitled An act relating to drycleaning solvent cleanup; amending s. 376.30, F.S.; providing legislative intent regarding drycleaning solvents; amending s. 376.301, F.S.; providing

definitions; amending s. 376.303, F.S.; providing for late fees for registration renewals; amending s. 376.3078, F.S.; providing legislative intent regarding voluntary cleanup; providing that certain deductibles must be deposited into the Water Quality Assurance Trust Fund; clarifying circumstances under which drycleaning restoration fund may not be used; providing additional criteria for determining eligibility for rehabilitation; specifying when certain deductibles must be paid; amending the date after which no restoration funds may be used for drycleaning site rehabilitation; clarifying who may apply jointly for participation in the program; providing certain liability immunity for certain adjacent landowners; providing for contamination cleanup criteria that incorporate risk-based corrective action principles to be adopted by rule; requiring certain third-party liability insurance coverage for each operating facility; specifying the circumstances under which work may proceed on the next site rehabilitation task without prior approval; requiring the Department of Environmental Protection to give priority consideration to the processing and approval of permits for voluntary cleanup projects; providing the conditions under which further rehabilitation may be required; providing for continuing application of certain immunity for real property owners; requiring the Department of Environmental Protection to attempt to negotiate certain agreements with the U.S. Environmental Protection Agency; amending s. 376.308, F.S.; protecting certain immunity for real property owners; amending s. 376.313, F.S.; correcting a statutory cross-reference; amending s. 376.70, F.S.; clarifying certain registration provisions; requiring certain facilities to pay the gross receipts tax; deleting a requirement that certain information must be disclosed on the drycleaning receipt; providing for the payment of taxes and the determination of eligibility in the program; amending s. 376.75, F.S.; deleting a requirement that certain information must be disclosed on the drycleaning receipt; amending ss. 287.0595, 316.302, F.S.; correcting statutory cross-references; amending s. 213.053, F.S.; authorizing the Department of Revenue to release certain information to certain persons; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 42, lines 6-13, delete those lines and insert: remove affected soils, if any. ~~Costs incurred by an owner or operator for such response actions, up to a maximum of $10,000 in the aggregate for all spills at a single facility, shall be credited to the owner or operator against the future gross receipts tax set forth in s. 376.70 and, in the case of a wholesale supply facility, against the future tax on production or importation of perchloroethylene, as set forth in s. 376.75.~~

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: eliminating a tax credit for small spills at drycleaning facilities;

Amendment 2 (with title amendment)—On page 43, delete line 1 and insert: *policies with a minimum coverage of $1 million for each member of the group*

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: allowing certain group coverage policies;

Amendment 3 (with title amendment)—On page 48, lines 23-25, delete those lines and insert: services the amount of such tax and a statement that the imposition of the tax was requested by the Florida Dry Cleaners Coalition.

And the title is amended as follows:

On page 2, lines 15 and 16, delete "deleting a requirement that certain information must be disclosed on the drycleaning receipt;"

Amendment 4 (with title amendment)—On page 50, lines 26-29, delete those lines and insert:

Section 8. Subsections (1) and (12) of section 376.75, Florida Statutes, are amended to read:

376.75 Tax on production or importation of perchloroethylene.—

(1) Beginning October 1, 1994, a tax of $5 per gallon is levied on the sale of perchloroethylene (tetrachloroethylene) in this state to a drycleaning facility located in this state or the import of perchloroethylene into this state by a drycleaning facility. *This tax is not subject to sales and use tax pursuant to ch. 212.*

And the title is amended as follows:

On page 2, line 19, after the semicolon (;) insert: providing that the tax on perchloroethylene is not subject to sales tax;

Amendment 5 (with title amendment)—On page 51, lines 3-5, delete those lines and insert: services the amount of such tax and a statement that the imposition of the tax was requested by the Florida Dry Cleaners Coalition.

And the title is amended as follows:

On page 2, lines 19-21, delete "deleting a requirement that certain information must be disclosed on the drycleaning receipt;"

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

On motion by Senator Brown-Waite—

CS for SB 364—A bill to be entitled An act relating to public records; amending s. 119.07, F.S., relating to inspection, examination, and duplication of records; exempting information pertaining to natural persons in health, medical, patient, or health insurance records from the public records law; providing exceptions; amending s. 286.011, F.S., relating to public meetings; exempting from public discussion portions of public meetings during which the contents of health, medical, patient, or health insurance information pertaining to a natural person are considered; providing exceptions; providing justification for exemptions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 364** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **CS for HB 4455** was withdrawn from the Committees on Criminal Justice and Health Care.

On motion by Senator Bronson—

CS for HB 4455—A bill to be entitled An act relating to mobile surgical facilities; amending s. 395.001, F.S.; providing legislative intent; amending s. 395.002, F.S.; revising definitions; defining "mobile surgical facility"; amending s. 395.003, F.S.; requiring the licensure of mobile surgical facilities under ch. 395, F.S.; amending s. 395.004, F.S.; requiring a license fee upon application for licensure as a mobile surgical facility; amending s. 395.0161, F.S.; requiring licensure inspections of such facilities under specified circumstances; providing an exception; amending s. 395.0163, F.S.; requiring construction inspections of such facilities under specified circumstances; providing an exception; amending s. 395.1055, F.S.; authorizing the establishment of separate standards for mobile surgical facilities; amending s. 408.036, F.S.; providing an exemption from review and application for certificate of need for mobile surgical facilities; amending s. 395.7015, F.S.; providing for the imposition of an annual assessment upon mobile surgical facilities; providing application; requiring specified mobile surgical facilities in operation prior to the effective date of the act to continue to operate and be subject to the provisions of the act only after the effective date of rules established by the Agency for Health Care Administration; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1728** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 4455** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

CS for CS for SB 374—A bill to be entitled An act relating to motor vehicle emissions inspections; directing the Department of Highway Safety and Motor Vehicles to hire an independent expert consultant to do a study; prohibiting the department from entering into a contract for a motor vehicle inspection program; amending s. 325.214, F.S.; setting the fee for inspections; establishing funds for the study; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 374** to **CS for HB 1377**.

Pending further consideration of **CS for CS for SB 374** as amended, on motion by Senator Hargrett, by two-thirds vote **CS for HB 1377** was withdrawn from the Committees on Transportation; and Ways and Means.

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

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.

—a companion measure, was substituted for **CS for CS for SB 374** as amended and read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

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

Section 1. *(1) The Department of Highway Safety and Motor Vehicles shall hire an independent expert consultant to develop appropriate request-for-proposal specifications and a range of inspection fees for the motor vehicle emissions inspection program based on an annual and a biennial inspection program for vehicles 4 model years old and older, using the basic test for hydrocarbon emissions and carbon monoxide emissions and other mobile source testing for nitrous oxides or other pollutants, and no later than January 1, 1999, to report to the President of the Senate and the Speaker of the House of Representatives setting forth the relevant facts and the department's recommendations. Notwithstanding the provisions of chapter 325, Florida Statutes, the department and the Governor and Cabinet, acting as head of that agency, are prohibited from entering into any contract or extension of a contract for any form of motor-vehicles-emissions testing without legislative approval through the enactment of specific legislation directing the department to implement an inspection program and establishing a fee for the program.*

(2) If no specific legislation is passed during the 1999 legislative session to direct the department to implement a motor vehicle inspection program, the department may issue a Request for Proposal and enter one or more contracts for a biennial inspection program for vehicles five model years and older using the basic test for hydrocarbon emissions and carbon monoxide emissions. The requirements for the program included in the proposals must be based on the requirements under chapter 325, Florida Statutes, unless those requirements conflict with this section. No contract entered into under this subsection may be for longer than 2 years. Notwithstanding the provisions of s. 325.214, if the fee for motor vehicle inspection proposed by the Department of Highway Safety and Motor Vehicles will exceed $10 per inspection, the department may impose the higher fee if such fee is approved through the budget amendment process set forth in chapter 216 and notice is provided to the Chairmen of the Senate and House Transportation and Natural Resources Committees at the time it is provided to the Senate Ways and Means and House Appropriations Committees.

Section 2. Subsection (2) of section 325.214, Florida Statutes, is amended to read:

325.214 Motor vehicle inspection; fees; disposition of fees.—

(2) The ~~department shall set an~~ inspection fee *shall be* ~~not to exceed~~ $10. ~~By rule, the department shall set a regulatory amount to be included in the fee which is commensurate with the cost of administering and enforcing the inspection program. It is the intent of the Legislature that the program be self-supporting.~~ Notwithstanding any other provision of law to the contrary, an additional fee of $1 shall be assessed upon the issuance of each dealer certificate, which fee shall be forwarded to the department for deposit into the Highway Safety Operating Trust Fund.

Section 3. *There is appropriated from the Department of Highway Safety Operating Trust Fund of the Department of Highway Safety and Motor Vehicles for fiscal year 1998-1999, the sum of $125,000 to fund the study established in this act.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to motor vehicle emissions inspections; directing the Department of Highway Safety and Motor Vehicles to hire an independent expert consultant to do a study; prohibiting the department from entering into a contract for a motor vehicle inspection program; providing circumstances for issuance of request for proposals and one or more contracts; amending s. 325.214, F.S.; setting the fee for inspections; establishing funds for the study; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 1377** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 4483** was withdrawn from the Committees on Children, Families and Seniors; and Rules and Calendar.

On motion by Senator Rossin—

HB 4483—A bill to be entitled An act instructing the Division of Statutory Revision to make necessary changes to conform the Florida Statutes to the name change of the Department of Health and Rehabilitative Services and the divestiture of programs of the former department to other departments or agencies; transferring and renumbering ss. 408.601, 408.602, 408.603, and 408.604, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 642** and read the second time by title.

Pursuant to Rule 4.19, **HB 4483** was placed on the calendar of Bills on Third Reading.

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.

—was read the second time by title.

Senator Campbell moved the following amendment which failed:

Amendment 1—On page 7, lines 10 and 19, delete "*Ronald Reagan*" and insert: *Abraham Lincoln*

Senators Forman and Silver offered the following amendment which was moved by Senator Forman:

Amendment 2 (with title amendment)—On page 7, lines 10-22, delete section 8 and insert:

Section 8. *LeRoy Collins Turnpike designated; Department of Transportation to erect suitable markers.—*

(1) The Florida Turnpike consisting of the 312 contiguous miles of limited-access toll highway stretching from Florida City, where South Dade County meets the Florida Keys, continuing northward through 11 counties, including the greater metropolitan areas of Miami, Fort Lauderdale, West Palm Beach, and Orlando, and ending at a junction with Interstate 75 in North Central Florida is hereby designated as the "LeRoy Collins Turnpike."

(2) The Department of Transportation is directed to erect suitable markers designating the "LeRoy Collins Turnpike" as described in subsection (1).

And the title is amended as follows:

On page 1, lines 29 and 30, delete "Ronald Reagan Turnpike" and insert: "LeRoy Collins Turnpike"

On motion by Senator Gutman, further consideration of **CS for SB 1014** with pending **Amendment 2** was deferred.

On motion by Senator Dyer, the Senate reverted to—

CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for CS for SB 1308** and **CS for SB 1960** was deferred.

HB 887—A bill to be entitled An act relating to school district expenditures; amending s. 237.081, F.S.; revising provisions relating to the advertisement of a school board's tentative budget; requiring the inclusion of specified information; authorizing rules; providing an effective date.

—was read the third time by title.

On motion by Senator Dyer, **HB 887** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Clary

CS for SB 1960—A bill to be entitled An act relating to assisted living facilities and adult family-care homes; amending s. 400.402, F.S.; revising definitions; amending s. 400.404, F.S.; providing additional exemptions from licensure as an assisted living facility; amending ss. 400.407, 400.408, F.S.; reorganizing and revising provisions relating to unlawful facilities; providing penalties; requiring report of unlicensed facilities; providing for disciplinary actions; revising provisions relating to referral to unlicensed facilities; providing for certain notice to service providers; amending s. 400.4075, F.S.; providing requirements for obtaining a limited mental health license; amending s. 400.411, F.S.; revising requirements for an initial application for license; providing for a fee; amending s. 400.414, F.S.; revising authority and grounds for denial, revocation, or suspension of licenses or imposition of administrative fines; specifying terms for review of proceedings challenging administrative actions; amending s. 400.415, F.S.; requiring a facility to post notice of a moratorium on admissions; providing for rules establishing grounds for imposition of a moratorium; amending s. 400.417, F.S.; providing for coordinated expiration of a facility's license; revising requirements for license renewal; providing for rules; amending s. 400.4174, F.S.; amending an outdated reference to child abuse or neglect; amending s. 400.4176, F.S.; revising time requirement for notice of change of administrator; amending ss. 400.418, 400.422, 400.452, 408.036, F.S., relating to the disposition of fees and fines, receivership proceedings, staff training and education, and the review of certain projects; conforming cross-references to changes made by the act; amending s. 400.419, F.S.; revising procedures relating to violations and penalties; increasing administrative fines for specified classes of violations; providing fines for unlicensed operation of a facility and for failure to apply for a change of ownership license; authorizing a survey fee to cover the cost of certain complaint investigations; providing for corrective action plans to correct violations; expanding dissemination of information regarding facilities sanctioned or fined; amending s. 400.4195, F.S., relating to prohibitions and rebates; creating s. 400.4256, F.S., relating to assistance with the self-administration of medication; amending s. 400.428, F.S.; providing for surveys to determine compliance with facility standards and residents' rights; amending s. 400.474, F.S.; providing for disciplinary action against a home health agency or employee who knowingly provides services in an unlicensed assisted living facility or adult family-care home; amending s. 400.618, F.S.; revising the definition of the term "adult-family care home"; amending s. 394.4574, F.S.; requiring district administrators of the Department of Children and Family Services to develop plans to ensure the provision of mental health and substance abuse treatment services to residents of assisted living facilities that hold a limited mental health license; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Rossin, **CS for SB 1960** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CS for SB 1626—A bill to be entitled An act relating to occupational safety and health; amending s. 442.006, F.S.; limiting investigations and penalties to public-sector employers; amending s. 442.008, F.S.; limiting division authority to public-sector employers; amending s. 442.013, F.S.; limiting penalties to public-sector employers; amending s. 442.019, F.S.; limiting compliance to public-sector employers; creating s. 442.0085, F.S.; providing for safety consultations; repealing s. 442.003, F.S., relating to legislative intent; repealing s. 442.009, F.S., relating to right of entry by division representatives; repealing s. 442.0105, F.S., relating to employers whose employees have a high frequency of work–related injuries; repealing s. 442.015, F.S., relating to cancellation of coverage on certain employers; repealing s. 442.017, F.S., relating to penalties for employers who refuse to admit certain investigators; providing an effective date.

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

On motion by Senator Harris, **CS for SB 1626** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Holzendorf

Vote after roll call:

Yea—Clary

CS for SB 1684—A bill to be entitled An act relating to the Florida Retirement System (RAB); clarifying provisions throughout ch. 121, F.S., relating to vesting and the normal retirement date for a member; amending s. 121.021, F.S., relating to definitions; revising and adding definitions; amending s. 121.051, F.S., relating to participation in the Florida Retirement System; providing that consultants and independent contractors are ineligible to participate; establishing procedures and requirements for municipalities or special districts that choose to participate in the Florida Retirement System; providing requirements for employers that transfer, merge, or consolidate governmental services or functions; limiting a member's rights following a conviction for causing a shortage in a public account; providing requirements and limitations for a member who is dually employed; amending s. 121.0515, F.S., relating to Special Risk Class membership; providing for retroactive membership in certain cases; requiring certain members who are moved or reassigned to participate in the Special Risk Administrative Support Class; amending s. 121.052, F.S., relating to the Elected State and County Officers' Class; providing for calculating average final compensation; amending s. 121.053, F.S., relating to retired member participation in the Elected State and County Officers' Class; clarifying requirements for creditable service; amending s. 121.055, F.S., relating to the Senior Management Service Optional Annuity Program; clarifying participation requirements; providing for the Optional Annuity Program Trust Fund; providing eligibility requirements for receiving benefits; providing for administering the program; providing requirements and limitations for a member who is dually employed; amending s. 121.071, F.S., relating to system contributions; providing requirements for contributions for other creditable service; amending s. 121.081, F.S., relating to contributions for past service or prior service; clarifying provisions with respect to required contributions; providing requirements for receiving service credit and prior service credit; amending s. 121.091, F.S., relating to benefits payable under the Florida Retirement System; providing for cancellation of application for retirement benefits; clarifying and consolidating benefit provisions; providing procedures for determining average final compensation; providing for determining disability retirement benefits; providing for optional forms of retirement benefits and disability retirement benefits; providing requirements for determining death benefits; providing for designating beneficiaries; providing for the payment of benefits; authorizing certain deductions from the monthly benefit payment; amending s. 121.111, F.S., relating to credit for military service; providing requirements for determining creditable service; amending s. 121.121, F.S.; providing requirements for purchasing creditable service for authorized leaves of absence; amending s. 121.122, F.S., relating to renewed membership; clarifying requirements for a member who does not claim credit for all postretirement service; creating s. 121.193, F.S., relating to external compliance audits; providing responsibilities of the Division of Retirement of the Department of Management Services with respect to such audits; specifying requirements of participating agencies; amending s. 121.35, F.S., relating to the Optional Retirement Program for the State University System; providing for the application of certain federal requirements; providing for the administration of the Optional Retirement Program Trust Fund; clarifying benefit requirements; providing for responsibilities of the Board of Regents and institutions in the State University System; amending s. 121.40, F.S., relating to the supplemental retirement benefits provided for certain personnel at the Institute of Food and Agricultural Sciences at the University of Florida; providing for the deduction of certain payments from the monthly benefit payment; providing legislative intent with respect to the amendments made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Williams, **CS for SB 1684** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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.

—was read the third time by title.

On motion by Senator McKay, **CS for SB 1722** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Clary

SB 1976—A bill to be entitled An act relating to the Construction Industry Recovery Fund; amending s. 489.143, F.S.; increasing the aggregate amount that may be paid for claims against any one certificateholder or registrant; providing an effective date.

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

On motion by Senator Forman, **SB 1976** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Scott	Sullivan	Turner	Williams
Silver	Thomas		

Nays—None

CS for SB 1452—A bill to be entitled An act relating to condominiums and cooperative property; amending ss. 718.103, 719.103, F.S.; defining the term "buyer"; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Dudley, **CS for SB 1452** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Horne, by two-thirds vote **HB 1901** was withdrawn from the Committees on Education; Governmental Reform and Oversight; and Ways and Means.

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

HB 1901—A bill to be entitled An act relating to job training; creating s. 446.609, F.S.; creating a school-to-work program entitled "Jobs for Florida's Graduates"; providing definitions and intent; providing requirements for school and student participation; creating an endowment fund and providing for appropriations and gifts; providing for the investment and deposit of funds in an operating account; creating an endowment foundation as a direct-support organization; providing duties of the foundation and a foundation board of directors; providing program outcome goals; providing for use of funds and startup funding; providing for accreditation; requiring an annual audit; providing for assessment of program results; requiring an annual report; providing for rules; requiring legislative review of the program; creating a pilot apprenticeship program; providing for positions and funding; providing an effective date.

—a companion measure, was substituted for **CS for SB 1736** as amended and read the second time by title. On motion by Senator Horne, by two-thirds vote **HB 1901** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 4231—A bill to be entitled An act relating to the Long-Term Care Community Diversion Pilot Project Act; amending s. 430.705, F.S.; providing for choice, to the extent possible, of long-term care service providers affiliated with an individual's religious faith or denomination; providing an effective date.

—was read the third time by title.

On motion by Senator Rossin, **HB 4231** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 2128—A bill to be entitled An act relating to regulation of professions; amending ss. 455.209, 455.213, 455.218, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.225, F.S.; revising probable-cause provisions; prescribing authority of the department or a board in cases of failure to comply with continuing-education requirements; conforming provisions to a previous administrative reorganization; amending s. 455.2285, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.667, F.S.; revising provisions relating to ownership and control of patient records; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards under the department to refuse to issue an initial license under circumstances relating to ongoing investigations or prosecutions of certain applicants; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending ss. 458.320 and 459.0085, F.S.; revising notice requirements of financial responsibility for physicians and osteopathic physicians; repealing s. 455.661, F.S., relating to licensure of designated health services; amending s. 458.337, F.S.; requiring the Department of Health to notify health maintenance organizations of specified disciplinary action against physicians; amending s. 459.016, F.S.; requiring the Department of Health to notify health maintenance organizations of specified disciplinary action against osteopathic physicians; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 415.1055, 415.5055, 415.51, 440.13, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.404, 460.4061, 460.407, 461.004, 461.007, 461.013, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, and 937.031, F.S.; correcting references, cross-references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; authorizing the department to issue a physicist-in-training certificate; authorizing the Board of Medicine to adopt by rule practice standards; authorizing the Board of Osteopathic Medicine to adopt by rule practice standards; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, 641.60, F.S.; correcting cross-references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 381.026, 381.0261, 381.0302, 395.0191, 395.1041, 395.301, 404.22, 409.906, 415.503, 440.106, 440.13, 440.134, 440.15, 455.684, 455.691, 455.697, 455.698, 456.31, 456.32, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013,

461.0134, 461.014, 461.015, 461.018, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 627.912, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 893.02, 984.03, F.S.; revising terminology relating to podiatry and podiatrists; authorizing dentists and dental hygienists to be governmental contractors; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; requiring the Department of Health to adopt rules governing insurance coverage for midwives; amending s. 455.564, F.S.; requiring that the Department of Health issue certain identification cards and certificates; requiring that the Department of Health or a regulatory board adopt rules governing alternative methods by which licensees may obtain continuing education credits in risk management; amending s. 455.574, F.S.; requiring the Department of Health to adopt rules governing licensure examinations; amending s. 468.705, F.S.; requiring that the Department of Health adopt rules governing a protocol between athletic trainers and supervising physicians; amending s. 865.09, F.S., relating to fictitious name registration; providing certain exemptions for persons licensed by the Department of Health; amending ss. 627.6407, 627.6619, F.S.; providing conditions for health insurance coverage of massage; amending s. 458.317, F.S.; providing requirements for a physician who practices under a limited license; amending s. 465.019, F.S.; providing emergency room physician authority to dispense up to a 24-hour drug supply to a patient under certain circumstances; amending s. 468.703, F.S.; revising requirements for members of the Council of Athletic Training; amending s. 766.204, F.S.; revising procedures for the availability of medical records; amending s. 483.901, F.S.; revising a deadline for issuance of certain licenses to practice medical physics; amending ss. 458.345, 459.021, F.S.; revising the requirements for a hospital's submission of reports on resident physicians, interns, and fellows; amending ss. 20.43, 322.125, 381.0031, 381.0302, 382.002, 395.0195, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 455.564, 455.654, 455.684, 455.691, 455.694, 456.31, 456.32, 459.002, 460.403, 460.404, 460.405, 460.406, 460.408, 460.411, 460.412, 460.413, 460.4166, 462.01, 468.301, 468.302, 468.314, 476.044, 477.0135, 483.901, 486.021, 486.161, 621.03, 627.351, 627.357, 627.6482, 641.316, 725.01, 766.101, 766.102, 766.103, 817.234, and 945.047, F.S.; revising terminology relating to chiropractic medicine; retitling chapter 460, F.S., to conform; providing form of professional licenses; providing an appropriation to the Department of Health to develop the examination required for foreign-licensed physicians; providing examination fees; providing an expiration date; amending s. 490.005, F.S.; revising requirements for licensure as a psychologist by examination to grandfather in certain applicants; providing an effective date.

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

On motion by Senator Myers, **CS for SB 2128** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Dyer	Jones	Ostalkiewicz
Bronson	Forman	Kirkpatrick	Rossin
Campbell	Geller	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dudley	Horne	Myers	

Nays—3

Brown-Waite	Burt	Latvala

CS for SB 2092—A bill to be entitled An act relating to child care facilities; amending s. 402.302, F.S.; excluding operators of transient establishments from the definition of "child care facility"; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; 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.

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

On motion by Senator Dyer, **CS for SB 2092** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 400—A bill to be entitled An act relating to state financial accountability; creating the Florida Single Audit Act; providing intent and findings; creating s. 216.3491, F.S.; providing purposes of the act; providing definitions; providing duties of the Executive Office of the Governor, the Comptroller, and state agencies that award state funds to nonstate agencies to carry out state projects; providing conditions on nonstate agencies' receipt of state funds; requiring recipients and subrecipients of state funds to obtain audits; prescribing standards for such audits; prescribing duties of auditors; providing for access to records; prescribing duties of the Auditor General; repealing s. 216.349, F.S., relating to financial review of grants and aids appropriations; amending s. 265.2861, F.S., to conform; providing applicability; providing an effective date.

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

On motion by Senator Burt, **SB 400** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 4039—A bill to be entitled An act relating to state lands; creating s. 253.0345, F.S.; providing for special events; providing an effective date.

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

On motion by Senator Campbell, **HB 4039** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Gutman	Kirkpatrick	McKay	Sullivan
Hargrett	Klein	Meadows	Thomas
Harris	Kurth	Myers	Turner
Holzendorf	Latvala	Ostalkiewicz	Williams
Horne	Laurent	Rossin	
Jones	Lee	Silver	

Nays—None

CS for SB 1752—A bill to be entitled An act relating to health insurance; amending s. 636.016, F.S.; requiring prepaid limited health service contracts to provide certain information; requiring prepaid limited health service organizations to provide certain information; amending s. 636.038, F.S.; requiring prepaid limited health service organizations to report certain information annually; providing an effective date.

—was read the third time by title.

On motion by Senator Cowin, **CS for SB 1752** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 854—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Sheriffs Youth Ranches license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

On motion by Senator Williams, **SB 854** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for HB 3107—A bill to be entitled An act relating to sexual predator registration; amending s. 775.21, F.S.; revising an exception to sexual predator registration requirements; revising the conditions for removal of sexual predator designation by the court; requiring filing of the petition for removal in the circuit of the sexual predator's residence; extending from 10 years to 20 years the minimum period following the sexual predator's release during which the predator may not have been arrested before petitioning the court to remove the sexual predator designation; requiring the petitioner to make certain demonstrations to the court with respect to lack of arrest and compliance with federal standards for removal of designation as a predator; permitting the removal of designation only when the court is satisfied the petitioner is not a threat to the public safety; requiring specified notice of hearing on the petition to the state attorney in the circuit where filed; allowing the state attorney to present evidence in opposition to the petition; allowing the court to establish date for rehearing of petition, if denied; providing an effective date.

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

On motion by Senator Grant, **CS for HB 3107** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Dudley—

CS for SB 1466—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; revising provisions pertaining to the bond of a contractor constructing public buildings; providing for revised time periods for certain claims; revising forms for waiver of right to claim against bond; providing for written statements to the contractor with respect to the nature of labor or services performed in certain circumstances; providing for the maintenance of actions in law and in equity for breach of contract on public works projects; amending s. 713.01, F.S.; redefining the terms "improve," "improvement," "subcontractor," and "sub-subcontractor" to include reference to solid-waste removal; amending s. 713.06, F.S.; revising provisions relating to contractor's affidavit; amending s. 713.132, F.S.; revising requirements pertaining to service of notice of termination; amending s. 713.18, F.S.; revising requirements pertaining to service of documents; amending s. 713.23, F.S.; amending the timeframe within which certain actions to enforce a claim against the payment bond may commence; providing a form; creating s. 713.235, F.S.; providing for waivers of right to claim against a payment bond; providing forms; amending s. 713.24, F.S.; revising the process for transferring liens to security; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 2, lines 5 and 6, delete those lines and insert: 255.05, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

Amendment 2—On page 3, line 30, delete "*A*" and insert: *If a claimant is no longer furnishing labor, services, or materials on a project, a*

Amendment 3—On page 7, delete line 26 and insert: *claimant, serve a written demand on any claimant who is not in privity with the contractor for a*

Amendment 4—On page 8, delete line 2 and insert: *claimant who is not in privity with the contractor must be served on the claimant at the address and to*

Amendment 5 (with title amendment)—On page 8, line 27 through page 9, line 11, delete those lines

And the title is amended as follows:

On page 1, lines 10-13, delete those lines and insert: performed in certain circumstances; amending s. 713.01, F.S.; redefining

Pursuant to Rule 4.19, **CS for SB 1466** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR BURT PRESIDING

On motion by Senator Gutman, by two-thirds vote **CS for HB 3255** was withdrawn from the Committees on Criminal Justice; Judiciary; and Ways and Means.

On motion by Senator Gutman—

CS for HB 3255—A bill to be entitled An act relating to court costs to fund law enforcement programs; creating s. 938.06, F.S.; imposing an additional court cost on fines for criminal offenses in county and circuit courts; providing for deposit in the Crime Stoppers Trust Fund; amending s. 16.555, F.S.; providing for distribution of such funds in the trust fund by the Department of Legal Affairs to counties to support official Crime Stoppers and their programs; amending s. 318.18, F.S.; including the court cost assessed pursuant to s. 938.15 in court costs for noncriminal traffic infractions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 502** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3255** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 978—A bill to be entitled An act relating to trust funds; creating the Crime Stoppers Trust Fund; providing for administration of the fund; providing for termination; providing for review; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **SB 978** to **HB 3659**.

Pending further consideration of **SB 978**, on motion by Senator Gutman, by two-thirds vote **HB 3659** was withdrawn from the Committees on Criminal Justice; Judiciary; and Ways and Means.

On motion by Senator Gutman—

HB 3659—A bill to be entitled An act relating to trust funds; creating the Crime Stoppers Trust Fund; providing for administration of the fund; providing for termination; providing for review; providing an effective date.

—a companion measure, was substituted for **SB 978** and read the second time by title.

Pursuant to Rule 4.19, **HB 3659** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1506—A bill to be entitled An act relating to marine resources; amending s. 253.72, F.S.; providing restrictions for certain areas for harvesting shellfish; amending s. 370.06, F.S.; providing an exemption for totally disabled residents for a restricted species endorsement; providing qualifications for the issuance of a marine life endorsement on a saltwater products license; providing for a moratorium on the issuance of endorsements; providing for the transfer and reissuance of endorsements; providing for a report; amending s. 370.0608, F.S.; revising the distribution of funds collected from the sale of recreational saltwater fishing licenses; amending s. 370.092, F.S.; providing specific rulemaking authority for the regulation of nets on boats of a specific length; directing the Marine Fisheries Commission to adopt rules prohibiting the possession and sale of mullet taken in illegal gill or entangling nets; providing a penalty for violations; amending s. 370.093, F.S.; authorizing the Marine Fisheries Commission to adopt rules implementing s. 370.093, F.S.; amending s. 370.142, F.S.; providing for a surcharge to be assessed upon the initial transfer of a transferable crawfish trap certificate outside the original transferor's immediate family; prohibiting the lease of lobster trap certificates after July 1, 1998; providing additional penalties for violations relating to traps; providing for the continuation of the Marine Fisheries Commission notwithstanding its scheduled abolition; amending s. 370.13, F.S.; restricting the issuance of stone crab trap numbers until July 1, 2000; providing for renewal under certain circumstances; amending s. 370.135, F.S.; restricting the issuance of new blue crab endorsements for a certain period of time; providing for renewal or replacement under certain circumstances; amending s. 370.021, F.S.; providing additional penalties for violations involving buying saltwater products from an unlicensed seller or the sale of saltwater products by an unlicensed seller; authorizing the suspension, revocation, or denial of renewal of licenses for specified major violations involving finfish, shrimp, marine life species, crawfish, stone crabs, and blue crabs; requiring clerks of courts to certify the final disposition of specified court proceedings to the Department of Environmental Protection; amending s. 370.07, F.S.; authorizing the sharing of wholesale saltwater products dealer reports with other states under specified conditions; providing civil penalties for violation of recordkeeping and reporting requirements; prohibiting a licensed retail dealer or a licensed restaurant from buying saltwater products from any person other than a licensed wholesale or retail dealer; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permits; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.135(2) and (3), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), and (e) and (5)(b) and (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing s. 370.1127, F.S., relating to mullet regulation west of the Ochlockonee River; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 4, between lines 9 and 10, insert:

Section 2. Subsection (12) of section 370.01, Florida Statutes, is amended to read:

370.01 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(12) "Food fish" shall include mullet, trout, redfish, sheepshead, pompano, mackerel, bluefish, red snapper, grouper, *black drum, jack crevalle,* and all other fish generally used for human consumption.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 370.01, F.S.; defining food fish for human consumption;

Amendment 2—On page 13, lines 3-5, delete those lines and insert:

c. Not less than *27.5* ~~30~~ percent of the total fees collected, for marine research.

d. Not less than 30 percent of the total fees

Amendment 3 (with title amendment)—On page 13, line 26 through page 14, line 15, delete those lines and insert:

(3)*(a) Notwithstanding subsections (1) and (2), unless authorized by rule of the Marine Fisheries Commission, it is a major violation under this section, punishable as provided in subsection (4), for any person, firm, or corporation to possess any gill or entangling net, or any seine net larger than 500 square feet in mesh area, on any airboat or on any other vessel less than 22 feet in length and on any vessel less than 25 feet if*

primary power of the vessel is mounted forward of the vessel center point. Gill or entangling nets shall be as defined in s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or in a rule of the Marine Fisheries Commission implementing s. 16, Art. X of the State Constitution. Vessel length shall be determined in accordance with current U.S. Coast Guard regulations specified in the Code of Federal Regulations or as titled by the State of Florida. The Marine Fisheries Commission is directed to initiate by July 1, 1998, rulemaking to adjust by rule the use of gear on vessels longer than 22 feet where the primary power of the vessel is mounted forward of the vessel center point in order to prevent the illegal use of gill and entangling nets in state waters and to provide reasonable opportunities for the use of legal net gear in adjacent federal waters.

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: creating a major violation for the possession of specified nets on certain vessels;

Amendment 4 (with title amendment)—On page 15, lines 22-28, delete those lines and insert:

Section 5. Section 370.093, Florida Statutes, is amended to read:

370.093 Illegal use of nets.—

(1) It is unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net that is not consistent with the provisions of s. 16, Art. X of the State Constitution.

(2)(a) Beginning July 1, 1998, it is also unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net, as defined in subsection (3) and any attachments to such net, that combined are larger than 500 square feet and have not been expressly authorized for such use by rule of the Marine Fisheries Commission under s. 370.027. The use of currently legal shrimp trawls and purse seines outside nearshore and inshore Florida waters shall continue to be legal until the commission implements rules regulating those types of gear.

(b) The use of gill or entangling nets of any size is prohibited, as such nets are defined in s. 16, Art. X of the State Constitution. Any net constructed wholly or partially of monofilament or *multistrand monofilament* ~~multifilament~~ material, other than a hand thrown cast net, or a handheld landing or dip net, shall be considered to be an entangling net within the prohibition of s. 16, Art. X of the State Constitution unless specifically authorized by rule of the commission. *Multistrand monofilament* ~~Multifilament~~ material shall not be defined to include nets constructed of braided or twisted nylon, cotton, linen twine, or polypropylene twine.

(c) This subsection shall not be construed to apply to aquaculture activities licenses issued pursuant to s. 370.26.

(3) As used in s. 16, Art. X of the State Constitution and this subsection, the term "net" or "netting" must be broadly construed to include all manner or combination of mesh or webbing or any other solid or semi-solid fabric or other material used to comprise a device that is used to take or harvest marine life.

(4) Upon the arrest of any person for violation of this subsection, the arresting officer shall seize the nets illegally used. Upon conviction of the offender, the arresting authority shall destroy the nets.

(5) Any person who violates this section shall be punished as provided in s. 370.092(4).

(6) The Marine Fisheries Commission is granted authority to adopt rules pursuant to ss. 370.025 and 370.027 implementing *this section and* the prohibitions and restrictions of s. 16, Art. X of the State Constitution.

And the title is amended as follows:

On page 1, line 23, after the comma (,) insert: prohibiting the use of certain nets composed of specified materials; providing a definition;

Amendment 5—On page 28, line 6 through page 35, line 3, delete those lines and insert:

Section 10. Subsection (4) is added to section 370.021, Florida Statutes, to read:

370.021 Administration; rules, publications, records; penalty for violation of chapter; injunctions.—

(4) In addition to being subject to other penalties provided in this chapter, any violation of ss. 370.06 or 370.07, or rules of the department implementing ss. 370.06 or 370.07, involving buying saltwater products from an unlicensed person, firm, or corporation, shall be a major violation, and the department may assess the following penalties:

1. For a first violation, the department may assess a civil penalty of up to $2,500 and may suspend the wholesale and/or retail dealer's license privileges for up to 90 calendar days.

2. For a second violation occurring within 12 months of a prior violation, the department may assess a civil penalty of up to $5,000 and may suspend the wholesale and/or retail dealer's license privileges for up to 180 calendar days.

3. For a third or subsequent violation occurring within a 24 month period, the department shall assess a civil penalty of $5,000 and shall suspend the wholesale and/or retail dealer's license privileges for up to 24 months.

Any proceeds from the civil penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund and shall be used as follows: 40 percent for administration and processing purposes; and 60 percent for law enforcement purposes.

Amendment 6—On page 35, lines 28-31, delete those lines and insert: *preserve confidentiality as established by Florida law.*

Amendment 7 (with title amendment)—On page 37, lines 1-23, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 2-23, delete those lines and insert: dealer;

Amendment 8 (with title amendment)—On page 37, line 1, insert:

Section 12. Subsection (6) is added to section 370.1405, Florida Statutes, to read:

370.1405 Crawfish reports by dealers during closed season required.—

(6) The Department of Environmental Protection is authorized to adopt rules incorporating by reference such forms as are necessary to implement the provisions of this section.

And the title is amended as follows:

On page 1, line 26, before "amending" insert: amending s. 370.1405, F.S.; authorizing the Department of Environmental Protection to adopt certain rules;

Pursuant to Rule 4.19, **CS for SB 1506** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1338** was deferred.

On motion by Senator Dyer—

CS for SB 814—A bill to be entitled An act relating to public records; creating s. 252.943, F.S.; providing an exemption from public records provisions for information provided by a stationary source subject to the Accidental Release Prevention Program under the federal Clean Air Act; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 814** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

CS for SB 1686—A bill to be entitled An act relating to ad valorem taxation (RAB); amending s. 193.075, F.S.; providing for certain recreation vehicle-type units to be considered mobile homes for purposes of ad valorem taxation; amending s. 197.162, F.S.; providing for discounts on early tax payments; amending s. 197.182, F.S.; providing for automatic refunds of overpayments of tax greater than $5; amending s. 197.243, F.S.; redefining the term "household" to exclude boarders and renters; amending s. 197.252, F.S.; providing a formula for estimating household income; amending s. 197.253, F.S.; providing for notification by the property appraiser concerning homestead status; amending s. 197.332, F.S.; providing for collection of penalties, interest, and costs for delinquent taxes; amending s. 197.344, F.S.; providing for tax notices for lienholders, trustees, and vendees; amending s. 197.413, F.S.; providing for advertising costs to be added to delinquent taxes at the time of advertising; amending s. 197.432, F.S.; prescribing conditions for bidding on tax certificates; amending s. 197.443, F.S.; providing for recouping costs of advertising void tax certificates; providing for cancellation of tax certificates at the request of the owner; amending s. 197.542, F.S.; authorizing the clerk to refuse certain bids for lands sold at public auction; creating s. 197.4325, F.S.; providing a procedure for handling bad checks received for payment of taxes or tax certificates; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1686** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

CS for SB 1688—A bill to be entitled An act relating to taxation (RAB); amending s. 212.02, F.S.; redefining the term "retail sales" to revise standards for the exclusion of packaging materials; redefining the term "sales price" to exclude certain federal tax; redefining the term "use" to exclude the loan of an automobile for use by a driver education program; amending s. 212.03, F.S.; revising provisions for eligibility for the exemption provided for rental in trailer parks and similar facilities; amending s. 212.031, F.S.; providing partial exemption for rentals of certain property used as residential facilities for the aged; exempting utility charges paid by a tenant in specified circumstances; providing taxability of charges for canceling or terminating a lease; amending s. 212.04, F.S.; providing standards for determining taxability of components of packages sold by travel agents; exempting fees for entering sporting events from the admissions tax when spectators at such events are charged the tax; amending s. 212.05, F.S.; prescribing the entities that are considered selling dealers for purposes of the sales, storage, and use tax on aircraft and boats; providing for return of aircraft to the state without incurring tax liability in certain circumstances; providing taxability for property originally exempt which is converted to the owner's use; providing guidelines for taxability of lease or rental of motor vehicles; providing taxability of sales of newspapers; providing guidelines for taxability of newspaper and magazine inserts; providing taxability of certain sales by florists; providing for calculating tax on prizes distributed by concessionaires; amending s. 212.06, F.S.; providing taxability of newspapers, magazines, and periodicals used by the publisher thereof; amending s. 212.18, F.S.; providing for rules relating to registration of vending machines and newspaper rack machines; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1688** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Ostalkiewicz—

CS for SB 1690—A bill to be entitled An act relating to taxes on sales, use, and other transactions (RAB); amending s. 212.0506, F.S.; revising guidelines for tax liability of service warranties; amending s. 212.0515, F.S.; providing tax liability for sales of nonfood items from vending machines; revising eligibility for rewards; amending s. 212.054, F.S.; revising guidelines for determination of exemption from partial sales surtaxes; amending s. 212.0598, F.S.; revising provisions relating to determination of air carriers' tax liability; amending s. 212.06, F.S.; revising guidelines for determining tax liability of certain personal property; providing a presumption with respect to tax liability for sales of motor vehicles; providing for a use tax on certain aircraft; defining the terms "real property," "fixtures," and "improvements to real property," for purposes of determining when a person is improving real property; providing guidelines for determining tax liability on rock, shell, fill dirt, and similar materials; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1690** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

CS for SB 1692—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.02, F.S.; defining the terms "itinerant merchant," "flea market operator, manager, lessor, or owner," "agricultural commodity," "farmer," and "livestock"; amending s. 212.07, F.S.; prescribing dealer liability for certain tax; prescribing tax liability for sales of race horses in claiming races; amending s. 212.08, F.S.; exempting certain sales of racing dogs; disallowing a sales tax exemption for purchases made by an employee of an exempt organization when such payment is made by the employee; amending s. 212.09, F.S.; revising provisions regulating credits for trade-ins; amending s. 212.17, F.S.; providing for reimbursement of certain taxes paid by dealers; amending s. 212.18, F.S.; prescribing procedures for remittance of tax on sales at flea markets; providing an effective date.

—was read the second time by title.

Senator Ostalkiewicz moved the following amendments which were adopted:

Amendment 1—On page 1, lines 25 and 26, delete "(29), (30), and (31)" and insert: and (29)

Amendment 2 (with title amendment)—On page 2, lines 1-19, delete those lines and redesignate subsequent subsections.

And the title is amended as follows:

On page 1, lines 4-6, delete those lines and insert: F.S.; defining the terms "agricultural commodity," "farmer," and

Amendment 3—On page 30, lines 19 and 20, delete those lines and insert: Statutes, is amended to read:

Amendment 4—On page 31, lines 5-10, delete those lines and insert: reasonably require. The department may appoint the

Amendment 5 (with title amendment)—On page 34, line 13 through page 37, line 2, delete those lines

And the title is amended as follows:

On page 1, lines 19 and 20, delete those lines and insert: 212.18, F.S.; providing for revocation of a dealer's certificate of registration;

Pursuant to Rule 4.19, **CS for SB 1692** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

CS for SB 1694—A bill to be entitled An act relating to taxation (RAB); amending s. 212.08, F.S., relating to the tax on sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; exempting additional medical supplies and equipment; defining the term "prescriptions"; revising the exemption for school books and school lunches; providing exemptions with respect to parent-teacher organizations and associations, to schools with grades K through 12, to mobile home lot improvements, and to sales of certain personal property supported through the Veterans Administration; providing a partial exemption for certain commercial fishing vessels; providing guidelines for determining applicability of sales surtaxes

to certain transactions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining the taxability of specific products; providing membership requirements; amending s. 213.22, F.S.; providing for the issuance of technical assistance advisements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1694** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

CS for SB 1696—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.08, F.S.; revising eligibility standards for the partial exemption for farm equipment; providing additional uses to which equipment may be put and be eligible for the exemption; revising exemption standards for water; exempting disinfectants, pesticides, weed killers, certain seeds, cuttings, seedlings, plants, and specified packaging items in agricultural use; exempting paint color cards and other color samples available at no charge; providing guidelines for determining applicability of exemption for sales to a governmental entity to sales of tangible personal property to contractors for incorporation into public works; providing guidelines for determining applicability of sales surtaxes to certain transactions; authorizing aircraft to be returned to the state under specified circumstances without incurring tax liability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1696** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **HB 4143** was withdrawn from the Committees on Regulated Industries and Judiciary.

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

HB 4143—A bill to be entitled An act relating to emergency telephone number "911" services; amending s. 365.171, F.S.; providing for indemnification and limitation of liability for wireless telecommunications service providers that provide 911 service; providing an effective date.

—a companion measure, was substituted for **CS for SB 2164** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 4143** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 292—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information about patients of home medical equipment providers which is obtained by employees or service providers or the licensing agency; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a home medical equipment provider in connection with background screening of prospective employees of the provider; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 292** to **CS for CS for HB 757**.

Pending further consideration of **SB 292** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for CS for HB 757** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight.

On motion by Senator Brown-Waite—

CS for CS for HB 757—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information about patients of home medical equipment providers which is obtained by employees or service providers or the licensing agency; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a home medical equipment provider in connection with background screening of prospective employees of the provider; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 292** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 757** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1300** and **SB 1302** was deferred.

On motion by Senator Grant—

CS for CS for SB's 1124, 2048 and 1120—A bill to be entitled An act relating to workforce development; creating an incentive grant program; requiring certain administrative procedures; requiring certain data analysis and reports; providing an implementation schedule; providing a definition; amending s. 229.551, F.S.; providing for nonpublic postsecondary education institutions to use the common course designation and numbering system used by public institutions; amending s. 229.8075, F.S.; requiring job retention data to be collected; amending s. 236.081, F.S.; deleting a school district responsibility for funding certain community college programs; amending s. 239.105, F.S.; amending definitions; amending s. 239.115, F.S., relating to funds for operation of adult general education and vocational education programs; revising provisions relating to workforce development education programs; changing the name of the associate in applied technology degree to the applied technology diploma; revising provisions relating to funding through the Workforce Development Education Fund; providing duties relating to workforce development programs and funding; providing for use of funds; amending s. 239.117, F.S.; revising calculation of fees required of students in workforce development programs; deleting certain requirements for application for student financial assistance; amending ss. 240.3031, 240.311, F.S.; renaming the State Community College System; amending s. 239.213, F.S., relating to vocational-preparatory instruction; deleting obsolete provisions; amending s. 239.229, F.S., relating to vocational standards; conforming provisions; amending s. 239.233, F.S.; requiring job-retention data; amending s. 239.301, F.S.; revising adult general education provisions; amending s. 240.115, F.S.; providing guidelines for awarding credit for transfer students; revising s. 240.35, F.S.; revising calculation of fees required of students in community college programs; amending s. 240.359, F.S.; providing funding for college preparatory coursework; amending ss. 446.011, 446.041, 446.052, F.S.; deleting responsibilities of the Division of Public Schools and Community Education; providing a 1998-1999 fee schedule for certain programs; authorizing waivers; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 21, lines 17-19, delete those lines and insert: *these adult basic education courses for the elderly may be provided in a separate categorical subject to*

Senator Horne moved the following amendments which were adopted:

Amendment 2—On page 29, line 27, after "education" insert: *for school districts and community colleges*

Amendment 3—On page 38, line 17, after "*representing*" insert: *school districts,*

Amendment 4—On page 53, line 25 through page 54, line 9, delete those lines and insert:

Section 23. *(1) The State Board of Education shall adopt an implementation schedule that establishes standard fees for instruction in certificate career education and continuing workforce education offered by community colleges and school districts. The schedule shall establish fees for the 1998-1999 school year and shall take effect in the fall term of 1998. This implementation schedule must provide a transition in fee levels from the 1997-1998 fees to the level established in this act, and must provide authority for local educational agencies to vary their fees by 10 percent below the standard. However, the fee schedule must not require an educational agency to reduce its fees to reach the standard fee level.*

(Redesignate subsequent sections.)

Amendment 5 (with title amendment)—On page 54, between lines 13 and 14, insert:

Section 24. *(1) The Commissioner of Education and the Executive Director of the State Board of Community Colleges shall continue to investigate issues related to implementation of this act, especially those issues associated with:*

(a) The adoption of common reporting formats and common timeframes associated with the Workforce Development Information System;

(b) The expansion of electronic transcript systems;

(c) The implementation of occupational completion points and literacy completion points;

(d) The consolidation of state and federal workforce development funds into a common administrative entity; and

(e) The elimination of duplicative reporting requirements.

(2) The commissioner and director shall report to the Executive Office of the Governor and the Legislature before December 31, 1998, on the progress of the implementation of the provisions of this act and this section. The report must indicate recommendations for changes in law or policy.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: requiring that the Commissioner of Education and the Executive Director of the State Board of Community Colleges investigate issues related to implementing the act; requiring a report to the Governor and the Legislature;

Amendment 6 (with title amendment)—On page 54, between lines 13 and 14, insert:

Section 24. *There is established the Employment Task Force for Adults with Disabilities, to be composed of an equal number of members appointed by the Commissioner of Education and the Executive Director of the State Board of Community Colleges. The commissioner shall appoint an additional member to serve as chairperson. Composition of the task force must include representation from organizations and state agencies that provide services to people with disabilities and people who receive services through programs that enroll adults with disabilities.*

(1) The task force shall:

(a) Review current programs that provide education for adults with disabilities and identify those that are appropriately funded by the Workforce Development Education Fund or the categorical fund created in Specific Appropriations 119-A and 157-A of the Conference Report on House Bill 4201. If the task force identifies programs that are appropriate for funding from both sources, it shall define conditions of the programs or the students that make the dual funding appropriate.

(b) Identify and classify programs conducted for adults with disabilities and report the number of adults with disabilities enrolled in those programs and in other workforce development education programs during the 1997-1998 and 1998-1999 school years.

(c) Review the expenditure of funds by school districts and community colleges for educational programs for adults with disabilities. This review includes identifying programs in which funds are used with maximum efficiency and an analysis of the characteristics of effective and efficient funding methods.

(d) Identify and recommend remedies for conditions that could preclude the participation of people who are capable of working toward competitive employment.

(2) The Department of Education shall provide staff to assist the task force. Task force members may be reimbursed for travel expenses as provided in section 112.061, Florida Statutes.

(3) The task force shall submit a report to the Commissioner of Education by December 1, 1998. The report may include recommendations for changes in policy, rule, or law to increase the effectiveness of programs that enroll adults with disabilities.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: creating the Employment Task Force for Adults with Disabilities to review programs that provide education for adults with disabilities; providing for the appointment of members of the task force; requiring that the Department of Education provide staff to assist the task force; providing for reimbursement for travel expenses; requiring that the task force report to the Commissioner of Education;

Amendment 7 (with title amendment)—On page 54, between lines 13 and 14, insert:

Section 24. *(1) The State Board of Community Colleges shall identify procedures that will encourage the joint use of facilities by community colleges and school districts for the purpose of conducting educational programs in workforce development.*

(2) The board shall report its findings and recommendations to the Legislature by December 1, 1998.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: requiring the State Board of Community Colleges to identify procedures to encourage the joint use of facilities for specified programs; requiring the board to report to the Legislature;

Pursuant to Rule 4.19, **CS for CS for SB's 1124, 2048 and 1120** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

CS for SB 1270—A bill to be entitled An act relating to public funds; providing for the appropriation of revenues obtained as a result of the settlement of litigation involving the tobacco industry; providing for specified amounts to be appropriated to the Department of Health to continue implementing the Florida Kids Campaign Against Tobacco Pilot Program; providing for additional appropriations of revenues to be used for marketing, education and training, youth programs, and community partnerships; providing an appropriation to the Department of Business and Professional Regulation; requiring that such funds be used to enforce laws governing access to and possession of tobacco products by underage persons; providing for an evaluation of the pilot program; providing for program coordination and administrative support; providing an appropriation to the Working Capital Fund; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 6, between lines 10 and 11, insert:

Section 3. *The following guidelines shall be applied to the expenditure of all funds paid to the State of Florida as a result of litigation entitled The State of Florida et al. v. American Tobacco Company et al., Case #95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County:*

(1) The Legislature asserts its rights to appropriate all funds awarded to the state through the tobacco settlement. Before any funds are released, the Legislature must approve all program and funding proposals.

(2) Funds received from the tobacco settlement should not be deposited in the General Revenue Fund. Instead, a trust fund should be created solely for the purpose of receiving and managing settlement funds, so that a full and complete record of all budget and expenditure actions is maintained.

(3) Some portion of settlement funds received each year should be placed in escrow to create a long-term funding stream.

(4) Administrative costs associated with programs and providers that receive funds from the tobacco settlement should be set at a reasonable level, consistent with best-management practices.

(5) Funds should be spent on children's health services, as provided for in the settlement, and settlement funds may be used to match federal funds available under Title XXI.

(6) Local law enforcement agencies, businesses, and school districts should be involved in enforcement efforts as appropriate to the mission of each organization.

(7) Funds received from the tobacco settlement may not be used for advertising that includes the name, voice, or likeness of any elected or appointed public official.

(8) Greater emphasis should be placed on funding education, training, and enforcement programs, such as classroom programs, after-school programs, "tobacco-free" sports programs, peer mentoring programs, and museum, science, and discovery programs than is placed on the funding of advertising.

(9) Reimbursement should be provided to local governments that have borne costs of tobacco-related Medicaid patient care.

(10) Tobacco use should be treated as substance abuse for purposes of providing cessation and counseling programs. Youth and adult smoking cessation programs, with appropriate incentives, should be supported by tobacco funds.

(11) State funds may not be used to support a national or "global" settlement.

(12) County health departments must administer funds provided to each local coalitions that is not specifically granted an exemption by the Legislature. Exemptions from requirements to administer coalition programs by county health departments shall be limited to established administrative entities that meet a test of several criteria established by the Department of Health and may not include provider agencies that could receive funding from the settlement.

(13) Consideration should be given to providing additional funding for public and not-for-profit hospitals, clinics, and medical schools that treat patients with tobacco-related illnesses, and to investing in the Med Access/Medical Buy-In Program for uninsured or underinsured employees of small businesses.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: specifying guidelines to be applied by the Legislature in expending funds paid to the state as a result of the settlement of litigation involving the tobacco industry; providing that funds should be deposited into a trust fund rather than into the General Revenue Fund; providing that funds should be spent on children's health services and on education, training, and enforcement programs; prohibiting the use of such funds to support a national settlement; requiring county health departments to administer certain funds unless granted an exemption;

Pursuant to Rule 4.19, **CS for SB 1270** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

CS for SB 1810—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; disqualifying persons convicted of a DUI offense from obtaining a concealed weapons license; providing for an annual records check of licenseholders; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1810** to **CS for HB 3713**.

Pending further consideration of **CS for SB 1810** as amended, on motion by Senator Harris, by two-thirds vote **CS for HB 3713** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Harris—

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.

—a companion measure, was substituted for **CS for SB 1810** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3713** was placed on the calendar of Bills on Third Reading.

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

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.

—which was previously considered this day. Pending **Amendment 2** by Senators Forman and Silver failed.

Senator Gutman moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 8, between lines 12 and 13, insert:

Section 11. *Ofelia Perez-Roura Memorial Way; Department of Transportation to erect suitable markers.—*

(1) That portion of S.W. 24th Street (known as Coral Way) extending between S.W. 28th Avenue and S.W. 29th Avenue in Miami is designated as the "Ofelia Perez-Roura Memorial Way."

(2) The Department of Transportation is directed to erect suitable markers designating the "Ofelia Perez-Roura Memorial Way" as described in subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 9, after the semicolon (;) insert: designating a portion of Coral Way in Miami as the "Ofelia Perez-Roura Memorial Way" directing the Department of Transportation to erect suitable markers;

Pursuant to Rule 4.19, **CS for SB 1014** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of motions and announcements.

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, April 28.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, April 27, 1998: CS for CS for SB's 1124, 2048 and 1120, SB 1270, CS for SB 1810, CS for CS for SB 1576, SB 300, CS for CS for SB 352, CS for SB 1162, CS for CS for SB 1190, CS for SB 1374, CS for SB 2074, CS for SB 2100, CS for SB 2342, CS for CS for SB 1554, CS for SB 772, CS for SB 2484, SB 1034, SB 970, SJR 1610, SB 404, SB 1950, CS for SB 28, CS for SB 462, CS for CS for SB 714, SB 1416, CS for CS for SB 1074, CS for SB 336, CS for SB 58, CS for SB 640, SB 1582, CS for SB 1922, CS for SB 1992, SR 2108, CS for SB 2172, CS for SB 1442, CS for SB 1868, CS for CS for SB 882, CS for SB 1924, CS for SB 2356, CS for SB 312, CS for SB 986, CS for SB 440, CS for SB 562, CS for SB 994, CS for SB 380, CS for SB 1426, CS for CS for SB 2198, CS for SB 2084, CS for SB 2480, CS for SB 1028, CS for CS for SB 1456, CS for SB 1934, CS for SB 2060, CS for CS for SB 2258, CS for SB 1814, HB 1747, CS for SB 270, SB 1080, SJR 2140, SJR 1008, CS for CS for CS for SB 92, CS for SB 2024

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

The Committee on Judiciary recommends the following pass: CS for HB 4123

The Committee on Ways and Means recommends the following pass: CS for SB 68 with 1 amendment, SB 612 with 1 amendment, SB 732, CS for SB 1612 with 2 amendments, SB 2190 with 1 amendment, SB 2302 with 1 amendment

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

The Committee on Judiciary recommends a committee substitute for the following: SB 68

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

The Committee on Ways and Means recommends committee substitutes for the following: SB 192, SB 680, SB 1082, SB 1504

The bills with committee substitutes attached were placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary and Senators Holzendorf, Turner, Dudley, Casas, Forman, Diaz-Balart, Hargrett, Silver, Meadows, Harris, Campbell, Kirkpatrick, Horne, Bronson, Geller, Rossin, Grant, Crist, Klein, Gutman and Dyer—

CS for SB 68—A bill to be entitled An act for the relief of Freddie Lee Pitts and Wilbert Lee; providing an appropriation to compensate them for being victims of a miscarriage of justice; providing an effective date.

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

CS for SB 192—A bill to be entitled An act relating to community contribution tax credits; amending ss. 220.183 and 624.5105, F.S.; increasing the annual limitation on the amount of such credits which may be granted against the corporate income tax and insurance premium taxes; providing an effective date.

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

CS for SB 680—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale of performance-enhancing or growth-enhancing products for cattle; providing an effective date.

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

CS for SB 1082—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.09, F.S.; prescribing liability for the tax when a renewal note increases the unpaid balance or the original face amount of an original contract and obligation; providing a retroactive exemption for taxes on certain promissory notes; providing an effective date.

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

CS for SB 1504—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for food and drinks; providing definitions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; amending s. 213.22, F.S.; providing for the issuance of technical assistance advisements; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 358 which became law without his signature on April 25, 1998.

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 as amended HB 4143 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Edwards and others—

HB 4143—A bill to be entitled An act relating to emergency telephone number "911" services; amending s. 365.171, F.S.; providing for indemnification and limitation of liability for wireless telecommunications service providers that provide 911 service; providing an effective date.

—was referred to the Committees on Regulated Industries and Judiciary.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 150, CS for SB 418, CS for SB 752, CS for SB 776, CS for SB 846, CS for SB 1070, CS for SB 1626, CS for CS for SB 1704, CS for SB 1708, SB 2276, SB 2504; passed CS for SB 368 and SB 1010 by the required Constitutional three-fifths vote of the membership.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

SB 2504 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 27, 1998.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 24 was corrected and approved.

CO-SPONSORS

Senators Bronson—CS for SB 68; Crist—CS for SB 68; Dyer—CS for SB 68; Geller—CS for SB 68; Grant—CS for SB 68; Gutman—CS for SB 68; Hargrett—SB 2302; Horne—CS for SB 68; Klein—CS for SB 68; Lee—CS for SB 720; Rossin—CS for SB 68

RECESS

On motion by Senator Bankhead, the Senate recessed at 6:05 p.m. to reconvene at 9:00 a.m., Tuesday, April 28.

SENATE PAGES

April 27-May 1

Kelsey Anderson, Gainesville; Shannon Blizzard, Tallahassee; Charles T. Douglas, Jr., Palatka; Stephenie Ford, Bristol; Holly Fuqua, Tallahassee; Ashley Brooke Herrald, Tallahassee; Alan Ivarson, Tallahassee; Kyra Elaine Jennings, Tallahassee; Anthony (Tony) Labno, Ormond Beach; Stephen J. Overholser, Tallahassee; Shaun Porter, Brandon; Raymond Washington, Jr., Alachua; C. Andrew Yancey, Ormond Beach