



Journal of the Senate

Number 20—Regular Session

Friday, April 23, 1999

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:30 a.m. A quorum present—39:

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Excused: Conferees periodically for the purpose of working on Transforming Florida Schools: Senator Cowin, Chairman; Senators Horne, Lee, Sullivan and Webster; Alternate: Senator McKay; Conferees periodically for the purpose of working on School Readiness: Senator Cowin, Chairman; Senators Holzendorf and Kirkpatrick; Alternate: Senator Myers

PRAYER

The following prayer was offered by Rev. Mike Rogers, North Dunedin Baptist Church, Dunedin:

Good morning, God. As I stand here today, I am thankful for the privilege of being in this room with people you've chosen to help govern this state. But Lord, I am even more thankful for the privilege to stand in your presence—wherever I am—and to speak to you, the Most High God, our Creator, and to know that you hear my prayer! Thank you for creating this beautiful day and for letting us enjoy it. Thank you for letting us drink in the beauty that surrounds us here in this wonderful place called Tallahassee.

But God, our hearts are sad this morning. We're fighting fires, not just the wildfires in our state that have destroyed so many homes and so much of your beautiful landscape here, but other fires—fires of conflict, hate and violence in our homes, on our streets and even in our schools.

We know the fight is not just against flesh and blood but against forces of darkness—against evil. But we also know that even in the midst of so much evil, we do have hope. We have hope because your love is greater than the hate in this world. Your forgiveness transcends the revenge of man. Your wisdom is far superior to ours.

God, help us to be sensitive to your wisdom, not just our own, as we live our lives, parent our children, make and enforce our laws, do our business and relate to our fellow human beings. Guide us, Lord, as we seek to lead this state and our country into a new millennium. Help us to learn from our past and to make our future a better place for our sons and our daughters.

Lord, in times like these we don't know what to do, but I pray that we will look to you for our comfort and for answers. You created us, Lord, and I know that you love every one of us and you want only the best for us. Help us never to forget that.

Bless us today with your wisdom. Help us to make responsible decisions. Teach us to become people of peace. Make us so aware of your presence, Lord, that we will seek to do all that we do in a way that truly brings honor to you. Amen.

PLEDGE

Senate Pages Michael Boyles of Gainesville, Derek Jones of Miami and Senators Carlton and Latvala, 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 Kirkpatrick—

By Senator Kirkpatrick—

SR 1628—A resolution recognizing June 1999 as Prostate Cancer Awareness Month.

WHEREAS, prostate cancer is the most common type of cancer among men in the United States and in Florida, and the second leading cause of cancer death among men, and

WHEREAS, an estimated 179,300 men in the United States will be diagnosed with prostate cancer during 1999, and 13,600 of them will be residents of Florida, and

WHEREAS, an estimated 37,000 men in the United States will die from prostate cancer in 1999, and 2,800 of them will be residents of Florida, and

WHEREAS, men who are members of a racial minority have a 50 percent higher risk of being diagnosed with prostate cancer, and

WHEREAS, men who are members of a racial minority and who have prostate cancer are more than twice as likely to die of the disease, and

WHEREAS, June is a month in which we commemorate men by the observance of Father's Day and of National Men's Health Week, NOW, THEREFORE,

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

That the Florida Senate recognizes June 1999 as Prostate Cancer Awareness Month in Florida and urges all men, and particularly members of high-risk populations, to become aware of the risks and symptoms associated with prostate cancer and to be informed about screening tests, methods for early detection, and treatment.

—**SR 1628** was introduced, read and adopted by publication.

At the request of Senator Kirkpatrick—

By Senator Kirkpatrick—

SR 2016—A resolution in support of the efforts of the Florida Commission on Education Reform and Accountability and the Florida Fund for Minority Teachers, Inc., to achieve a higher percentage of minority teachers for the public schools in this state.

WHEREAS, this state's system of school improvement and accountability has recognized the need for an increase in minority teachers, especially males, in the public schools of this state, and

WHEREAS, minority students outnumber minority teachers three to one, and

WHEREAS, because this state has a shortage of teachers in critical areas such as mathematics, science, and exceptional education, there should be a concentrated effort to recruit minorities to become teachers in these fields, and

WHEREAS, minority teachers bring to the classroom a variety of perspectives and talents, as well as an understanding of different cultures, and

WHEREAS, minority teachers serve as role models, facilitators, and leaders for all children, and

WHEREAS, the Commission on Education Reform and Accountability recognizes the need for Minority Teachers, Inc., to serve as a liaison among high schools, community colleges, and universities to recruit, retain, and ensure graduates to fulfill these needs in the public schools, and

WHEREAS, filling the need for more minority teachers requires continued scholarships, as well as academic and support services, for these students, NOW, THEREFORE,

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

That the Florida Senate supports the efforts of the Florida Commission on Education Reform and Accountability and the Florida Fund for Minority Teachers, Inc., to achieve a higher percentage of minority teachers for the public schools in this state.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to the Florida Commission on Education Reform and Accountability and to the Florida Fund for Minority Teachers, Inc., as a tangible token of the sentiments of the Florida Senate.

—**SR 2016** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **CS for SB 1656** and **CS for SB 2306** were withdrawn from the Committee on Fiscal Policy.

On motion by Senator McKay, by two-thirds vote **SB 1054** and **CS for SB 2276** were withdrawn from the Committee on Fiscal Policy; and **CS for SB 1580** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs.

On motion by Senator Clary, by two-thirds vote **SB 372**, **SB 1416**, **SB 1844**, **SB 1876**, **SB 1882**, **SB 2168**, **SB 2290**, **SB 2344** and **SB 2452** were withdrawn from the committees of reference and further consideration.

MOTIONS

On motion by Senator McKay, by two-thirds vote the Consent Calendar was scheduled for consideration at 4:00 p.m. this day.

On motion by Senator McKay, a deadline of 7:00 p.m. this day was set for filing amendments to Bills on Third Reading and the Special Order Calendar to be considered Monday, April 26.

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

SPECIAL ORDER CALENDAR

TRUST FUND BILLS

CS for SB 1734—A bill to be entitled An act relating to trust funds; creating s. 292.085, F.S.; creating the Department of Veterans' Affairs Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Casas, by two-thirds vote **CS for SB 1734** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

CS for SB 1954—A bill to be entitled An act relating to trust funds; creating s. 20.425, F.S.; creating the Agency for Health Care Administration Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Banking and Finance Tobacco Settlement Clearing Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Casas, by two-thirds vote **CS for SB 1954** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

CS for SB 1960—A bill to be entitled An act relating to trust funds; amending s. 20.435, F.S.; repealing s. 569.20, F.S.; renaming the current Tobacco Settlement Trust Fund as the Department of Health Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund for Children and Elders; providing an effective date.

—was read the second time by title. On motions by Senator Casas, by two-thirds vote **CS for SB 1960** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

CS for SB 1962—A bill to be entitled An act relating to trust funds; creating s. 17.41, F.S.; creating the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund; providing for sources of moneys; providing for exemption from various service charges; providing purposes; providing for investment of such moneys; providing for disbursement of funds to the tobacco settlement trust funds of the various agencies; proclaiming that the trust fund is exempt from constitutional termination; providing an effective date.

—was read the second time by title. On motions by Senator Casas, by two-thirds vote **CS for SB 1962** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

CS for SB 1964—A bill to be entitled An act relating to trust funds; creating s. 569.205, F.S.; creating the Department of Business and Professional Regulation Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Casas, by two-thirds vote **CS for SB 1964** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

CS for SB 1966—A bill to be entitled An act relating to trust funds; creating s. 20.195, F.S.; creating the Department of Children and Family

Services Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Casas, by two-thirds vote **CS for SB 1966** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

CS for SB 1968—A bill to be entitled An act relating to trust funds; creating s. 430.42, F.S.; creating the Department of Elderly Affairs Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Casas, by two-thirds vote **CS for SB 1968** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

Consideration of **CS for SB's 2422 and 1952** was deferred.

GENERAL BILLS

On motion by Senator Webster—

CS for CS for SB 356—A bill to be entitled An act relating to retirement; creating s. 121.36, F.S.; creating an optional retirement program for employees who are regular members of the Florida Retirement System; providing eligibility criteria; defining terms; providing that employees may participate in the optional retirement program in lieu of participating in the Florida Retirement System; providing for retention of retirement service credits; providing for transfer of the present value of accrued benefits under the Florida Retirement System; providing requirements for electing the optional program; providing for contributions to the optional program; prescribing vesting requirements; providing for payment of benefits; providing for the Division of Retirement of the Department of Management Services to administer the program; prescribing criteria for selecting investment providers and products and for investment options and products; providing for performance reviews;

prescribing contract requirements; requiring that the State Board of Administration provide advice and assistance to the division and review proposals; providing for compliance with federal revenue laws; providing an investment policy statement; amending s. 112.363, F.S.; excluding participants from eligibility for certain health insurance subsidies; prescribing standards for contracts and descriptive materials; providing that the act fulfills an important state interest; amending s. 121.021, F.S.; modifying definitions to provide for 6-year graded vesting for all members; amending ss. 112.363, 121.0515, 121.052, 121.053, 121.055, 121.081, 121.091, 121.1115, 121.1122, 121.121, F.S., to conform; providing a contingency for implementation of the program; providing for indexing benefits for early terminators; increasing the employer contribution rate for members of the Regular Class of the Florida Retirement System; amending s. 216.136, F.S.; creating a Florida Retirement System Actuarial Assumption Conference; providing duties and principals; providing an effective date.

—was read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (810008)—On page 17, between lines 22 and 23, insert: *or other retirement products and related financial services*

Amendment 2 (402352)—On page 17, delete lines 24-26 and insert:

2. Financial strength and stability which shall be evidenced by the highest ratings assigned by nationally recognized rating services, when comparing proposed providers that are so rated.

Pursuant to Rule 4.19, **CS for CS for SB 356** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 2530—A bill to be entitled An act relating to state-administered retirement systems; amending s. 112.63, F.S.; providing for review and comment on local government retirement system actuarial valuation reports and impact statements on a triennial basis; clarifying the basis of required payments; amending s. 112.65, F.S.; modifying the limitation on benefits for service under more than one retirement system or plan; amending s. 121.011, F.S.; clarifying requirements related to consolidation of existing retirement systems and preservation of rights; amending s. 121.021, F.S.; redefining “creditable service” to conform the definition to existing law; clarifying creditable service provisions for certain school board employees; amending s. 121.031, F.S.; authorizing the Division of Retirement to adopt rules; reenacting s. 121.051(6), F.S., relating to Florida Retirement System membership status of blind vending facility operators; reenacting ss. 121.052(7)(a), 121.055(3)(a), 121.071(1), F.S., relating to contribution rates; amending ss. 121.052, 121.055, 121.071, F.S.; changing contribution rates for specified classes and subclasses of the system; correcting an error; conforming provisions relating to de minimis accounts to federal law; amending s. 121.081, F.S.; clarifying provisions relating to past service and prior service; amending s. 121.091, F.S.; clarifying proof of disability requirements; modifying provisions relating to death benefits to permit purchase of certain retirement credit by joint annuitants; clarifying the contribution rate and interest required to be paid for such purchases; updating references; amending s. 121.122, F.S.; correcting a reference; amending 121.24, F.S.; authorizing the State Retirement Commission to adopt rules; amending s. 121.35, F.S.; conforming provisions relating to de minimis accounts to federal law; amending s. 121.40, F.S., to remove reemployment limitations and reenacting subsection (12), relating to contribution rates for the supplemental retirement program for the Institute of Food and Agricultural Sciences at the University of Florida; reenacting s. 413.051(11), (12), F.S., relating to Florida Retirement System membership eligibility and retirement contribution payments for blind vending facility operators; amending s. 112.18, F.S.; providing presumptions that certain illnesses incurred by law enforcement officers are done so in the line of duty; repealing s. 121.027, F.S., relating to the division’s rulemaking authority for ch. 97-180, Laws of Florida; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendments which were moved by Senator Webster and adopted:

Amendment 1 (124778)(with title amendment)—On page 13, delete lines 22-31 and insert:

Section 8. Paragraph (a) of subsection (3) of section 121.055, Florida Statutes, 1998 Supplement, as amended by chapters 96-423 and 98-413, Laws of Florida, is reenacted and amended, and paragraph (b) of subsection (1) and paragraph (e) of subsection (6) of that section are amended, to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the “Senior Management Service Class,” which shall become effective February 1, 1987.

(1)

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the local agency employer. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. One nonelective full-time position may be designated for each local agency employer reporting to the Division of Retirement; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policy-making position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class pursuant to the provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether. ~~and participate in a lifetime monthly annuity program which may be provided by the employing agency. The cost to the employer for such annuity shall equal the normal cost portion of the contributions required in the Senior Management Service Class. The employer providing such annuity shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Senior Management Service Class contribution rate. The decision to withdraw from the Florida Retirement System participate in such local government annuity shall be irrevocable for as long as the employee holds such a position eligible for the annuity.~~ Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

And the title is amended as follows:

On page 1, line 29, following the semicolon (;) insert: providing for withdrawal from the Senior Management Service Class;

Amendment 2 (180306)—On page 20, line 22, delete “20.14%” and insert: 20.22%

Amendment 3 (582196)—On page 30, line 5, delete “50” and insert: 52 50

Amendment 4 (102972)(with title amendment)—On page 40, between lines 29 and 30, insert:

Section 19. Subsection (4) of section 112.64, Florida Statutes, is amended to read:

112.64 Administration of funds; amortization of unfunded liability.—

(4) The net increase, if any, in unfunded liability under the plan arising from significant plan amendments adopted, changes in actuarial assumptions, changes in funding methods, or actuarial gains or losses shall be amortized within 30 plan years. *In the event that there is no unfunded liability under the plan, then the Division of Retirement and the plan actuary will determine plan contributions in a manner designed to maintain the fully funded status of the plan, and to minimize volatility in retirement system contribution rates. If, as a result of favorable experience, the plan's funded ratio of assets divided by actuarial liability exceeds 120%, then a portion of the plan's surplus assets shall be applied as a "pension experience dividend" to directly offset not more than 20% of the next year's otherwise determined contribution. It is the legislative intent that any pension experience dividend afforded pursuant to this section be recognized as a nonrecurring payroll cost reduction.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 27, after the semicolon (;) insert: amending s. 112.64, F.S.; providing a pension experience dividend;

Amendment 5 (614626)(with title amendment)—On page 40, between lines 29 and 30, insert:

Section 20. *The trustees of the Florida Retirement System may review the actuarial report prepared in accordance with Florida law. Furthermore, in the discharge of their fiduciary duties, the Trustees should review the process by which FRS contribution rates are reviewed or adopted and submit any comments regarding the process to the Governor and legislative leadership.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 27, after the semicolon (;) insert: providing for review of actuarial reports by the Trustees of the Florida Retirement System;

Amendment 6 (142064)(with title amendment)—On page 40, between lines 29 and 30, insert:

Section 21. Subsection (11) is added to section 216.136, Florida Statutes, to read:

216.136 Consensus estimating conferences; duties and principals.—

(11) *FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION CONFERENCE.*—

(a) *Duties.*—*The Florida Retirement System Actuarial Assumption Conference shall by consensus develop official information with respect to the economic and noneconomic assumptions and funding methods of the Florida Retirement System necessary to perform the study. Such information shall include: an analysis of the actuarial assumptions and actuarial methods and a determination of whether changes to the assumptions or methods need to be made due to experience changes or revised future forecasts.*

(b) *Principals.*—*The members of the conference shall include the Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees. The Executive Office of the Governor shall have the responsibility of presiding over the sessions of the conference. The State Board of Administration and the Division of Retirement shall be participants, as defined in s. 216.134, in the conference.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 27, after the semicolon (;) insert: amending s. 216.136, F.S.; creating a Florida Retirement System Actuarial Assumption Conference; providing duties and principals;

Senator Webster moved the following amendment which was adopted:

Amendment 7 (232194)(with title amendment)—On page 40, between lines 27 and 28, insert:

Section 18. Paragraph (b) of subsection (1) of section 175.071, Florida Statutes, 1998 Supplement, is amended to read:

175.071 General powers and duties of board of trustees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) The board of trustees may:

(b) Invest and reinvest the assets of the firefighters' pension trust fund in:

1. Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund, or a savings, building, and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.

2. Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States.

3. Bonds issued by the State of Israel.

4. Bonds, stocks, or other evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia, provided:

a. The corporation is listed on any one or more of the recognized national stock exchanges or on the National Market System of the Nasdaq Stock Market and, in the case of bonds only, holds a rating in one of the three highest classifications by a major rating service; and

b. The board of trustees shall not invest more than 5 percent of its assets in the common stock or capital stock of any one issuing company, nor shall the aggregate investment in any one issuing company exceed 5 percent of the outstanding capital stock of that company or the aggregate of its investments under this subparagraph at cost exceed 50 percent of the assets of the fund.

This paragraph shall apply to all boards of trustees and participants. However, in the event that a municipality or special fire control district has a duly enacted pension plan pursuant to, and in compliance with, s. 175.351, and the trustees thereof desire to vary the investment procedures herein, the trustees of such plan shall request a variance of the investment procedures as outlined herein only through a municipal ordinance, special act of the Legislature, or resolution by the governing body of the special fire control district; where a special act, or a municipality by ordinance adopted prior to July 1, 1998, permits a greater than 50-percent equity investment, such municipality shall not be required to comply with the aggregate equity investment provisions of this paragraph. Notwithstanding any other provision of law to the contrary, nothing in this section may be construed to take away any preexisting legal authority to make equity investments that exceed the requirements of this paragraph. The board of trustees may invest up to 10 percent of plan assets in foreign securities.

Section 19. Paragraph (b) of subsection (1) of section 185.06, Florida Statutes, 1998 Supplement, is amended to read:

185.06 General powers and duties of board of trustees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) The board of trustees may:

(b) Invest and reinvest the assets of the retirement trust fund in:

1. Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund, or a savings and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered

credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.

2. Obligations of the United States or obligations guaranteed as to principal and interest by the United States.

3. Bonds issued by the State of Israel.

4. Bonds, stocks, or other evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia, provided:

a. The corporation is listed on any one or more of the recognized national stock exchanges or on the National Market System of the Nasdaq Stock Market and, in the case of bonds only, holds a rating in one of the three highest classifications by a major rating service; and

b. The board of trustees shall not invest more than 5 percent of its assets in the common stock or capital stock of any one issuing company, nor shall the aggregate investment in any one issuing company exceed 5 percent of the outstanding capital stock of the company or the aggregate of its investments under this subparagraph at cost exceed 50 percent of the fund's assets.

This paragraph shall apply to all boards of trustees and participants. However, in the event that a municipality has a duly enacted pension plan pursuant to, and in compliance with, s. 185.35 and the trustees thereof desire to vary the investment procedures herein, the trustees of such plan shall request a variance of the investment procedures as outlined herein only through a municipal ordinance or special act of the Legislature; where a special act, or a municipality by ordinance adopted prior to July 1, 1998, permits a greater than 50-percent equity investment, such municipality shall not be required to comply with the aggregate equity investment provisions of this paragraph. Notwithstanding any other provision of law to the contrary, nothing in this section may be construed to take away any preexisting legal authority to make equity investments that exceed the requirements of this paragraph. The board of trustees may invest up to 10 percent of plan assets in foreign securities.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 25, after the semicolon (;) insert: amending ss. 175.071 and 185.06, F.S.; providing, with respect to the board of trustees for municipal firefighters' pension trust funds and municipal police officers' retirement trust funds that the board may invest in corporations on the National Market System of the Nasdaq Stock Market;

Pursuant to Rule 4.19, **SB 2530** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1566** and **CS for CS for SB 1560** was deferred.

On motion by Senator Webster—

CS for CS for SB 1206—A bill to be entitled An act relating to construction; amending s. 468.621, F.S.; amending certain grounds for disciplinary action against building code administrators and building officials; amending s. 255.05, F.S., relating to payment bonds of contractors constructing public buildings; providing that the time periods required for providing certain notices or bringing certain actions are not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; amending s. 713.06, F.S.; clarifying certain notice requirements with respect to perfecting a lien for labor, services, or materials furnished under contract; amending s. 713.08, F.S.; providing that the time period required for recording a claim of lien is not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; amending s. 713.135, F.S.; requiring the issuing authority to verify certain information in the notice of commencement; providing an exemption for certain direct contracts for repair or replacement of heating or air-conditioning systems; amending s. 713.16, F.S.; defining the term "information"; specifying that the term does not affect the requirement that certain statements be given under oath;

amending s. 713.18, F.S., relating to service of notices and other instruments; amending s. 713.23, F.S.; providing that the time periods required for serving a notice of nonpayment or bringing certain actions are not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; specifying that amendments made to s. 713.16, F.S., are remedial in nature; providing for retroactive application; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1206** to **CS for HB 681**.

Pending further consideration of **CS for CS for SB 1206** as amended, on motion by Senator Webster, by two-thirds vote **CS for HB 681** was withdrawn from the Committees on Judiciary; and Commerce and Economic Opportunities.

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

CS for HB 681—A bill to be entitled An act relating to construction; creating s. 47.025, F.S.; providing that certain venue provisions in a contract for improvement of real property are void; specifying appropriate venue for actions against resident contractors, subcontractors, sub-subcontractors, and materialmen; amending s. 468.621, F.S.; amending certain grounds for disciplinary action against building code administrators and building officials; amending s. 255.05, F.S., relating to payment bonds of contractors constructing public buildings; providing that the time periods required for providing certain notices or bringing certain actions are not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; amending s. 713.06, F.S.; clarifying certain notice requirements with respect to perfecting a lien for labor, services, or materials furnished under contract; amending s. 713.08, F.S.; providing that the time period required for recording a claim of lien is not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; amending s. 713.135, F.S.; clarifying circumstances under which an entity issuing a building permit is subject to disciplinary procedures; providing an exception; amending s. 713.16, F.S.; providing a definition; providing legislative intent; amending s. 713.18, F.S., relating to service of notices and other instruments; amending s. 713.23, F.S.; providing that the time periods required for serving a notice of nonpayment or bringing certain actions are not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; providing for the effect of a waiver and release of lien; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1206** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 681** was placed on the calendar of Bills on Third Reading.

SB 898—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing fees; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

—was read the second time by title.

The Committee on Agriculture and Consumer Services recommended the following amendment which was moved by Senator Childers:

Amendment 1 (910342)—On page 16, line 16, after the period (.) through line 22, delete those lines and insert: *The total finance charge*

may not exceed 96 percent simple interest under a title loan agreement during the first year that it is in effect; and may not exceed 22 percent per month during any month of the first year of the title loan agreement.

The Committee on Fiscal Policy recommended the following amendment to **Amendment 1** which was moved by Senator Casas:

Amendment 1A (794318)—On page 1, lines 18-22, delete the underscored words on those lines and insert: *The finance charge may not exceed 96 percent simple interest under a title loan agreement during the first year that it is in effect; however, the amount of interest charged in any one month may not exceed 22 percent, and a title loan lender may charge no more than 22 percent per month for 4 months during the first year and no more than 1 percent per month thereafter. At the option of the lender, the finance charge may be set at 8 percent per month on a 12-month contract.*

Senator Burt moved the following substitute for **Amendment 1A**:

Amendment 1B (215018)—On page 1, delete lines 18-22 and insert: *The finance charge may not exceed 96 percent simple interest under a title loan agreement during the first year that it is in effect; however, the amount of interest charged in any 1 month may not exceed 22 percent. A title loan lender which has received interest payments of 22 percent per month for 4 months may not enter into another title loan agreement with the same borrower for 1 year from the inception of the original title loan date.*

On motion by Senator Childers, further consideration of **SB 898** with pending **Amendment 1**, **Amendment 1A** and **Amendment 1B** was deferred.

On motion by Senator Thomas, by two-thirds vote **CS for HB 377** was withdrawn from the Committees on Banking and Insurance; and Fiscal Policy.

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

CS for HB 377—A bill to be entitled An act relating to organ transplants; amending s. 381.0602, F.S.; increasing membership of the Organ Transplant Advisory Council; increasing the term of the council chair; amending s. 627.4236, F.S.; requiring that coverage for bone-marrow-transplant procedures include costs of the donor patient; providing a limitation; providing a legislative finding of an important state interest; providing an effective date.

—a companion measure, was substituted for **CS for SB 62** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 377** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for CS for SB 206—A bill to be entitled An act relating to the Administrative Procedure Act; providing legislative intent; amending s. 120.52, F.S.; removing entities described in ch. 298, F.S., relating to water control districts, from the definition of “agency”; redefining the term “agency”; providing additional restrictions with respect to an agency’s rulemaking authority; amending s. 120.536, F.S.; providing additional restrictions with respect to an agency’s rulemaking authority; providing applicability of such changes; amending s. 120.54, F.S.; specifying when rules may take effect; restricting adoption of retroactive rules; amending s. 120.56, F.S.; revising an agency’s responsibilities in response to a challenge to a proposed rule and specifying the petitioner’s responsibility of going forward; amending s. 120.57, F.S., relating to hearings involving disputed issues of material fact; revising an agency’s authority with respect to rejection or modification of conclusions of law in its final order; providing for agency statement as to the reasonableness of its substituted finding of law or interpretation of administrative rule; amending s. 120.81, F.S.; providing that district school boards may adopt rules notwithstanding the rulemaking standards found in chapter 120, F.S.; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 206** to **CS for HB 107**.

Pending further consideration of **CS for CS for SB 206** as amended, on motion by Senator Laurent, by two-thirds vote **CS for HB 107** was withdrawn from the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

On motion by Senator Laurent—

CS for HB 107—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.52, F.S.; removing entities described in ch. 298, F.S., relating to water control districts, from the definition of “agency”; providing additional restrictions with respect to an agency’s rulemaking authority; amending s. 120.536, F.S.; providing additional restrictions with respect to an agency’s rulemaking authority; requiring agencies to provide the Administrative Procedures Committee with a list of existing rules which exceed such rulemaking authority and providing for legislative consideration of such rules; requiring agencies to initiate proceedings to repeal such rules for which authorizing legislation is not adopted; requiring a report to the Legislature; providing that the committee or a substantially affected person may petition for repeal of such rules after a specified date; restricting challenge of such rules before that date; amending s. 120.54, F.S.; specifying when rules may take effect; restricting adoption of retroactive rules; amending s. 120.56, F.S.; revising an agency’s responsibilities in response to a challenge to a proposed rule and specifying the petitioner’s responsibility of going forward; amending s. 120.57, F.S., relating to hearings involving disputed issues of material fact; revising an agency’s authority with respect to rejection or modification of conclusions of law in its final order; amending s. 120.68, F.S., relating to judicial review; providing a directive with respect to consideration by the court of an agency’s construction of a statute or rule; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 206** as amended and read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (670856)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that modifications contained in sections 2 and 3 of this act which apply to rulemaking are to clarify the limited authority of agencies to adopt rules in accordance with chapter 96-159, Laws of Florida, and are intended to reject the class of powers and duties analysis. However, it is not the intent of the Legislature to reverse the result of any specific judicial decision.*

Section 2. Subsections (1) and (8) of section 120.52, Florida Statutes, 1998 Supplement, are amended to read:

120.52 Definitions.—As used in this act:

(1) “Agency” means:

(a) The Governor in the exercise of all executive powers other than those derived from the constitution.

(b) Each:

1. State officer and state department, and each departmental unit described in s. 20.04.;

2. Authority, including a regional water supply authority.

3. Board.

4. Commission, including the Commission on Ethics and the Game and Fresh Water Fish Commission when acting pursuant to statutory authority derived from the Legislature.

5. Regional planning agency, ~~board,~~

6. Multicounty special district with a majority of its governing board comprised of nonelected persons, ~~and authority, including, but not limited to, the Commission on Ethics and the Game and Fresh Water Fish Commission when acting pursuant to statutory authority derived from the Legislature,~~

7. Educational units, ~~and those entities~~

8. ~~Entity described in chapters 163, 298, 373, 380, and 582 and s. 186.504, except any legal entity or agency created in whole or in part pursuant to chapter 361, part II, an expressway authority pursuant to chapter 348, or any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection.~~

(c) Each other unit of government in the state, including counties and municipalities, to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

This definition does not include any legal entity or agency created in whole or in part pursuant to chapter 361, part II, an expressway authority pursuant to chapter 348, any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection, or any multicounty special district with a majority of its governing board comprised of elected persons; however, this definition shall include a regional water supply authority.

(8) "Invalid exercise of delegated legislative authority" means action which goes beyond the powers, functions, and duties delegated by the Legislature. A proposed or existing rule is an invalid exercise of delegated legislative authority if any one of the following applies:

(a) The agency has materially failed to follow the applicable rulemaking procedures or requirements set forth in this chapter;

(b) The agency has exceeded its grant of rulemaking authority, citation to which is required by s. 120.54(3)(a)1.;

(c) The rule enlarges, modifies, or contravenes the specific provisions of law implemented, citation to which is required by s. 120.54(3)(a)1.;

(d) The rule is vague, fails to establish adequate standards for agency decisions, or vests unbridled discretion in the agency;

(e) The rule is arbitrary or capricious;

(f) The rule is not supported by competent substantial evidence; or

(g) The rule imposes regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives.

A grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement *or*; interpret *the*, ~~or make specific the particular~~ powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious *or is within the agency's class of powers and duties*, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than *implementing or interpreting the specific* ~~the particular~~ powers and duties conferred by the same statute.

Section 3. Section 120.536, Florida Statutes, is amended to read:

120.536 Rulemaking authority; listing of rules exceeding authority; repeal; challenge.—

(1) A grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement *or*; interpret *the*, ~~or make specific the particular~~ powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious *or is within the agency's class of powers and duties*, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than *implementing or interpreting the specific* ~~the particular~~ powers and duties conferred by the same statute.

(2) (a) By October 1, 1997, each agency shall provide to the Administrative Procedures Committee a listing of each rule, or portion thereof, adopted by that agency before October 1, 1996, which exceeds the rulemaking authority permitted by this section. For those rules of which only a portion exceeds the rulemaking authority permitted by this section, the agency shall also identify the language of the rule which exceeds this authority. The Administrative Procedures Committee shall combine the lists and provide the cumulative listing to the President of the Senate and the Speaker of the House of Representatives. The Legislature shall, at the 1998 Regular Session, consider whether specific legislation authorizing the identified rules, or portions thereof, should be enacted. By January 1, 1999, each agency shall initiate proceedings pursuant to s. 120.54 to repeal each rule, or portion thereof, identified as exceeding the rulemaking authority permitted by this section for which authorizing legislation does not exist. By February 1, 1999, the Administrative Procedures Committee shall submit to the President of the Senate and the Speaker of the House of Representatives a report identifying those rules that an agency had previously identified as exceeding the rulemaking authority permitted by this section for which proceedings to repeal the rule have not been initiated. As of July 1, 1999, the Administrative Procedures Committee or any substantially affected person may petition an agency to repeal any rule, or portion thereof, because it exceeds the rulemaking authority permitted by this section. Not later than 30 days after the date of filing the petition if the agency is headed by an individual, or not later than 45 days if the agency is headed by a collegial body, the agency shall initiate rulemaking proceedings to repeal the rule, or portion thereof, or deny the petition, giving a written statement of its reasons for the denial.

(b) *By October 1, 1999, each agency shall provide to the Administrative Procedures Committee a listing of each rule, or portion thereof, adopted by that agency before the effective date of the bill, which exceeds the rulemaking authority permitted by this section. For those rules of which only a portion exceeds the rulemaking authority permitted by this section, the agency shall also identify the language of the rule which exceeds this authority. The Administrative Procedures Committee shall combine the lists and provide the cumulative listing to the President of the Senate and the Speaker of the House of Representatives. The Legislature shall, at the 2000 Regular Session, consider whether specific legislation authorizing the identified rules, or portions thereof, should be enacted. By January 1, 2001, each agency shall initiate proceedings pursuant to s. 120.54 to repeal each rule, or portion thereof, identified as exceeding the rulemaking authority permitted by this section for which authorizing legislation does not exist. By February 1, 2001, the Administrative Procedures Committee shall submit to the President of the Senate and the Speaker of the House of Representatives a report identifying those rules that an agency had previously identified as exceeding the rulemaking authority permitted by this section for which proceedings to repeal the rule have not been initiated. As of July 1, 2001, the Administrative Procedures Committee or any substantially affected person may petition an agency to repeal any rule, or portion thereof, because it exceeds the rulemaking authority permitted by this section. Not later than 30 days after the date of filing the petition if the agency is headed by an individual, or not later than 45 days if the agency is headed by a collegial body, the agency shall initiate rulemaking proceedings to repeal the rule, or portion thereof, or deny the petition, giving a written statement of its reasons for the denial.*

(3) All proposed rules or amendments to existing rules filed with the Department of State on or after October 1, 1996, shall be based on rulemaking authority no broader than that permitted by this section. A rule adopted before October 1, 1996, and not included on a list submitted by an agency in accordance with subsection (2) may not be challenged before November 1, 1997, on the grounds that it exceeds the rulemaking authority or law implemented as described by this section. A rule adopted before October 1, 1996, and included on a list submitted by an agency in accordance with subsection (2) may not be challenged before July 1, 1999, on the grounds that it exceeds the rulemaking authority or law implemented as described by this section. *A rule adopted before the effective date of the bill, and included on a list submitted by an agency in accordance with subsection (2)(b) may not be challenged before July 1, 2001, on the grounds that it exceeds the rulemaking authority or law implemented as described by this section.*

(4) Nothing in this section shall be construed to change the legal status of a rule that has otherwise been judicially or administratively determined to be invalid.

Section 4. Paragraph (f) of subsection (1) of section 120.54, Florida Statutes, 1998 Supplement, is amended to read:

120.54 Rulemaking.—

(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN EMERGENCY RULES.—

(f) An agency may adopt rules authorized by law and necessary to the proper implementation of a statute prior to the effective date of the statute, but the rules may not be *effective enforced* until the statute upon which they are based is effective. *An agency may not adopt retroactive rules, including retroactive rules intended to clarify existing law, unless that power is expressly authorized by statute.*

Section 5. Paragraph (a) of subsection (2) of section 120.56, Florida Statutes, is amended to read:

120.56 Challenges to rules.—

(2) CHALLENGING PROPOSED RULES; SPECIAL PROVISIONS.—

(a) Any substantially affected person may seek an administrative determination of the invalidity of any proposed rule by filing a petition seeking such a determination with the division within 21 days after the date of publication of the notice required by s. 120.54(3)(a), within 10 days after the final public hearing is held on the proposed rule as provided by s. 120.54(3)(c), within 20 days after the preparation of a statement of estimated regulatory costs required pursuant to s. 120.541, if applicable, or within 20 days after the date of publication of the notice required by s. 120.54(3)(d). The petition shall state with particularity the objections to the proposed rule and the reasons that the proposed rule is an invalid exercise of delegated legislative authority. *The petitioner has the burden of going forward.* The agency then has the burden to prove *by a preponderance of the evidence* that the proposed rule is not an invalid exercise of delegated legislative authority as to the objections raised. Any person who is substantially affected by a change in the proposed rule may seek a determination of the validity of such change. Any person not substantially affected by the proposed rule as initially noticed, but who is substantially affected by the rule as a result of a change, may challenge any provision of the rule and is not limited to challenging the change to the proposed rule.

Section 6. Paragraph (l) of subsection (1) of section 120.57, Florida Statutes, 1998 Supplement, is amended to read:

120.57 Additional procedures for particular cases.—

(1) ADDITIONAL PROCEDURES APPLICABLE TO HEARINGS INVOLVING DISPUTED ISSUES OF MATERIAL FACT.—

(l) The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law *over which it has substantive jurisdiction* and interpretation of administrative rules over which it has substantive jurisdiction. *When rejecting or modifying such conclusion of law or interpretation of administrative rule, the agency must state with particularity its reasons for rejecting or modifying such conclusion of law or interpretation of administrative rule and must make a finding that its substituted conclusion of law or interpretation of administrative rule is as or more reasonable than that which was rejected or modified.* Rejection or modification of conclusions of law may not form the basis for rejection or modification of findings of fact. The agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action.

Section 7. Present paragraphs (a) through (j) of subsection (1) of section 120.81, Florida Statutes, are redesignated as paragraphs (b) through (k), respectively, and a new paragraph (a) is added to that subsection, to read:

120.81 Exceptions and special requirements; general areas.—

(1) EDUCATIONAL UNITS.—

(a) Notwithstanding s. 120.536(1) and the flush left provisions of s. 120.52(8), district school boards may adopt rules to implement their general powers under s. 230.22.

Section 8. 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 the Administrative Procedure Act; providing legislative intent; amending s. 120.52, F.S.; removing entities described in ch. 298, F.S., relating to water control districts, from the definition of “agency”; redefining the term “agency”; providing additional restrictions with respect to an agency’s rulemaking authority; amending s. 120.536, F.S.; providing additional restrictions with respect to an agency’s rule-making authority; requiring agencies to provide the Administrative Procedures Committee with a list of existing rules which exceed such rule-making authority and providing for legislative consideration of such rules; requiring agencies to initiate proceedings to repeal such rules for which authorizing legislation is not adopted; requiring a report to the Legislature; providing that the committee or a substantially affected person may petition for repeal of such rules after a specified date; restricting challenge of such rules before that date; amending s. 120.54, F.S.; specifying when rules may take effect; restricting adoption of retroactive rules; amending s. 120.56, F.S.; revising an agency’s responsibilities in response to a challenge to a proposed rule and specifying the petitioner’s responsibility of going forward; amending s. 120.57, F.S., relating to hearings involving disputed issues of material fact; revising an agency’s authority with respect to rejection or modification of conclusions of law in its final order; providing for agency statement as to the reasonableness of its substituted finding of law or interpretation of administrative rule; amending s. 120.81, F.S.; providing that district school boards may adopt rules notwithstanding the rulemaking standards found in chapter 120, F.S.; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 107** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

CS for SB 110—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing that an exemption from the tax applies to machinery and equipment purchased for use in phosphate or other solid-mineral severance, mining, or processing operations under specified conditions; providing for accountability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 110** to **HB 105**.

Pending further consideration of **CS for SB 110** as amended, on motion by Senator McKay, by two-thirds vote **HB 105** was withdrawn from the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

On motion by Senator McKay, the rules were waived and by two-thirds vote—

HB 105—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing that the exemptions for machinery and equipment used to increase productive output shall apply to machinery and equipment used in phosphate or other solid mineral severance, mining, or processing as a credit against taxes due under ch. 211, F.S., relating to tax on the severance and production of minerals; providing requirements for new and expanding businesses to qualify for such exemption and credit; providing an effective date.

—a companion measure, was substituted for **CS for SB 110** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 105** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 1308—A bill to be entitled An act relating to optical discs; providing definitions; requiring certain manufacturers of optical discs to mark the discs with certain information; providing penalties for failure to comply; prohibiting certain activities involving unmarked discs or discs on which the mark is altered; providing penalties; prohibiting certain activities involving altering such marks; providing penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1308** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

CS for SB 1510—A bill to be entitled An act relating to enterprise zones; creating s. 290.0069, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Liberty County; providing requirements with respect thereto; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Columbia County; providing requirements with respect thereto; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Suwannee County; providing requirements with respect thereto; providing an extended application period for certain businesses to claim tax incentives; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1 (490928)(with title amendment)—On page 3, between lines 25 and 26, insert:

Section 5. *Gadsden County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area within the county. The application must be submitted by December 31, 1999, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Gadsden County; providing requirements with respect thereto;

Senator McKay moved the following amendment which was adopted:

Amendment 2 (723352)(with title amendment)—On page 3, between lines 25 and 26, insert:

Section 5. *Before December 31, 1999, any municipality an area of which has previously received designation as an Enterprise Zone in the population category described in section 290.0065(3)(a)3., Florida Statutes, may create a satellite enterprise zone not exceeding 1.5 square miles in area outside of and, notwithstanding anything contained in section 290.0055(4), Florida Statutes, or any other law, in addition to the previously designated enterprise zone boundaries. The Office of Tourism, Trade, and Economic Development shall amend the boundaries of the areas previously designated by any such municipality as enterprise zones upon receipt of a resolution adopted by the municipality describing the satellite enterprise zone areas, as long as the additional areas are consistent with the categories, criteria, and limitations imposed by section 290.0055, Florida Statutes. However, the requirements imposed by section 290.0055(4)(d), Florida Statutes, do not apply to such satellite enterprise zone areas.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, following the semicolon (;) insert: authorizing municipalities to designate satellite enterprise zones;

Senator Latvala moved the following amendment which was adopted:

Amendment 3 (101522)(with title amendment)—On page 3, between lines 25 and 26, insert:

Section 5. *Notwithstanding any provision of law to the contrary, the governing body of a municipality or a county containing a U.S. Environmental Protection Agency brownfield pilot project that was designated as of May 1, 1997, may apply to the Office of Tourism, Trade, and Economic Development before December 31, 1999, to amend the boundaries of an enterprise zone designated in a municipality or a county containing such brownfield pilot project. The office shall approve the application to amend the boundaries of the enterprise zone if the added area does not increase the overall size of the expanded zone more than its original size or 20 square miles, whichever is larger.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: providing conditions under which a local government may amend the boundaries of an enterprise zone that contains a brownfield pilot program;

Pursuant to Rule 4.19, **CS for SB 1510** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **HB 643** was withdrawn from the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

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

HB 643—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for film, photographic paper, dyes used for embossing and engraving, artwork, and other printing supplies used by specified businesses; providing an effective date.

—a companion measure, was substituted for **CS for SB 952** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 643** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for SB 1444—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.01, F.S.; defining the term “historic structures”; amending s. 561.20, F.S.; providing for the issuance of special alcoholic beverage licenses to certain hotels and motels with no fewer than 10 and no more than 25 guest rooms in municipalities within constitutionally chartered counties which are within a specified population range; revising the definition of a specialty center to include specified shopping malls; limiting consumption of alcoholic beverages within specialty centers; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendments which were adopted:

Amendment 1 (204514)—On page 2, delete line 3 and insert:

Section 2. Paragraphs (a) and (b) of subsection (2) and subsection (4) of

Amendment 2 (185538)(with title amendment)—On page 6, between lines 2 and 3, insert:

(4) The limitations herein prescribed shall not affect or repeal any existing or future local or special act relating to the limitation by population and exceptions or exemptions from such limitation by population of

such licenses within any incorporated city or town or county that may be in conflict herewith. Any license issued under a local or special act relating to the limitation by population shall be subject to all requirements and restrictions contained in the Beverage Law that are applicable to licenses issued under subsection (1).

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: requiring compliance with requirements and restrictions contained in the Beverage Law for licenses issued under a local or special act;

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

Amendment 3 (175760)(with title amendment)—On page 5, line 22 through page 6, line 2, delete those lines and insert: of paragraph (a).

1. A specialty center means any development having at least 50,000 square feet of leasable area, containing restaurants, entertainment facilities, and specialty shops, and located adjacent to a navigable water body. Alcoholic beverages sold for consumption on the premises by a vendor in a specialty center may be consumed within the specialty center but may not be removed from such premises.

2. A specialty center also means any enclosed development that has at least 170,000 square feet of leasable area that is under the dominion and physical control of the owner or manager of the enclosed development, containing restaurants, entertainment facilities, specialty shops, and a movie theater with at least 18 operating screens. Alcoholic beverages sold for consumption on the premises by a vendor in a specialty center may be consumed only in areas designated pursuant to s. 561.01(11) and may not be removed from the designated area.

And the title is amended as follows:

On page 1, delete lines 11 and 12 and insert: the definition of a specialty center; limiting consumption

Pursuant to Rule 4.19, **CS for SB 1444** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SB 898—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing fees; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

—with pending **Amendment 1**, **Amendment 1A** and **Amendment 1B**. **Amendment 1B** by Senator Burt was withdrawn and **Amendment 1A** by the Committee on Fiscal Policy failed.

The question recurred on pending **Amendment 1** by the Committee on Agriculture and Consumer Services which failed.

Senator Burt moved the following amendment which was adopted:

Amendment 2 (064242)—On page 1, delete lines 18-22 and insert: *The finance charge may not exceed 96 percent simple interest under a title loan agreement during the first year that it is in effect; however, the amount of interest charged in any 1 month may not exceed 19 percent. A title loan lender which has received interest payments of 19*

percent per month for 4 months may not enter into another title loan agreement with the same borrower for 1 year from the inception of the original title loan date.

The Committee on Agriculture and Consumer Services recommended the following amendment which was moved by Senator Childers and failed:

Amendment 3 (485028)—On page 27, line 27, delete "19" and insert: 18

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

Amendment 4 (641906)—On page 3, line 5, after "pledgors" insert: *, except such loans made pursuant to licensees under chapter 516, 520, or 655*

Amendment 5 (075462)—On page 26, line 19, delete "title loan," and insert: ~~title loan,~~

The Committee on Fiscal Policy recommended the following amendments which were moved by Senator Childers and adopted:

Amendment 6 (413946)—On page 16, between lines 29 and 30, insert:

(3) Payment by a title loan borrower may not be considered late unless it is received more than 7 working days after the date the payment is due. If a late fee is charged by the title loan lender, the total amount of the late fee may not exceed 10 percent of the amount of the payment that is late.

(Renumber subsequent subsections.)

Amendment 7 (322508)—On page 17, between lines 3 and 4, insert:

(4) Interest on a title loan may be charged only on the principal amount of the loan and may not be compounded.

(Renumber subsequent subsections.)

Senator Childers moved the following amendment which was adopted:

Amendment 8 (590260)—On page 18, between lines 2 and 3, insert:

(6) The title loan lender must require a borrower who is in active military service to sign an affidavit informing the borrower that the borrower has 10 days within which to rescind the contract and repay only the principal without penalty or interest, and the title loan lender shall retain a copy of the affidavit and give a copy to the borrower to take to the military legal officer.

Senators Meek, Grant, Jones and Cowin offered the following amendment which was moved by Senator Meek and adopted:

Amendment 9 (955390)—On page 24, line 14, after the period (.) insert: *However, this act does not preclude a county or municipality from adopting an ordinance more restrictive than this act.*

The vote was:

Yeas—21

Madam President	Forman	Latvala	Sebesta
Brown-Waite	Geller	Laurent	Sullivan
Campbell	Grant	Lee	Webster
Cowin	Jones	Meek	
Dawson-White	Klein	Mitchell	
Dyer	Kurth	Saunders	

Nays—16

Bronson	Childers	Holzendorf	Myers
Burt	Clary	King	Scott
Carlton	Diaz-Balart	Kirkpatrick	Silver
Casas	Gutman	McKay	Thomas

On motion by Senator Childers, further consideration of **SB 898** as amended was deferred.

On motion by Senator Burt—

SB 1400—A bill to be entitled An act relating to long-term-care insurance for public employees; amending s. 110.1227, F.S.; providing legislative intent; revising duties of the Department of Elderly Affairs and the Division of State Group Insurance with respect to long-term-care insurance for public employees; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (524760)(with title amendment)—On page 1, delete lines 19-29 and insert:

(2)(a) It is the intent of the Legislature that the *Department of Management Services* ~~Division of State Group Insurance~~ and the Department of Elderly Affairs *provide an opportunity for public employees to purchase implement a self-funded or fully insured, voluntary, long-term-care insurance by means of payroll deduction plan for public employees and their families.*

(3)(b) The Department of Elderly Affairs and the *Department of Management Services* ~~Division of State Group Insurance~~ shall jointly review ~~design the plan to provide~~ long-term-care insurance offerings to identify those that represent the best value coverage for public employees, ~~and~~ family members of public employees, and retirees. *The Department of Management Services shall review all fully insured proposals submitted to it by qualified vendors who have submitted responses to ITN #102A prior to February 23, 1999. Upon review of the proposals, the Department of Management Services may award a contract to the vendor that the department deems to represent the best value to public employees, family members of public employees, and retirees. The*

And the title is amended as follows:

On page 1, delete lines 4-8 and insert: revising the Florida Employee Long-Term-Care Plan Act; requiring the Department of Management Services and the Department of Elderly Affairs to provide for long-term-care insurance through payroll deduction; requiring the Department of Management Services to review proposals; authorizing the department to award a contract; providing an effective date.

Pursuant to Rule 4.19, **SB 1400** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

CS for SB 780—A bill to be entitled An act relating to wildfires; amending s. 590.01, F.S.; providing the Division of Forestry of the Department of Agriculture and Consumer Services with the responsibility to prevent, detect, and suppress wildfires; creating s. 590.015, F.S.; defining terms; amending s. 590.02, F.S.; authorizing the division to appoint additional personnel to fight wildfires; providing for wildfire training and fire management and emergency response assistance; providing for agreements or contracts with the private sector for fire prevention activities; providing for the Florida Center for Wildfire and Forest Resource Management Training; providing for fees for the operation of the center; creating an advisory committee; amending s. 590.081, F.S.; prohibiting burning in severe drought conditions without permission; amending s. 590.082, F.S.; providing a penalty for certain travel through hazardous areas; amending s. 590.091, F.S.; providing for designation of railroad rights-of-way in wildfire areas; amending s. 590.10, F.S.; providing a penalty for the disposal of lighted substances; amending s. 590.11, F.S.; providing restrictions on recreation fires; creating s. 590.125, F.S.; providing conditions for noncertified burning and certified prescribed burning; amending s. 590.13, F.S.; providing for civil liability; amending s. 590.14, F.S.; authorizing the division to issue warning citations; providing for a notice of violation; providing for the recovery of other fire-suppression costs; amending s. 590.16, F.S.; providing for discretionary rewards; amending s. 590.25, F.S.; providing a penalty for obstructing the extinguishing of wildfires; amending s. 590.27, F.S.; correcting an organizational reference; amending s. 590.28, F.S.; providing penalties for the careless or intentional burning of wild lands; amending s. 590.29, F.S.; providing a penalty for the illegal possession of incendiary devices; amending ss. 590.33, 590.34, 590.42, F.S.; correcting organizational references; repealing s. 590.025, F.S., which provides

for control burning; repealing s. 590.026, F.S., which provides for prescribed burning; repealing s. 590.03, F.S., which provides for fire wardens; repealing s. 590.04, F.S., which provides for the organization of districts; repealing s. 590.05, F.S., which provides for road crews to extinguish fires; repealing s. 590.06, F.S., which provides for rules for road crews; repealing s. 590.07, F.S., which provides for a penalty; repealing s. 590.08, F.S., which provides for the unlawful burning of lands; repealing s. 590.09, F.S., which provides for setting fires on rights-of-way; repealing s. 590.12, F.S., which provides for unlawful burning; repealing s. 590.30 F.S., which provides for penalties; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 780** to **CS for HB 1535**.

Pending further consideration of **CS for SB 780** as amended, on motion by Senator Thomas, by two-thirds vote **CS for HB 1535** was withdrawn from the Committees on Agriculture and Consumer Services; and Fiscal Policy.

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

CS for HB 1535—A bill to be entitled An act relating to wildfires; amending s. 590.01, F.S.; providing the Division of Forestry of the Department of Agriculture and Consumer Services with the responsibility to prevent, detect, and suppress wildfires; creating s. 590.015, F.S.; defining terms; amending s. 590.02, F.S.; authorizing the division to appoint additional personnel to fight wildfires; providing for wildfire training and fire management and emergency response assistance; providing for agreements or contracts with the private sector for fire prevention activities; providing for the Florida Center for Wildfire and Forest Resources Management Training; providing for fees for the operation of the center; creating an advisory committee; amending s. 590.081, F.S.; prohibiting burning in severe drought conditions without permission; amending s. 590.082, F.S.; revising provisions relating to declarations of severe drought emergencies; providing a requirement for executive orders by the Governor relating to extraordinary fire hazards; providing a penalty for certain travel through hazardous areas; amending s. 590.091, F.S.; providing for designation of railroad rights-of-way in wildfire areas; amending s. 590.10, F.S.; providing a penalty for the disposal of lighted substances; amending s. 590.11, F.S.; providing restrictions on recreation fires; creating s. 590.125, F.S.; providing conditions for non-certified burning and certified prescribed burning; amending s. 590.13, F.S.; providing for civil liability; amending s. 590.14, F.S.; authorizing the division to issue warning citations; providing for a notice of violation; providing for the recovery of fire suppression costs; amending s. 590.16, F.S.; providing for discretionary rewards; amending s. 590.25, F.S.; providing a penalty for obstructing the extinguishing of wildfires; amending s. 590.27, F.S.; correcting an organizational reference; amending s. 590.28, F.S.; providing penalties for the careless or intentional burning of wild lands; amending s. 590.29, F.S.; providing a penalty for the illegal possession of incendiary devices; amending ss. 590.33, 590.34, and 590.42, F.S.; correcting organizational references; amending s. 259.032, F.S.; providing for the use of Conservation and Recreation Lands funds to manage additional lands; providing for uses of management equipment; amending s. 372.57, F.S.; providing an exemption to the recreational user permit fee; repealing s. 590.025, F.S., relating to control burning, s. 590.026, F.S., relating to prescribed burning, s. 590.03, F.S., relating to fire wardens, s. 590.04, F.S., relating to the organization of districts, s. 590.05, F.S., relating to road crews to extinguish fires, s. 590.06, F.S., relating to rules for road crews, s. 590.07, F.S., relating to a penalty, s. 590.08, F.S., relating to the unlawful burning of lands, s. 590.09, F.S., relating to setting fires on rights-of-way, s. 590.12, F.S., relating to unlawful burning, and s. 590.30 F.S., relating to penalties; providing an appropriation; providing for the rebuilding of certain structures; providing an effective date.

—a companion measure, was substituted for **CS for SB 780** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1535** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 204—A bill to be entitled An act relating to the unlawful possession or use of a firearm by a minor; amending s. 790.22, F.S.; providing that a minor who violates s. 790.22(3), F.S., must be detained in a secure detention facility; providing that a minor who commits an offense that involves the use or possession of a firearm may not receive credit for time served; providing requirements for the community service that a court orders a minor to perform as a sanction for committing an offense that involves the use or possession of a firearm; amending ss. 943.051, 985.212, F.S., relating to fingerprinting of a minor; revising provisions to conform to changes made by the act; providing that a minor who violates s. 790.115, F.S., must be fingerprinted; amending s. 790.115, F.S.; providing that weapons and firearms may not be possessed or discharged at a school-sponsored event or on school property; providing that the state attorney has discretion in prosecuting a minor as an adult for a violation of s. 790.115(2), F.S.; requiring that schools notify students in writing that unlawfully possessing a weapon or a firearm is a violation of state law; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 204** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 86—A bill to be entitled An act relating to game promotions; amending s. 849.094, F.S.; redefining the terms “game promotion” and “operator” and defining the term “older individual”; prohibiting certain acts in connection with game promotions and promotional materials therefor; requiring certain information to be printed on envelopes; revising provision relating to maintenance and distribution of winner lists; providing penalties, including increased penalties when an unlawful act is against an older individual; providing an effective date.

—was read the second time by title.

The Committee on Agriculture and Consumer Services recommended the following amendment which was moved by Senator Campbell and failed:

Amendment 1 (022720)—Delete everything after the enacting clause and insert:

Section 1. Section 849.094, Florida Statutes, is amended to read:

849.094 Game promotion ~~for in connection with~~ sale of consumer products or services.—

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

(a) “Game promotion” means, but is not limited to, a contest, game of chance, *sweepstakes*, or gift enterprise, conducted within ~~or through~~ ~~out~~ the state ~~or offered to residents of this state for the purpose of selling, promoting, or advertising a consumer product or service being offered to the public and other states in connection with the sale of consumer products or services,~~ and in which the elements of chance and prize are present. *The term includes, but is not limited to, enterprises commonly known as “matching,” “instant winner,” or “preselected sweepstakes” which involve the distribution of winning numbers or game pieces designated as such in the game promotion rules. However, “game promotion” shall not be construed to apply to bingo games conducted pursuant to s. 849.0931.*

(b) “Operator” means any person, firm, corporation, or association or agent or employee thereof who *sponsors, promotes, operates, or conducts a game promotion, or in whose name a game promotion is in any manner sponsored, promoted, operated, or conducted,* except any charitable non-profit organization.

(c) “Older individual” means an individual who is 60 years of age or older.

(2) It is unlawful for any operator:

(a) To design, engage in, promote, or conduct ~~such a game promotion, in connection with the promotion or sale of consumer products or services, wherein the winner may be predetermined or which the game may be manipulated or rigged so as to:~~

1. ~~Allocates~~ ~~Allocate~~ a winning game or any portion thereof to certain lessees, agents, or franchisees; or

2. ~~Allocates~~ ~~Allocate~~ a winning game or part thereof to a particular period of the game promotion or to a particular geographic area;

(b) Arbitrarily to remove, disqualify, disallow, or reject any entry;

(c) To fail to award prizes offered; *however, if participation in the game promotion is by means of a game piece from which the winner can determine that he or she has won a designated prize, it is not unlawful under this section to fail to award a prize having an announced value of less than \$100 if the prize is unclaimed at the end of the game promotion;*

(d) *To fail to award by alternate means those prizes having an announced value of \$100 or greater which remain unclaimed at the end of the game promotion;*

(e) ~~(d)~~ To print, publish, or circulate literature or advertising material used in connection with such game promotions which is false, deceptive, or misleading; ~~or~~

(f) ~~(e)~~ To require an entry fee, payment, *purchase,* or proof of purchase as a condition of entering a game promotion *or to represent that an entry fee, payment, purchase, or proof of purchase is a condition of entering a game promotion or will enhance the chances of winning;*

(g) *To fail to make clearly and conspicuously on any envelope containing advertising and promotional material distributed in connection with a game promotion to the public through the mail, the following disclosures in 16-point font:*

1. *The statement “This is a game promotion that involves chance. You have not automatically won”;*

2. *The name and physical address of the operator;*

3. *A toll-free number of the operator whom persons may call for answers to questions they have about the game promotion;*

(h) *To fail to make clearly and conspicuously on the top of the first page of all advertising and promotional material distributed in connection with a game promotion to the public through the mail regardless of whether an envelope is used, the following disclosures in 16-point font: “This offer includes a game promotion that involves chance. You have not automatically won. Your chances of winning are (insert applicable mathematical probability). No purchase is required either to win a prize or to increase your chances of winning a prize.”*

Paragraphs (g) and (h) do not apply to timeshare prize and gift promotional offers defined in s. 721.111.

(3) The operator of a game promotion in which the total announced value of the prizes offered is greater than \$5,000 shall file with the Department of State a copy of the rules and regulations of the game promotion, including a statement setting forth the beginning and ending dates of the game promotion and a list of all prizes and prize categories offered at least 7 days before the commencement of the game promotion. Such rules and regulations may not thereafter be changed, modified, or altered. The operator of a game promotion shall conspicuously post the rules and regulations of such game promotion in each and every retail outlet or place where such game promotion may be played or participated in by the public. *The operator and shall also publish the rules and regulations in all game promotion materials that offer a chance to enter and that are distributed to the public through the mail in no less than 12-point font in all advertising copy used in connection therewith. All advertisements pertaining to the game promotion must indicate the address and telephone number where such rules and regulations can be obtained. Such rules and regulations must be made available to the public without charge upon request.*

An operator may not distribute advertising or promotional material in connection with a game promotion to any person who has requested or whose guardian or agent has requested on such person’s behalf that the person’s name be deleted from such game promotion distribution. Such a request must be processed by the operator within 60 days after receipt. Radio and television announcements may indicate that the rules and regulations are available at retail outlets or from the operator of the promotion. A nonrefundable filing fee of \$100 shall accompany each filing and shall be deposited into the Division of Licensing Trust Fund

to be used to pay the costs incurred in administering and enforcing the provisions of this section. *The filing or acceptance of any information or documents pursuant to this act does not constitute registration or a determination of compliance or applicability of any provision set forth in this section.*

(4)(a) Every operator of such a game promotion in which the total announced value of the prizes offered is greater than \$5,000 shall establish a trust account, in a national or state-chartered financial institution, with a balance sufficient to pay or purchase the total value of all prizes offered. On a form supplied by the Department of State, an official of the financial institution holding the trust account shall set forth the dollar amount of the trust account, the identity of the entity or individual establishing the trust account, and the name of the game promotion for which the trust account has been established. Such form shall be filed with the Department of State at least 7 days in advance of the commencement of the game promotion. In lieu of establishing such trust account, the operator may obtain a surety bond in an amount equivalent to the total value of all prizes offered; and such bond shall be filed with the Department of State at least 7 days in advance of the commencement of the game promotion.

1. The moneys held in the trust account may be withdrawn in order to pay the prizes offered only upon certification to the Department of State of the name of the winner or winners and the amount of the prize or prizes and the value thereof.

2. If the operator of a game promotion has obtained a surety bond in lieu of establishing a trust account, the amount of the surety bond shall equal at all times the total amount of the prizes offered.

(b) The Department of State may waive the provisions of this subsection for any operator who has conducted game promotions in the state for not less than 5 consecutive years and who has not had any civil, criminal, or administrative action instituted against him or her by the state or an agency of the state for violation of this section within that 5-year period. Such waiver may be revoked upon the commission of a violation of this section by such operator, as determined by the Department of State.

(5) Every operator of a game promotion in which the total announced value of the prizes offered is greater than \$5,000 shall *maintain for a period of 2 years from the date the prizes have been awarded* provide the Department of State with a certified list of the names and addresses of all persons, whether from this state or from another state, who have won prizes *that which* have a value of *greater more* than \$100 \$25, the value of such prizes, and the dates when the prizes were won within 60 days after such winners have been finally determined. The operator shall provide a copy of the list of winners, without charge, to any person who requests it. *The operator shall provide a copy of the list of winners, without charge, immediately upon request by the Department of State, the Department of Legal Affairs, or the office of the state attorney. In lieu of the foregoing, the operator of a game promotion may, at his or her option, publish the same information about the winners in a Florida newspaper of general circulation within 60 days after such winners have been determined and shall provide to the Department of State a certified copy of the publication containing the information about the winners. The operator of a game promotion is not required to notify a winner by mail or by telephone when the winner is already in possession of a game card from which the winner can determine that he or she has won a designated prize. All winning entries shall be held by the operator for a period of 90 days after the close or completion of the game.*

(6) The Department of State shall keep the certified list of winners for a period of at least 6 months after receipt of the certified list. The department thereafter may dispose of all records and lists.

(6)(7) No operator shall force, directly or indirectly, a lessee, agent, or franchise dealer to purchase or participate in any game promotion. For the purpose of this section, coercion or force shall be presumed in these circumstances in which a course of business extending over a period of 1 year or longer is materially changed coincident with a failure or refusal of a lessee, agent, or franchise dealer to participate in such game promotions. Such force or coercion shall further be presumed when an operator advertises generally that game promotions are available at its lessee dealers or agent dealers.

(7)(a)(8)(a) The Department of State may adopt rules pursuant to ss. 120.54 and 120.536(1) to administer the provisions of this section and

may take administrative action with respect to violations of this act shall have the power to promulgate such rules and regulations respecting the operation of game promotions as it may deem advisable.

(b) Whenever the Department of State or the Department of Legal Affairs has reason to believe that a game promotion is being operated in violation of this section, it may bring an action in the circuit court of any judicial circuit in which the game promotion is being operated in the name and on behalf of the people of the state against any operator thereof to enjoin the continued operation of such game promotion anywhere within the state.

(8)(a)(9)(a) Any person, firm, or corporation, or association or agent or employee thereof, or any operator who engages in any acts or practices stated in this section to be unlawful, or who violates any of the rules and regulations made pursuant to this section, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. *However, when such unlawful acts or practices are committed against an older individual, the operator is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(b) Any person, firm, or corporation, or association, agent, or employee thereof, or any operator who violates any provision of this section or any of the rules adopted and regulations made pursuant to this section shall be liable for an administrative fine or a civil penalty of not more than \$1,000 for each such violation, which shall accrue to the state and may be recovered in any a civil action brought by the Department of State or the Department of Legal Affairs. *However, when such violation is committed against an older individual, the amount of the fine or penalty shall be not more than \$5,000 for each such violation.*

(9)(10) This section does not apply to actions or transactions regulated by the Department of Business and Professional Regulation or to the activities of nonprofit organizations or to any other organization engaged in any enterprise other than the sale of consumer products or services. Subsections (3), (4), (5), and (6), and (7) and paragraph (7)(a) (8)(a) and any of the rules made pursuant thereto do not apply to television or radio broadcasting companies licensed by the Federal Communications Commission.

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

Senator Campbell moved the following amendment which was adopted:

Amendment 2 (085812)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 849.094, Florida Statutes, is amended to read:

849.094 Game promotion for in connection with sale of consumer products or services.—

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

(a) "Game promotion" means, but is not limited to, a contest, game of chance, sweepstakes, or gift enterprise, conducted within or through-out the state or offered to any person in this state for the purpose of selling, promoting, or advertising a consumer product or service being offered to the public and other states in connection with the sale of consumer products or services, and in which the elements of chance and prize are present. *The term includes, but is not limited to, enterprises commonly known as "matching," "instant winner," or "preselected sweepstakes" which involve the distribution of winning numbers or game pieces designated as such in the game promotion rules. However, "game promotion" shall not be construed to apply to bingo games conducted pursuant to s. 849.0931.*

(b) "Operator" means any person, firm, corporation, or association or agent or employee thereof who promotes, operates, or conducts a game promotion, or on whose behalf a game promotion is promoted, operated, or conducted, except any charitable nonprofit organization.

(c) "Older individual" means an individual who is 60 years of age or older.

(2) It is unlawful for any operator:

(a) To design, engage in, promote, or conduct such a game promotion, in connection with the promotion or sale of consumer products or ser-

vides, wherein the winner may be predetermined or *which allows the game to may be manipulated or rigged so as to:*

1. Allocate a winning game or any portion thereof to certain lessees, agents, or franchises; or

2. Allocate a winning game or part thereof to a particular period of the game promotion or to a particular geographic area.;

(b) Arbitrarily to remove, disqualify, disallow, or reject any entry.;

(c) To fail to award prizes offered.;

(d) To print, publish, or circulate literature or advertising material used in connection with such game promotions which is false, deceptive, or misleading.;

(e) To require an entry fee, payment, *purchase*, or proof of purchase as a condition of entering a game promotion *or to represent that an entry fee, payment, purchase, or proof of purchase is a condition of entering a game promotion or will enhance the chances of winning.*

(f) *To fail to make clearly and conspicuously on any envelope containing advertising and promotional material distributed in connection with a game promotion to the public through the mail, the following disclosures in 16-point font:*

1. *The statement "This is a game promotion that involves chance. You have not automatically won."*

2. *The name and physical address of the operator.*

3. *A toll-free number of the operator whom persons may call for answers to questions they have about the game promotion.*

This paragraph does not apply to direct mail necessary to the accounting of an existing business relationship with consumers, provided the disclosures otherwise required on the envelope are clearly and conspicuously made in the same manner in any advertising and promotional material offering a game promotion included therein. This paragraph also does not apply to timeshare prize and gift promotional offers defined in s. 721.111.

(g) *To fail to make clearly and conspicuously on the top of the first page of all advertising and promotional material distributed in connection with a game promotion to the public through the mail regardless of whether an envelope is used, the following disclosures in 16-point font: "This offer includes a game promotion that involves chance. You have not automatically won. Your chances of winning are (insert applicable mathematical probability). No purchase is required either to win a prize or to increase your chances of winning a prize." This paragraph does not apply to timeshare prize and gift promotional offers defined in s. 721.111.*

(3)(a) The operator of a game promotion in which the total announced value of the prizes offered is greater than \$5,000 shall file with the Department of State a copy of the rules and regulations of the game promotion, *including a statement setting forth the beginning and ending dates of the game promotion*, and a list of all prizes and prize categories offered at least 7 days before the commencement of the game promotion. Such rules and regulations may not thereafter be changed, modified, or altered. The operator of a game promotion shall conspicuously post the rules and regulations of such game promotion in each and every retail outlet or place where such game promotion may be played or participated in by the public. *The operator and shall also publish the rules and regulations in all game promotion materials that offer a chance to enter and that are distributed to the public through the mail in no less than 12-point font in all advertising copy used in connection therewith. All advertisements pertaining to the game promotion must indicate the address and telephone number where such rules and regulations can be obtained. Such rules and regulations must be made available to the public without charge upon request.*

(b) *An operator may not distribute direct-mail advertising or promotional material in connection with a game promotion to any person who has requested or whose guardian or agent has requested on such person's behalf that the person's name be deleted from such game promotion distribution. Such a request must be processed by the operator within 60 days after receipt. Radio and television announcements may indicate that the rules and regulations are available at retail outlets or from the operator of the promotion.*

(c) A nonrefundable filing fee of \$100 shall accompany each filing and shall be deposited into the Division of Licensing Trust Fund to be used to pay the costs incurred in administering and enforcing the provisions of this section.

(d) *The filing or acceptance of any information or documents pursuant to this section does not constitute registration or a determination of compliance or applicability of any provision set forth in this section.*

(4)(a) Every operator of such a game promotion in which the total announced value of the prizes offered is greater than \$5,000 shall establish a trust account, in a national or state-chartered financial institution, with a balance sufficient to pay or purchase the total value of all prizes offered. On a form supplied by the Department of State, an official of the financial institution holding the trust account shall set forth the dollar amount of the trust account, the identity of the entity or individual establishing the trust account, and the name of the game promotion for which the trust account has been established. Such form shall be filed with the Department of State at least 7 days in advance of the commencement of the game promotion. In lieu of establishing such trust account, the operator may obtain a surety bond in an amount equivalent to the total value of all prizes offered; and such bond shall be filed with the Department of State at least 7 days in advance of the commencement of the game promotion.

1. The moneys held in the trust account may be withdrawn in order to pay the prizes offered only upon certification to the Department of State of the name of the winner or winners and the amount of the prize or prizes and the value thereof.

2. If the operator of a game promotion has obtained a surety bond in lieu of establishing a trust account, the amount of the surety bond shall equal at all times the total amount of the prizes offered.

(b) The Department of State may waive the provisions of this subsection for any operator who has conducted game promotions in the state for not less than 5 consecutive years and who has not had any civil, criminal, or administrative action instituted against him or her by the state or an agency of the state for violation of this section within that 5-year period. Such waiver may be revoked upon the commission of a violation of this section by such operator, as determined by the Department of State.

(5) Every operator of a game promotion in which the total announced value of the prizes offered is greater than \$5,000 shall *maintain for a period of 2 years from the date the prizes have been awarded* ~~provide the Department of State with a certified list of the names and addresses of all persons, whether from this state or from another state, who have won prizes that which have a value of greater more than \$100 \$25, the value of such prizes, and the dates when the prizes were won within 60 days after such winners have been finally determined.~~ The operator shall provide a copy of the list of winners, without charge, to any person who requests it. *The operator shall provide a copy of the list of winners, without charge, immediately upon request by the Department of State, the Department of Legal Affairs, or the office of the state attorney. In lieu of the foregoing, the operator of a game promotion may, at his or her option, publish the same information about the winners in a Florida newspaper of general circulation within 60 days after such winners have been determined and shall provide to the Department of State a certified copy of the publication containing the information about the winners. The operator of a game promotion is not required to notify a winner by mail or by telephone when the winner is already in possession of a game card from which the winner can determine that he or she has won a designated prize. All winning entries shall be held by the operator for a period of 90 days after the close or completion of the game.*

~~(6) The Department of State shall keep the certified list of winners for a period of at least 6 months after receipt of the certified list. The department thereafter may dispose of all records and lists.~~

~~(6)(7)~~ No operator shall force, directly or indirectly, a lessee, agent, or franchise dealer to purchase or participate in any game promotion. For the purpose of this section, coercion or force shall be presumed in these circumstances in which a course of business extending over a period of 1 year or longer is materially changed coincident with a failure or refusal of a lessee, agent, or franchise dealer to participate in such game promotions. Such force or coercion shall further be presumed when an operator advertises generally that game promotions are available at its lessee dealers or agent dealers.

~~(7)(8)(a) The Department of State may adopt rules pursuant to ss. 120.54 and 120.536(1) to administer the provisions of this section and may take administrative action with respect to violations of this section shall have the power to promulgate such rules and regulations respecting the operation of game promotions as it may deem advisable.~~

(b) Whenever the Department of State or the Department of Legal Affairs has reason to believe that a game promotion is being operated in violation of this section, it may bring an action in the circuit court of any judicial circuit in which the game promotion is being operated in the name and on behalf of the people of the state against any operator thereof to enjoin the continued operation of such game promotion anywhere within the state.

~~(8)(9)(a) Any person, firm, or corporation, or association, or agent, or employee thereof, or any operator, who engages in any acts or practices stated in this section to be unlawful, or who violates any of the rules and regulations made pursuant to this section, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, when such unlawful acts or practices are committed against an older individual, the operator is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(b) Any person, firm, or corporation, or association, agent, or employee thereof, or any operator, who violates any provision of this section or any of the rules adopted and regulations made pursuant to this section shall be liable for an administrative fine or a civil penalty of not more than \$1,000 for each such violation, which shall accrue to the state and may be recovered in any civil action brought by the Department of State or the Department of Legal Affairs. However, when such violation is committed against an older individual, the amount of the fine or penalty shall be not more than \$5,000 for each such violation.

~~(9)(10) This section does not apply to actions or transactions regulated by the Department of Business and Professional Regulation or to the activities of nonprofit organizations or to any other organization engaged in any enterprise other than the sale of consumer products or services. Subsections (3), (4), (5), and (6), and (7) and paragraph (7)(8)(a) and any of the rules made pursuant thereto do not apply to television or radio broadcasting companies licensed by the Federal Communications Commission.~~

Section 2. Subsection (2) of section 721.111, Florida Statutes, is amended to read:

721.111 Prize and gift promotional offers.—

(2) A game promotion, such as a contest of chance, gift enterprise, or sweepstakes, in which the elements of chance and prize are present may not be used in connection with the offering or sale of timeshare periods, except for drawings, as that term is defined in s. 849.0935(1)(a), in which no more than 10 prizes are promoted and in which all promoted prizes are actually awarded. All such drawings must meet all requirements of this chapter and of ss. 849.092 and 849.094(1), (2), and (6) (7).

Section 3. This act shall take effect October 1, 1999.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to game promotions; amending s. 849.094, F.S.; redefining the terms "game promotion" and "operator" and defining the term "older individual"; prohibiting certain acts in connection with game promotions and advertising and promotional material therefor; requiring certain information to be printed on envelopes and certain information to be printed on advertising and promotional material distributed in connection with a game promotion to the public through the mail; revising provisions relating to maintenance and distribution of winner lists; providing penalties, including increased penalties when an unlawful act is against an older individual; amending s. 721.111, F.S.; correcting a cross reference, to conform; providing an effective date.

Pursuant to Rule 4.19, **SB 86** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 2054—A bill to be entitled An act relating to capital collateral representation; amending s. 27.703, F.S.; requiring private counsel appointments to be in accordance with specified provisions; amending s. 27.710, F.S.; requiring notification of the trial court if an appointed attorney fails to execute a contract within a specified period; authorizing an attorney appointed to represent a defendant in a postconviction capital collateral proceeding to designate another attorney to assist in the representation; amending s. 27.711, F.S.; revising provisions governing the award of attorney's fees; providing that an additional payment for miscellaneous expenses may be paid under extraordinary circumstances from a separate budget allocation; providing for payment of certain tuition and other expenses for an attorney who is actively representing a capital defendant; providing for the transmittal of files and documents to the successor attorney; requiring the court to monitor the performance of counsel appointed to represent a capital defendant in a postconviction proceeding; providing for payment of attorneys' miscellaneous expenses which were incurred before a specified date; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendments which were moved by Senator Burt and adopted:

Amendment 1 (724448)(with title amendment)—On page 2, line 1 through page 3, line 18, delete those lines and insert:

Section 1. Subsection (4) of section 27.702, Florida Statutes, 1998 Supplement, is amended to read:

27.702 Duties of the capital collateral regional counsel; reports.—

(4)(a) The capital collateral regional counsel or private counsel shall give written notification of each pleading filed by that office and the name of the person filing the pleading to the Commission on the Administration of Justice in Capital Cases and to the trial court assigned to the case.

(b) Each capital collateral regional counsel shall provide a quarterly report to the President of the Senate, the Speaker of the House of Representatives, and the Commission on the Administration of Justice in Capital Cases which details the number of hours worked by investigators and legal counsel per case and the amounts per case expended during the preceding quarter in investigating and litigating capital collateral cases.

Section 2. Subsection (2) of section 27.703, Florida Statutes, is amended to read:

27.703 Conflict of interest and substitute counsel.—

(2) Appointed counsel shall be paid from funds appropriated to the Justice Administrative Commission. The hourly rate may not exceed \$100. However, effective July 1, 1999, all appointments of private counsel under this section shall be in accordance with ss. 27.710 and 27.711.

Section 3. Section 27.709, Florida Statutes, 1998 Supplement, is amended to read:

27.709 Commission on the Administration of Justice in Capital Cases.—

(1)(a) There is created the Commission on the Administration of Justice in Capital Cases, which shall consist of the six following members:

1. Two members appointed by the Governor.
2. Two members appointed by the President of the Senate from the membership of the Senate. One member shall be a member of the majority party, and one member shall be a member of the minority party.
3. Two members appointed by the Speaker of the House of Representatives from the membership of the House of Representatives. One member shall be a member of the majority party, and one member shall be a member of the minority party.

(b) The chair of the commission shall be selected by the members for a term of 1 year.

(c) The commission shall meet quarterly, and other meetings may be called by the chair upon giving at least 7 days' notice to all members and the public.

(d) Members of the commission are entitled to per diem and travel expenses to be paid by the appointing entity.

(e) The initial members of the commission must be appointed on or before October 1, 1997. Members of the commission shall be appointed to serve terms of 4 years each, except that a member's term shall expire upon leaving office as a member of the Senate or the House of Representatives. Two of the initial members, one from the Senate and one from the House of Representatives, shall be appointed for terms of 2 years each. Two of the initial members, one from the Senate and one from the House of Representatives, shall be appointed for terms of 3 years each.

(f) The Office of Legislative Services shall provide staff support for the commission.

(2) The commission shall review the administration of justice in capital collateral cases, receive relevant public input, review the operation of the capital collateral regional counsel, and advise and make recommendations to the Governor, Legislature, and Supreme Court. In addition, the commission shall receive complaints regarding the practice of any office of regional counsel and shall refer any complaint to The Florida Bar, the State Supreme Court, or the Commission on Ethics, as appropriate.

(3) The Commission on ~~the Administration of Justice in Capital Cases~~ shall conduct a study to evaluate whether the elimination of state postconviction proceedings in death penalty cases will reduce delays in carrying out a sentence of death in capital cases. In conducting the study, the commission shall take public testimony from any interested party. The commission shall review the average number of postconviction motions and writs filed in capital cases, prior legislative and judicial attempts to reduce delays in capital cases, and the length of time required for capital postconviction claims in state and federal court. The commission shall consider average delays in capital cases, whether those delays have increased in the last 10 years, and the reasons for any increase in delays. The study shall include a report which addresses the legal, fiscal, and practical considerations concerning the elimination of state postconviction proceedings, and the recommendation of the commission. Public notice shall be provided, in a manner agreed to by the commission, for all hearings where the commission intends to hear public testimony concerning the elimination of state postconviction proceedings in death penalty cases for purposes of this study. The report shall be submitted to the Speaker of the House of Representatives, the President of the Senate, and the minority leaders in the House and the Senate by December 1, 1998.

Section 4. Subsections (1), (4), and (6) of section 27.710, Florida Statutes, 1998 Supplement, are amended to read:

27.710 Registry of attorneys applying to represent persons in postconviction capital collateral proceedings; certification of minimum requirements; appointment by trial court.—

(1) The executive director of the Commission on ~~the Administration of Justice in Capital Cases~~ shall compile and maintain a statewide registry of attorneys in private practice who have certified that they meet the minimum requirements of s. 27.704(2) and who are available for appointment by the court under this section to represent persons convicted and sentenced to death in this state in postconviction capital collateral proceedings. To ensure that sufficient attorneys are available for appointment by the court, when the number of attorneys on the registry falls below 50, the executive director shall notify the chief judge of each circuit by letter and request the chief judge to promptly submit the names of at least three private attorneys who regularly practice criminal law in that circuit and who appear to meet the minimum requirements to represent persons in postconviction capital collateral proceedings. The executive director shall send an application to each attorney identified by the chief judge so that the attorney may register for appointment as counsel in postconviction capital collateral proceedings. As necessary, the executive director may also advertise in legal publications and other appropriate media for qualified attorneys interested in registering for appointment as counsel in postconviction capital collateral proceedings. Not later than September 1 of each year, and as necessary thereafter, the executive director shall provide to the Chief Justice of the Supreme Court, the chief judge and state attorney in each judicial

circuit, and the Attorney General a current copy of its registry of attorneys who are available for appointment as counsel in postconviction capital collateral proceedings. The registry must be indexed by judicial circuit and must contain the requisite information submitted by the applicants in accordance with this section.

(4) Each private attorney who is appointed by the court to represent a capital defendant must enter into a contract with the Comptroller. *If the appointed attorney fails to execute the contract within 30 days after the date the contract is mailed to the attorney, the executive director of the Commission on Capital Cases shall notify the trial court.* The executive director of the Commission on ~~the Administration of Justice in Capital Cases~~ shall develop the form of the contract, and the Comptroller shall function as contract manager and shall enforce performance of the terms and conditions of the contract. By signing such contract, the attorney certifies that he or she intends to continue the representation under the terms and conditions set forth in the contract until the sentence is reversed, reduced, or carried out or until released by order of the trial court.

(6) More than one attorney may not be appointed and compensated at any one time under s. 27.711 to represent a person in postconviction capital collateral proceedings. *However, an attorney appointed under this section may designate another attorney to assist him or her if the designated attorney meets the qualifications of this section.*

Section 5. Section 27.711, Florida Statutes, 1998 Supplement, is amended to read:

27.711 Terms and conditions of appointment of attorneys as counsel in postconviction capital collateral proceedings.—

(1) As used in s. 27.710 and this section, the term:

(a) "Capital defendant" means the person who is represented in postconviction capital collateral proceedings by an attorney appointed under s. 27.710.

(b) "Executive director" means the executive director of the Commission on ~~the Administration of Justice in Capital Cases~~.

And the title is amended as follows:

On page 1, delete lines 3-5 and insert: representation; amending s. 27.702, F.S.; redesignating the Commission on the Administration of Justice in Capital Cases as the Commission on Capital Cases; amending s. 27.703, F.S.; requiring private counsel appointments to be in accordance with specified provisions; amending s. 27.709, F.S.; conforming provisions to changes made by the act; amending

Amendment 2 (243182)(with title amendment)—On page 7, delete line 19 and insert: a court of competent jurisdiction. *However, if an attorney is permitted to withdraw or is otherwise removed from representation prior to full performance of the duties specified in this section, the trial court shall approve payment of fees and costs for work performed, which may not exceed the amounts specified in this section. An attorney who withdraws or is removed from representation*

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: providing for the payment of attorneys fees and costs when an attorney is permitted to withdraw or is otherwise removed from representation;

Amendment 3 (851770)—On page 8, delete lines 15 and 16 and insert: *Department of Legal Affairs, the executive director,*

Senator Burt moved the following amendment which was adopted:

Amendment 4 (624192)—On page 7, delete lines 4 and 5 and insert: *payment in excess of \$15,000.*

Pursuant to Rule 4.19, **CS for CS for SB 2054** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator McKay, the rules were waived and time of recess was extended until consideration of **CS for CS for SB 230**.

CS for CS for SB 230—A bill to be entitled An act relating to the Department of Labor and Employment Security; amending s. 20.171, F.S.; providing that the department shall operate its programs in a decentralized fashion; providing for the appointment of three assistant secretaries; providing for the powers and duties of such secretaries; providing for the creation of field offices; amending s. 110.205, F.S.; providing that certain employees of the department shall be in the Senior Management Service; providing that certain actions contemplated by the act shall be done within the available resources of the department; amending ss. 393.11, 410.0245, 627.212, 627.311, F.S., to conform; amending s. 442.006, F.S.; limiting the authority of the division to the public sector; amending s. 442.008, F.S.; prescribing duties of the division; providing for safety inspections and consultations and prescribing fees therefor; amending s. 442.013, F.S.; authorizing penalties for public-sector employers; amending s. 442.019, F.S.; authorizing the division to seek compliance in circuit court against public-sector employers; creating s. 443.012, F.S.; recreating the Unemployment Appeals Commission; describing its duties; providing for the future repeal of ch. 442, F.S.; requiring the department to provide a report relating to the Division of Safety; transferring the brain and spinal cord injury program and the Office of Disability Determinations to the Department of Health; amending s. 400.805, F.S., to conform; transferring, renumbering, and amending ss. 413.465, 413.48, 413.49, 413.507, 413.604, 413.605, 413.613, F.S. to conform to the transfer of duties to the Department of Health; requiring the Division of Vocational Rehabilitation to enter into partnerships; providing legislative intent; providing definitions; creating the Occupational Access and Opportunity Commission; providing for membership; providing for appointment and terms; providing for reimbursement; providing for financial disclosure; providing powers and duties; directing the commission to develop and implement the federally required state vocational rehabilitation plan and to fulfill specified administrative functions; requiring the commission to contract with an administrative entity; providing for the assignment of staff; providing for the Occupational Access and Opportunity Corporation; providing powers and duties; providing for the use of property; providing for a board of directors; providing for an annual audit; providing for an annual report of the Occupational Access and Opportunity Commission; authorizing the commission to prepare the state plan, serve as the governing authority, and receive federal funds; requiring the Division of Vocational Rehabilitation to comply with transitional directives of the plan and, under certain circumstances, to transfer its powers, duties, functions, property, and funds to the commission; providing for quality assurance; providing remedies for conflict with federal law; designating the commission as the official state agency; providing for review by the Office of Program Policy Analysis and Government Accountability; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendments which were adopted:

Amendment 1 (050846)(with title amendment)—On page 3, line 26 through page 11, line 3, delete those lines and insert:

(2)(a) *There shall be two assistant secretaries who are to be appointed by and shall serve at the pleasure of the secretary. The assistant secretaries shall be titled: Assistant Secretary for Finance and Administration and Assistant Secretary for Programs and Operations. The secretary may assign either assistant secretary the responsibility to supervise, coordinate, and formulate policy for any division, office, or field office. The Office of General Counsel and the Office of Inspector General are established as special offices and shall be headed by managers, each of whom shall be appointed by and serve at the pleasure of the secretary.*

(b) *There shall be five field offices involved in the administration and management of the department's programs. These field offices shall be responsible for the administration and management of any local offices within their jurisdiction. The five field offices shall be headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary.*

(c) *The managers of all divisions and offices specifically named in this section and the directors of the five field offices are exempt from part II of chapter 110 and are included in the Senior Management Service in*

accordance with s. 110.205(2)(i). No other assistant secretaries or senior management positions at or above the division level, except those established in chapter 110, may be created without specific legislative authority.

(3)(a) *The Assistant Secretary for Finance and Administration must possess a broad knowledge of the administrative, financial, and technical aspects of a complete cost-accounting system, budget preparation and management, and management information systems. The assistant secretary must be a proven, effective manager with specialized skills in financial planning and management. The assistant secretary shall ensure that financial information is processed in a timely, accurate, and complete manner.*

(b) *The assistant secretary is responsible for developing, monitoring, and enforcing policy and managing major technical programs. The responsibilities and duties of the position include, but are not limited to:*

1. *The following functional areas:*

- a. *Financial planning and management.*
- b. *Information systems.*
- c. *Accounting systems.*
- d. *Administrative functions.*

2. *Implementing by no later than December 1, 1999:*

a. *The preparation of detailed documentation of internal controls, including, but not limited to, general and application controls the department relies on for accurate and complete financial information.*

b. *The monthly reconciliation of the department's accounting, planning and budgeting, cash forecasting, and grants-in-aid program.*

c. *The development of a long-range information systems plan for the department which addresses the computing and information requirements of the five field and central offices. Financial, personnel, and technical resources must all be identified and quantified, as appropriate.*

(c) *The Office of Administration, the Office of Comptroller, and the Office of Information Systems are established and shall be headed by managers who are supervised by and responsible to the assistant secretary.*

(d)1. *The secretary shall appoint a comptroller who shall be responsible to the assistant secretary. This position is exempt from part II of chapter 110.*

2. *The comptroller is the chief financial officer of the department and shall be a proven, effective administrator who, by a combination of education and experience, clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller shall hold an active license to practice public accounting in this state pursuant to chapter 473 or in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system which will in a timely manner accurately reflect the revenues and expenditures of the department and which shall include a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and shall be responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies which examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review shall state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.*

3. *The comptroller may be required to give bond as provided by s. 20.059(4).*

4. *The department shall, by rule or internal management memorandum as required by chapter 120, provide for the maintenance by the*

comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:

- a. The several appropriations available for the use of the department.
 - b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose.
 - c. The apportionment or division of all such appropriations among the several counties and field offices, when such apportionment or division is made.
 - d. The amount or portion of each such apportionment against general contractual and other obligations of the department.
 - e. The amount expended and still to be expended in connection with each contractual and each other obligation of the department.
 - f. The expense and operating costs of the various activities of the department.
 - g. The receipts accruing to the department and the distribution thereof.
 - h. The assets, investments, and liabilities of the department.
 - i. The cash requirements of the department for a 36-month period.
5. The comptroller shall maintain a separate account for each fund administered by the department.
 6. The comptroller shall perform such other related duties as may be designated by the department.

(e)1. The Bureau of Management and Budget is created within the Office of the Comptroller. The head of the bureau is responsible to the Comptroller and is exempt from part II of chapter 110.

2. The functions of the bureau include, but are not limited to, financial planning, preparation of the departmental budget, and coordination of related policies and procedures.

3. The bureau shall also be responsible for developing uniform implementation and monitoring procedures for all activities performed at the field office level involving the budget and agency programs.

(4)(a) The Assistant Secretary for Programs and Operations must possess a broad knowledge of the administrative, financial, and technical aspects of the divisions within the department.

(b) The assistant secretary is responsible for developing, monitoring, and enforcing policy and managing major technical programs and supervising the Bureau of Appeals of the Division of Unemployment Compensation. The responsibilities and duties of the position include, but are not limited to, the following functional areas:

1. Workers' compensation management and policy implementation.
2. Jobs and benefits management and policy information.
3. Unemployment compensation management and policy implementation.
4. Blind services management and policy implementation.
5. Oversight of the five field offices and any local offices.

(5) The following divisions are established and shall be headed by division directors who shall be supervised by and shall be responsible to the Assistant Secretary for Programs and Operations:

- (a) Division of Workforce and Employment Opportunities.
- (b) Division of Unemployment Compensation.
- (c) Division of Workers' Compensation.
- (d) Division of Blind Services.

(e) Division of Safety, which is repealed July 1, 2000.

(f) Division of Vocational Rehabilitation.

(6) It is the intent of the Legislature that the functions and programs of the divisions are to be coordinated and integrated to the maximum extent practicably feasible. The department shall have flexibility to minimize costs in managing its contractual obligations with respect to existing leases. Further, it is the intent of the Legislature that all key programs be co-located in five field offices. The department is directed to develop a schedule to achieve this co-location, to the maximum extent feasible, by no later than July 1, 2001; provided, however, in those instances where the department has contractual obligations with respect to existing leases which expire after July 1, 2001, the department may phase in relocations to the five field offices as said leases expire. The following field offices are established and shall be headed by managers:

(a) Field Office I—Pensacola, which shall serve the following counties: Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Wakulla, Leon, Gadsden, Jefferson, Madison, Lafayette, Suwannee, Hamilton, Dixie, Gilchrist, Columbia, Taylor, and Union.

(b) Field Office II—Jacksonville, which shall serve the following counties: Baker, Bradford, Clay, St. Johns, Duval, Nassau, Alachua, Putnam, Marion, Citrus, Levy, Flagler, Volusia, and Brevard.

(c) Field Office III—Orlando, which shall serve the following counties: Lake, Seminole, Orange, Sumter, Sarasota, Hardee, DeSoto, Highlands, Osceola, Polk, Hernando, Pasco, Pinellas, Manatee, and Hillsborough.

(d) Field Office IV—Ft. Lauderdale, which shall serve the following counties: Broward, Palm Beach, Martin, St. Lucie, Indian River, Glades, Hendry, Collier, Okeechobee, Charlotte, and Lee.

(e) Field Office V—Miami, which shall serve the following counties: Dade and Monroe.

~~(2) The following divisions, and bureaus within the divisions, of the Department of Labor and Employment Security are established:~~

~~(a) Division of Jobs and Benefits.~~

~~(b) Division of Unemployment Compensation.~~

~~(c) Division of Administrative Services.~~

~~(d) Division of Workers' Compensation.~~

~~(e) Division of Vocational Rehabilitation.~~

~~(f) Division of Safety.~~

~~(g) Division of Blind Services.~~

~~(7)(3) The following commissions are established~~

And the title is amended as follows:

On page 1, line 6, delete "three"

Amendment 2 (412550)(with title amendment)—On page 18, delete lines 5-10

And the title is amended as follows:

On page 1, delete lines 19-21 and insert: prescribing duties of the division; amending s. 442.013,

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 3 (785568)—On page 46, line 11, delete "25-37" and insert: 24-36

Senator Webster moved the following amendments which were adopted:

Amendment 4 (694180)(with title amendment)—On page 58, between lines 30 and 31, insert:

Section 37. Paragraph (a) of subsection (8) of section 440.05, Florida Statutes, 1998 Supplement, is repealed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 10, following the semicolon (;) insert: repealing s. 440.05(8)(a), F.S., relating to fees charged by the Division of Workers' Compensation for nonconstruction elections;

Amendment 5 (753982)(with title amendment)—On page 58, between lines 30 and 31, insert:

Section 37. Effective January 1, 2001, the Division of Blind Services is transferred by a type two transfer as defined in section 20.06(5), Florida Statutes, from the Department of Labor and Employment Security to the Department of Education.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 10, after the semicolon (;) insert: transferring the Division of Blind Services to the Department of Education;

Senator Webster moved the following amendment:

Amendment 6 (715954)—On page 58, line 31, delete "July" and insert: October

On motion by Senator Webster, further consideration of **CS for CS for SB 230** with pending **Amendment 6** was deferred.

RECESS

On motion by Senator McKay, the Senate recessed at 12:06 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:36 p.m. A quorum present—40:

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

SPECIAL ORDER CALENDAR, continued

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

CS for CS for SB 230—A bill to be entitled An act relating to the Department of Labor and Employment Security; amending s. 20.171, F.S.; providing that the department shall operate its programs in a decentralized fashion; providing for the appointment of three assistant secretaries; providing for the powers and duties of such secretaries; providing for the creation of field offices; amending s. 110.205, F.S.; providing that certain employees of the department shall be in the Senior Management Service; providing that certain actions contemplated by the act shall be done within the available resources of the department; amending ss. 393.11, 410.0245, 627.212, 627.311, F.S., to conform; amending s. 442.006, F.S.; limiting the authority of the division to the public sector; amending s. 442.008, F.S.; prescribing duties of the division; providing for safety inspections and consultations and prescribing fees therefor; amending s. 442.013, F.S.; authorizing penalties for public-sector employers; amending s. 442.019, F.S.; authorizing the division to seek compliance in circuit court against public-sector employers; creating s. 443.012, F.S.; recreating the Unemployment Appeals Commission; describing its duties; providing for the future repeal of ch. 442, F.S.; requiring the department to provide a report relating to the Division of Safety; transferring the brain and spinal cord injury program and the

Office of Disability Determinations to the Department of Health; amending s. 400.805, F.S., to conform; transferring, renumbering, and amending ss. 413.465, 413.48, 413.49, 413.507, 413.604, 413.605, 413.613, F.S. to conform to the transfer of duties to the Department of Health; requiring the Division of Vocational Rehabilitation to enter into partnerships; providing legislative intent; providing definitions; creating the Occupational Access and Opportunity Commission; providing for membership; providing for appointment and terms; providing for reimbursement; providing for financial disclosure; providing powers and duties; directing the commission to develop and implement the federally required state vocational rehabilitation plan and to fulfill specified administrative functions; requiring the commission to contract with an administrative entity; providing for the assignment of staff; providing for the Occupational Access and Opportunity Corporation; providing powers and duties; providing for the use of property; providing for a board of directors; providing for an annual audit; providing for an annual report of the Occupational Access and Opportunity Commission; authorizing the commission to prepare the state plan, serve as the governing authority, and receive federal funds; requiring the Division of Vocational Rehabilitation to comply with transitional directives of the plan and, under certain circumstances, to transfer its powers, duties, functions, property, and funds to the commission; providing for quality assurance; providing remedies for conflict with federal law; designating the commission as the official state agency; providing for review by the Office of Program Policy Analysis and Government Accountability; providing an effective date.

—which was previously considered and amended this day. On motion by Senator Mitchell, pending **Amendment 6** by Senator Webster was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 230** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for CS for SB 1566—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; revising provisions relating to the powers and duties of the Office of Tourism, Trade, and Economic Development; providing for the office to facilitate the involvement of the Governor and Lieutenant Governor in job-creating efforts; revising program cross-references; deleting provisions relating to the expenditure of funds for general economic development grants; authorizing the expenditure of certain interest earnings in order to contract for the administration of programs; reducing the number of meetings of leaders in business, government, and economic development which the office must convene annually; eliminating a required report on the status of certain contracts; amending s. 288.0251, F.S.; changing authority to contract for Florida's international volunteer corps to the Department of State from the Office of Tourism, Trade, and Economic Development; amending s. 288.095, F.S.; revising criteria for approval of applications for tax refunds for economic development purposes by the Office of Tourism, Trade, and Economic Development; limiting the amount of refunds that may be made in a fiscal year; amending s. 288.106, F.S.; revising criteria for approval of tax refunds under the tax-refund program for qualified target industry businesses; redefining the terms "expansion of an existing business," "local financial support exemption option," and "rural county"; defining the term "authorized local economic development agency"; extending the refund program to additional counties; revising the amount of refunds; providing requirements for waiver of minimum standards; prescribing duties of the office director; amending s. 288.816, F.S.; creating a sister city grant program under the Department of State; prescribing application procedures and criteria; directing the department to adopt rules; amending s. 288.901, F.S.; expanding an employee lease program under Enterprise Florida, Inc.; revising the membership and appointment process for the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; specifying responsibilities for Enterprise Florida, Inc., relating to rural communities and distressed urban communities, evaluation of the state's competitiveness, and the needs of small and minority businesses; eliminating a requirement for preparation of a business guide and checklist; amending s. 288.90151, F.S.; expressing legislative intent on the return-on-investment of public funds in Enterprise Florida, Inc.; specifying private-sector support for Enterprise Florida, Inc.; requiring a report on the results of customer satisfaction survey; amending s. 288.903, F.S.; revising the required membership of the executive committee of Enterprise Florida, Inc.; deleting certain prescribed powers and duties of the president; requiring a performance-based contract in order to

exceed certain employee compensation levels; amending s. 288.904, F.S.; prescribing terms of certain contracts executed by Enterprise Florida, Inc.; authorizing Enterprise Florida, Inc. to create and dissolve advisory committees and similar organizations; amending s. 288.905, F.S.; clarifying the duties of the board of directors of Enterprise Florida, Inc.; eliminating provisions governing the content of the board's strategic plan; requiring involvement of certain local and regional economic development organizations and rural and urban organizations in the policies of Enterprise Florida, Inc.; revising the date for a review of Enterprise Florida, Inc., by the Office of Program Policy Analysis and Government Accountability; amending s. 288.906, F.S.; revising requirements for the annual report of Enterprise Florida, Inc.; amending s. 288.9412, F.S.; revising the membership of the board of directors of the International Trade and Economic Development Board; amending s. 288.9414, F.S.; revising the powers and authority of the board; requiring the board to convene an annual meeting of economic development and international trade development stakeholders; amending ss. 288.9511, 288.9515, 288.95155, 288.9519, 288.9520, 288.9603, 288.9604, 288.9614, 288.9618, F.S.; conforming to the dissolution of certain boards; repealing s. 288.902, F.S., which relates to the Enterprise Florida Nominating Council; repealing s. 288.9512, F.S., which relates to the technology development board; repealing s. 288.9513, F.S., which relates to the organization of the technology development board; repealing s. 288.9514, F.S., which relates to powers and authority of the technology development board; repealing s. 288.9516, F.S., which relates to the annual report of the technology development board; repealing s. 288.9611, F.S., which relates to the capital development board; repealing s. 288.9612, F.S., which relates to the organization of the capital development board; repealing s. 288.9613, F.S., which relates to the powers and authority of the capital development board; repealing s. 288.9615, F.S., which relates to the annual report of the capital development board; providing for the continuation of certain contracts; providing for the transfer of certain property; directing Enterprise Florida, Inc., to assume responsibilities of the technology development and capital development boards; directing the Division of Statutory Revision to redesignate certain parts in the Florida Statutes; amending s. 288.99, F.S.; specifying that tax credits vested under the Certified Capital Company Act are not to be considered in ratemaking proceedings involving a certified investor; redefining the term "transferee" for purposes of allocating unused premium tax credits; amending s. 220.191, F.S.; providing that credits may be granted against premium tax liability under the capital investment tax credit program; specifying that an insurance company claiming premium tax credits under such program is not required to pay additional retaliatory tax under s. 624.5091, F.S.; amending s. 163.3178, F.S.; requiring certain ports to identify certain spoil disposal sites; requiring such ports to prepare comprehensive master plans; amending s. 163.3187, F.S.; exempting comprehensive plan amendments for port transportation facilities and projects from a time limitation; amending s. 253.77, F.S.; exempting certain ports from paying fees for activities involving the use of sovereign lands; amending s. 288.8155, F.S.; providing that the International Trade Data Resource and Research Center be incorporated as a private nonprofit corporation, and not be a unit or entity of state government; providing for the creation and constitution of a board of directors of the center; authorizing the center to acquire patents, copyrights, and trademarks on its property and publications; amending s. 311.07, F.S.; providing that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program must be consistent with port master plans; exempting certain port transportation facilities and projects from review as developments of regional impact; amending s. 311.09, F.S.; declaring that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program are presumed to be in the public interest; creating s. 311.101, F.S.; creating the Office of Seaport and Freight Mobility Development within the Office of the State Public Transportation Administrator; providing duties and responsibilities; creating s. 311.102, F.S.; creating the Office of Seaport and Freight Mobility Planning within the Office of the Secretary of the Department of Community Affairs; providing duties and responsibilities; creating s. 311.20, F.S.; creating the Northwest Florida Seaport Transportation and Economic Development Council; providing for membership of the council; requiring the council to develop a strategic regional development plan; prescribing powers of the council; providing for staffing of the council; amending s. 320.20, F.S., relating to the disposition of motor vehicle license tax moneys; providing for a portion of such moneys to be deposited in the State Transportation Trust Fund and used to fund the Florida Seaport Transportation and Economic Development Program and seaport intermodal access projects of statewide significance; providing for distributing such funds on a matching basis; authorizing such funds to be used for the payment of bonds and

other forms of indebtedness; requiring that certain distributions of funds be approved by the Florida Seaport Transportation and Economic Development Council; amending s. 311.11, F.S.; providing that the Florida Seaport Transportation and Economic Development Council shall develop a Seaport Training and Employment Program; providing legislative purposes and requirements for the program; creating s. 311.14, F.S.; directing the Florida Seaport Transportation and Economic Development Council to develop freight-mobility and trade-corridor plans; amending s. 315.02, F.S.; redefining the term "port facilities" to include certain storage facilities used for warehousing, storage, and distribution of cargo; amending s. 380.06, F.S.; exempting certain port projects from review as developments of regional impact; amending s. 380.24, F.S.; making the Department of Environmental Protection exclusively responsible for permitting and enforcement of dredged-material management and other related activities; providing an exception; creating the Americas Campaign; providing legislative findings related to international trade; prescribing the elements of the Americas Campaign; designating a Campaign Council; providing for funding of the Americas Campaign; amending s. 117.01, F.S.; providing the proceeds of the application and commission fees paid by notaries public to be deposited into the Grants and Donations Trust Fund of the Department of State; amending s. 117.103, F.S.; providing procedures and effect relating to issuance of certified copies of certificates of notary public commission; amending s. 118.10, F.S.; revising the definition and purposes of "authentic act" governing civil-law notaries; providing for a presumption of correctness of matters incorporated into authentic acts; authorizing civil-law notaries to authenticate documents, transactions, events, conditions, or occurrences; expanding the rulemaking authority of the Secretary of State governing civil-law notaries; authorizing the Secretary of State to test the legal knowledge of a civil-law notary applicant under certain circumstances; creating s. 118.12, F.S.; authorizing the issuance of certificates of notarial authority and apostilles to civil-law notaries; amending s. 15.18, F.S.; providing for coordination of international activities of the Department of State; requiring the Secretary of State to maintain lists relating to foreign money judgments; amending s. 55.604, F.S.; requiring that foreign judgments be filed with the Secretary of State; amending s. 55.605, F.S.; requiring the Secretary of State to create and maintain a specified list relative to foreign money judgments; creating s. 257.34, F.S.; creating the Florida International Archive and Repository; providing requirements for the archive; providing for access to the archive; reviving, reenacting, and amending s. 288.012, F.S., relating to establishment and operation of foreign offices by the Office of Tourism, Trade, and Economic Development; abrogating the repeal of the section; requiring offices to report annually on activities and accomplishments; prescribing the content of the reports; providing for future review of foreign offices; requiring Enterprise Florida, Inc., to develop a master plan for integrating international trade and reverse investment resources; prescribing procedures, content, and a submission deadline related to the plan; requiring Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, to prepare a plan to promote foreign direct investment in Florida; prescribing procedures, content, and a submission deadline related to the plan; requiring Enterprise Florida, Inc., to develop a strategic plan that will allow Florida to capitalize on the economic opportunities associated with a free Cuba; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; amending ss. 212.097, 212.098, F.S.; clarifying the definition of an "eligible business" under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program; providing that certain call centers or similar customer service operations are eligible businesses under these programs; providing that certain retail businesses are eligible businesses under the Urban High-Crime Area Job Tax Credit Program; making the implementation of a specified provision contingent upon specific appropriations; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1 (874370)(with title amendment)—On page 19, between lines 25 and 26, insert:

(9)(a) *The Office of Urban Opportunity is created within the Office of Tourism, Trade, and Economic Development. The director of the Office of Urban Opportunity shall be appointed by and serve at the pleasure of the Governor.*

(b) *The purpose of the Office of Urban Opportunity shall be to administer the Front Porch Florida initiative, a comprehensive, community-based urban core redevelopment program that will empower urban core residents to craft solutions to the unique challenges of each designated community.*

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: creating the Office of Urban Opportunity within the Office of Tourism, Trade, and Economic Development; providing for the appointment of a director of the Office of Urban Opportunity; prescribing the purpose of the office;

Amendment 2 (621868)(with title amendment)—On page 27, delete line 18 and insert:

(t) *“Rural community” means:*

1. *A county with a population of 75,000 or less.*
2. *A county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.*
3. *A municipality within a county described in subparagraph 1. or subparagraph 2.*

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(u) *“Authorized local economic development agency”*

And the title is amended as follows:

On page 2, line 4, before the semicolon (;) insert: and “rural community”

Amendment 3 (423444)—On page 33, delete lines 23 and 24 and insert: *“expansion of an existing business” in a rural community or an enterprise zone as the expansion of a business*

Amendment 4 (282210)—On page 43, line 3 through page 50, line 8, delete those lines and insert:

Section 6. Section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(1) There is created a *not-for-profit non-profit* corporation, to be known as “Enterprise Florida, Inc.,” which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government. The Legislature determines, however, that public policy dictates that Enterprise Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Enterprise Florida, Inc., and its boards *and advisory committees or similar groups created by Enterprise Florida, Inc.*, are subject to the provisions of chapter 119, relating to public records and those provisions of chapter 286 relating to public meetings and records.

(2) Enterprise Florida, Inc., shall establish one or more corporate offices, at least one of which shall be located in Leon County. ~~Persons employed by the Department of Commerce on the day prior to July 1, 1996, whose jobs are privatized, shall be given preference, if qualified, for similar jobs at Enterprise Florida, Inc. When practical, those jobs shall be located in Leon County. All available resources, including telecommuting, must be employed to minimize the negative impact on the Leon County economy caused by job losses associated with the privatization of the Department of Commerce.~~ The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who, as of June 30, 1996, is employed by the Department of Commerce or who, as of January 1, 1997, is employed by the Executive Office of the Governor *or, as of June 30, 1999, by the Department of Labor and Employment Security or the Department of Children and Family Services* and has responsibilities specifically in support of the Workforce Development Board established under s. 288.9620. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System.

The Department of Management Services shall establish the terms and conditions of such lease agreements.

(3) Enterprise Florida, Inc., shall be governed by a board of directors. The board of directors shall consist of the following members:

- (a) The Governor or the Governor’s designee.
- (b) The Commissioner of Education or the commissioner’s designee.
- (c) The Secretary of Labor and Employment Security or the secretary’s designee.

(d) A member of the Senate, who shall be appointed by the President of the Senate as an ex officio member of the board and serve at the pleasure of the President.

(e) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives as an ex officio member of the board and serve at the pleasure of the Speaker.

~~(f) The chairperson of the board for international trade and economic development.~~

~~(g) The chairperson of the board for capital development.~~

~~(h) The chairperson of the board for technology development.~~

~~(f)(i) The chairperson of the board of directors of the Workforce Development Board for workforce development.~~

~~(g)(j) Twelve members from the private sector, six of whom shall be appointed by the Governor, three of whom shall be appointed by the President of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives. All appointees are subject to Senate confirmation. In making such appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure that the composition of the board is reflective of the diversity of Florida’s business community, and to the greatest degree possible shall include, but not be limited to, individuals representing large companies, small companies, minority companies, and individuals representing municipal, county, or regional economic development organizations. Of the 12 members from the private sector, 7 must have significant experience in international business, with expertise in the areas of transportation, finance, law, and manufacturing. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall also consider whether the current board members, together with potential appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state.~~

~~(h)(k) The Secretary of State or the secretary’s designee.~~

~~(4)(a) Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired. Members appointed to the board before July 1, 1996, shall serve the remainder of their unexpired terms. Vacancies occurring after July 1, 1996, as a result of the annual expiration of terms, shall be filled in the following manner and sequence.~~

~~1.—Of the first three vacancies, the Governor shall appoint one member, the President of the Senate shall appoint one member, and the Speaker of the House of Representatives shall appoint one member.~~

~~2.—Of the second three vacancies, the Governor shall appoint one member, the President of the Senate shall appoint one member, and the Speaker of the House of Representatives shall appoint one member.~~

~~3.—Of the third three vacancies, the President of the Senate shall appoint one member and the Governor shall appoint two members.~~

~~4.—Of the fourth three vacancies, the Speaker of the House of Representatives shall appoint one member and the Governor shall appoint two members.~~

~~Thereafter, any vacancies which occur will be filled by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.~~

(b) Members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives shall be appointed for terms of 4 years. Any member is eligible for reappointment.

~~(c) Of the six members appointed by the Governor, one shall be, at the time of appointment, a board member of a community development corporation meeting the requirements of s. 290.035, and one shall be representative of the international business community. Of the three members appointed by the President of the Senate and Speaker of the House of Representatives, respectively, one each shall be representative of the international business community, and one each shall be an executive director of a local economic development council.~~

(5) A vacancy on the board of directors shall be filled for the remainder of the unexpired term.

~~(6) The initial appointments to the board of directors shall be made by the Governor from a list of nominees submitted by the Enterprise Florida Nominating Council. Thereafter, appointments shall be made by the Governor, the President of the Senate, and the Speaker of the House of Representatives from a list of nominees submitted by the remaining appointive members of the board of directors. The board of directors shall take into consideration the current membership of the board and shall select nominees who are reflective of the diverse nature of Florida's business community, including, but not limited to, individuals representing large companies, small companies, minority companies, companies engaged in international business efforts, companies engaged in domestic business efforts, and individuals representing municipal, county, or regional economic development organizations. The board shall also consider whether the current board members, together with potential appointees, reflect the racial, ethnic, and gender diversity, as well as the geographic distribution, of the population of the state.~~

~~(6)(7) Appointive members may be removed by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, for cause. Absence from three consecutive meetings results in automatic removal.~~

~~(7)(8) The Governor shall serve as chairperson of the board of directors. The board of directors shall biennially elect one of its appointive members as vice chairperson. The president shall keep a record of the proceedings of the board of directors and is the custodian of all books, documents, and papers filed with the board of directors, the minutes of the board of directors, and the official seal of Enterprise Florida, Inc.~~

~~(8)(9) The board of directors shall meet at least four times each year, upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the total number of all directors fixed by subsection (3) shall constitute a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present.~~

~~(9)(10) Members of the board of directors shall serve without compensation, but members, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.~~

~~(10)(11) Each member of the board of directors of Enterprise Florida, Inc., who was appointed after June 30, 1992, and who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.~~

~~(11)(12) Notwithstanding the provisions of subsection (3), the board of directors may by resolution appoint at-large members to the board from the private sector, each of whom may serve a 1-year term. At-large members shall have the powers and duties of other members of the board, except that they may not serve on an executive committee. An at-large member is eligible for reappointment but may not vote on his or her own reappointment. An at-large member shall be eligible to fill vacancies occurring among private-sector private-sector appointees under subsection (3).~~

Amendment 5 (055340)(with title amendment)—On page 44, delete line 6 and insert: the Workforce Development Board established under s. 288.9952 s. 288.9620.

And the title is amended as follows:

On page 2, line 17, after the semicolon (;) insert: conforming a cross-reference;

Senator Klein moved the following amendment which was adopted:

Amendment 6 (730430)(with title amendment)—On page 52, line 19 through page 55, line 15, delete those lines and insert:

Section 8. Section 288.90151, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.90151, F.S., for present text.)

288.90151 Return on Investment from Activities of Enterprise Florida, Inc.—

(1) The public funds appropriated each year for the operation of Enterprise Florida, Inc., are invested in this public-private partnership to enhance international trade and economic development, to spur job-creating investments, to create new employment opportunities for Floridians, and to prepare Floridians for those jobs. This policy will be the Legislature's priority consideration when reviewing the return-on-investment for Enterprise Florida, Inc.

(2) It is also the intent of the Legislature that Enterprise Florida, Inc., coordinate its operations with local economic-development organizations to maximize the state and local return-on-investment to create jobs for Floridians.

(3) It is further the intent of the Legislature to maximize private-sector support in operating Enterprise Florida, Inc., as an endorsement of its value and as an enhancement of its efforts.

(4)(a) The state's operating investment in Enterprise Florida, Inc., is the budget contracted by the Office of Tourism, Trade, and Economic Development to Enterprise Florida, Inc., less funding that is directed by the Legislature to be subcontracted to a specific recipient.

(b) The board of directors of Enterprise Florida, Inc., shall adopt for each upcoming fiscal year an operating budget for the organization that specifies the intended uses of the state's operating investment and a plan for securing private sector support to Enterprise Florida, Inc. Each fiscal year private sector support to Enterprise Florida, Inc., shall equal no less than 100 percent of the state's operating investment, including at least \$1 million in cash as defined in subsection (5)(a), and an additional \$1 million in cash as defined in subsection (5)(a), (b), and (c).

(5) Private-sector support in operating Enterprise Florida, Inc., includes:

(a) Cash given directly to Enterprise Florida, Inc., for its operating budget;

(b) Cash jointly raised by Enterprise Florida, Inc., and a local economic development organization, a group of such organizations or a statewide business organization that supports collaborative projects;

(c) Cash generated by products or services of Enterprise Florida, Inc.; and

(d) In-kind contributions directly to Enterprise Florida, Inc., including: business expenditures; business services provided; business support; or other business contributions that augment the operations, program, activities, or assets of Enterprise Florida, Inc., including, but not limited to: an individual's time and expertise; sponsored publications; private-sector staff services; payment for advertising placements; sponsorship of events; sponsored or joint research; discounts on leases or purchases; mission or program sponsorship; and co-payments, stock, warrants, royalties, or other private resources dedicated to Enterprise Florida, Inc.

(6) Enterprise Florida, Inc., shall fully comply with the performance measures, standards, and sanctions in its contracts with the Office of Tourism, Trade, and Economic Development under ss. 14.2015(2)(h) and 14.2015(7). The Office of Tourism, Trade, and Economic Development shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that the office is required to develop and track under performance-based program budgeting.

(7) As part of the annual report required under s. 288.906, Enterprise Florida, Inc., shall provide the Legislature with information quantifying the public's return-on-investment as described in this section for fiscal year 1997-1998 and each subsequent fiscal year. The annual report shall also include the results of a customer-satisfaction survey of businesses served, as well as the lead economic development staff person of each local economic development organization that employs a full-time or part-time staff person.

(8) Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall hire a private accounting firm to develop the methodology for establishing and reporting return-on-investment and in-kind contributions as described in this section and to develop, analyze, and report on the results of the customer-satisfaction survey. The Office of Program Policy Analysis and Government Accountability shall review and offer feedback on the methodology before it is implemented. The private accounting firm shall certify whether the applicable statements in the annual report comply with this subsection.

And the title is amended as follows:

On page 2, line 29, after the semicolon (;) insert: prescribing the state's operating investment in Enterprise Florida, Inc.; requiring compliance with performance measures;

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 7 (484084)—On page 56, line 2, before the first comma (,) insert: *or a designee*

Amendment 8 (485660)(with title amendment)—On page 60, line 17 through page 67, line 24, delete those lines and insert:

Section 11. Section 288.905, Florida Statutes, is amended to read:

288.905 Duties of the board of directors of Enterprise Florida, Inc.—

(1) In the performance of its functions and duties, the board of directors may establish, and implement, and manage policies, strategies, and programs for Enterprise Florida, Inc., and its boards. *These policies, strategies, and programs shall promote business formation, expansion, recruitment, and retention through aggressive marketing; international development and export assistance; and workforce development, which together lead to more and better jobs with higher wages for all geographic regions and communities of the state, including rural areas and urban-core areas, and for all residents, including minorities.* In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards, *any advisory committees or similar groups created by Enterprise Florida, Inc., and local and regional partners.*

(2) The board of directors shall, in conjunction with the Office of Tourism, Trade, and Economic Development, *the Office of Urban Opportunities, and local and regional economic development partners,* develop a strategic plan for economic development for the State of Florida. Such plan shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader *by January 1, 1997,* and shall be updated or modified before January 1 *of each year, 1998, and annually thereafter.* The plan must be approved by the board of directors prior to submission to the Governor and Legislature. ~~The plan shall include, but is not limited to:~~

(3)(a) *The strategic plan required under this section shall include, but is not limited to, strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, international development and export assistance, and workforce development programs which lead to more and better jobs and higher wages for all geographic regions and disadvantaged communities and populations of the state, including rural areas, minority businesses, and urban core areas. Further, the strategic plan shall give consideration to the economic diversity of the state and its regions and their associated industrial clusters and develop realistic policies and programs to further their development.*

(a) ~~Allocation of public and private resources to specific activities that will return the greatest benefit to the economy of this state. Includ-~~

~~ing delineation on the amount of funds that should be expended on each component of the plan.~~

(b) ~~Identification of programs that will enhance the capabilities of small and minority businesses. The plan should include ways to improve and increase the access to information, services, and assistance for small and minority businesses.~~

(b)(c)1. ~~The strategic plan required under this section shall include specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state. These provisions shall include, but are not limited to, the identification of all rural counties in the state and rural cities located in nonrural counties; the identification of all midsize cities and counties in the state; the identification of the economic development and job creation goals of the rural cities and counties and midsize cities; the identification of rural areas of critical concern; the identification of specific local, state, and federal financial and technical assistance resources available to rural cities and counties and midsize cities and counties for economic and community development; the identification of private sector resources available to rural cities and counties and midsize cities and counties for economic and community development; and specific methods for the use of the resources identified in the plan to meet the goals identified in the plan.~~

2. Enterprise Florida, Inc., shall involve the local governments, *local and regional economic development organizations, and of the cities and counties identified pursuant to subparagraph 1.,* as well as any other local, state, and federal *economic, international, and workforce* rural development entities, both public and private, in developing and carrying out *policies, strategies, and programs, seeking to partner and collaborate to produce enhanced public benefit at a lesser cost* ~~any provisions.~~

(d)1. ~~Specific provisions for the stimulation of economic development and job creation in small businesses and minority businesses. These provisions shall include, but are not limited to, the identification of federal, state, and local financial and technical resources available for small businesses and minority businesses; and specific methods for the use of the resources identified in the plan to meet the goal of job creation in small businesses and minority businesses in the state.~~

3.2. Enterprise Florida, Inc., shall involve *rural, urban, small-business, and minority-business* ~~local, state, and federal small-business and minority-business~~ development agencies and organizations, both public and private, in developing and carrying out *policies, strategies, and programs* ~~any provisions.~~

(c)(e) ~~The strategic plan required under this section shall include the creation~~ Creation of workforce training programs that lead to better employment opportunities and higher wages.

(f) ~~Promotion of business formation, expansion, recruitment, and retention, including programs that enhance access to appropriate forms of financing for businesses in this state.~~

(d)(g) ~~The strategic plan required under this section shall include the promotion~~ Promotion of the successful long-term economic development of the state with increased emphasis in market research and information to local economic development entities and generation of foreign investment in the state that creates jobs with above-average wages, internationalization of this state, with strong emphasis in reverse investment that creates high wage jobs for the state and its many regions, including programs that establish viable overseas markets, generate foreign investment, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs which will assure requisite skills and competencies necessary to compete successfully in the global marketplace.

(h) ~~Promotion of the growth of high technology and other value-added industries and jobs.~~

(i) ~~Addressing the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.~~

(e)(f) Identifying business sectors that are of current or future importance to the state's economy and to the state's worldwide business image, and developing specific strategies to promote the development of such sectors.

(4)(a)(3)(a) The strategic plan shall also include recommendations regarding specific performance standards and measurable outcomes. By ~~July 1, 1997~~, Enterprise Florida, Inc., in consultation with *the Office of Tourism, Trade, and Economic Development* and the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for Enterprise Florida, Inc., and its boards and advisory committees. Enterprise Florida, Inc., in consultation with *the Office of Tourism, Trade, and Economic Development* and the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization. ~~On a biennial basis, By July 1, 1998, and biennially thereafter,~~ Enterprise Florida, Inc., in consultation with *the Office of Tourism, Trade, and Economic Development* and the Office of Program Policy Analysis and Government Accountability, shall review the performance-measure outcomes for Enterprise Florida, Inc., and its boards, and make any appropriate modifications to them. In developing measurable objectives and performance outcomes, Enterprise Florida, Inc., shall consider the effect of its programs, activities, and services on its client population. Enterprise Florida, Inc., shall establish standards such as job growth among client firms, growth in the number and strength of businesses within targeted sectors, client satisfaction, *including the satisfaction of its local and regional economic development partners*, ~~venture capital dollars invested in small and minority businesses~~, businesses retained and recruited *statewide and within rural and urban core communities*, employer wage growth, ~~minority business participation in technology assistance and development programs~~, and increased export sales among client companies to use in evaluating performance toward accomplishing the mission of Enterprise Florida, Inc.

(b) The performance standards and measurable outcomes established and regularly reviewed by Enterprise Florida, Inc., under this subsection must also include benchmarks and goals to measure the impact of state economic development policies and programs. Such benchmarks and goals may include, but are not limited to:

1. Net annual job growth rate in this state compared to neighboring southern states and the United States as a whole.
2. Unemployment rate in this state compared to neighboring southern states and the United States as a whole.
3. Wage distribution based on the percentage of people working in this state who earned 15 percent below the state average, within 15 percent of the state average, and 15 percent or more above the state average.
4. Annual percentage of growth in the production of goods and services within Florida compared to neighboring southern states and the United States as a whole.
5. Changes in jobs in this state by major industry based on the percentage of growth or decline in the number of full-time or part-time jobs in this state.
6. Number of new business startups in this state.
7. Goods produced in this state that are exported to other countries.
8. Capital investment for commercial and industrial purposes, agricultural production and processing, and international trade.

(c) Prior to the ~~2002~~ 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of Enterprise Florida, Inc., and its boards and shall submit a report by January 1, 2002, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress towards achieving the established outcomes.
2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.

3. ~~The progress towards achieving the established goals of the Cypress Equity Fund and whether the strategy underlying the fund is appropriate.~~

3.4. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organization. ~~The report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.~~

(d) ~~Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability, shall conduct another review of Enterprise Florida, Inc., and its boards using the criteria in paragraph (c). The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.~~

(5)(4) The board of directors shall coordinate and collaborate the economic development activities and policies of Enterprise Florida, Inc., with ~~local municipal, county, and regional economic development organizations, which shall be to establish and further develop the role of local economic development organizations as the state's primary service-delivery agents for the direct delivery of economic development and international development services. Where feasible, the board shall work with regional economic development organizations in the delivery of services of Enterprise Florida, Inc., and its boards.~~

(5) ~~Enterprise Florida, Inc., shall deposit into African American qualified public depositories and Hispanic American qualified public depositories a portion of any moneys received by Enterprise Florida, Inc., and its boards from the state.~~

(6) Any employee leased by Enterprise Florida, Inc., from the state, or any employee who derives his or her salary from funds appropriated by the Legislature, may not receive a pay raise or bonus in excess of a pay raise or bonus that is received by similarly situated state employees. However, this subsection does not prohibit the payment of a pay raise or bonus from funds received from sources other than the Florida Legislature.

And the title is amended as follows:

On page 3, delete lines 11-14 and insert: revising the duties of the board of directors of Enterprise Florida, Inc.; revising the required content of the board's strategic plan; requiring the involvement of

Amendment 9 (591376)(with title amendment)—On page 67, line 25 through page 69, line 19, delete those lines and insert:

Section 12. Section 288.906, Florida Statutes, is amended to read:

288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.—

(1) Prior to December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report including, but not limited to:

(a) A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards and advisory committees or similar groups created by Enterprise Florida, Inc., and an identification of any major trends, initiatives, or developments affecting the performance of any program or activity.

(b) An evaluation of progress towards achieving organizational goals and specific performance outcomes, both short-term and long-term, established pursuant to s. 288.905.

(c) Methods for implementing and funding the operations of Enterprise Florida, Inc., and its boards.

(d) ~~A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, with respect to furthering the development and viability of small and minority businesses, including any accomplishments relating to capital access and technology and business development programs.~~

(d)(e) A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to *aggressively marketing Florida's rural communities and distressed urban communities as locations for potential new investment and job creation, aggressively assisting in the creation, retention, and expansion of existing businesses and job growth in these communities, and aggressively assisting these communities in the identification and development of new economic-development opportunities furthering the development and viability of rural cities and counties, and midsize cities and counties in this state.*

(e)(f) A description and evaluation of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to interaction with local and private economic development organizations, including an identification of any specific programs or activities which promoted the activities of such organizations and an identification of any specific programs or activities which promoted a comprehensive and coordinated approach to economic development in this state.

(f)(g) An assessment of employee training and job creation that directly benefits participants in the WAGES Program.

(g)(h) An annual compliance and financial audit of accounts and records by an independent certified public accountant at the end of its most recent fiscal year performed in accordance with rules adopted by the Auditor General.

The detailed report required by this subsection shall also include the information identified in paragraphs (a)-(g) (a)-(h), if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

(2)(a) The Auditor General may, pursuant to his or her own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit of Enterprise Florida, Inc., including any of its boards, advisory committees or similar groups created by Enterprise Florida, Inc., and programs. The audit or report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to paragraph (b).

(b) The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

And the title is amended as follows:

On page 3, line 23, after the semicolon (;) insert: expanding the audit authority of the Auditor General to include advisory committees or similar groups created by Enterprise Florida, Inc.;

Amendment 10 (492882)(with title amendment)—On page 69, line 20 through page 76, line 4, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, delete lines 23-31 and insert: Enterprise Florida, Inc.; amending ss. 288.9511, 288.9515,

Amendment 11 (394972)(with title amendment)—On page 76, between lines 4 and 5, insert:

Section 15. Subsection (3) of section 288.9415, Florida Statutes, is amended to read:

288.9415 International Trade Grants.—

(3) ~~The International Trade and Economic Development Board of Enterprise Florida, Inc., shall review each application for a grant to promote international trade and shall submit annually to the Office of Tourism, Trade, and Economic Development for approval lists of all recommended applications that are recommended by the International Trade and Economic Development Board for the award of grants, arranged in order of priority. The Office of Tourism, Trade, and Economic Development may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature. Projects approved and recommended by Enterprise Florida, Inc., the International Trade and Economic Development Board which are not funded by the Legislature shall be retained on the project list for the following grant cycle~~

only. All projects that are retained shall be required to submit such information as may be required by the Office of Tourism, Trade, and Economic Development as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 31, before "288.9511" insert: 288.9415,

Amendment 12 (700566)(with title amendment)—On page 90, delete lines 1-3 and insert:

Section 24. Sections 288.902, 288.9412, 288.9413, 288.9414, 288.942, 288.9510, 288.9512, 288.9513, 288.9514, 288.9516, 288.9611, 288.9612, 288.9613, and 288.9615, Florida Statutes, are repealed.

And the title is amended as follows:

On page 4, line 5, after the semicolon (;) insert: repealing s. 288.9412, F.S., which relates to the International Trade and Economic Development Board; repealing s. 288.9413, F.S., which relates to the organization of the International Trade and Economic Development Board; repealing s. 288.9414, F.S., which relates to the powers and authority of the International Trade and Economic Development Board; repealing s. 288.942, F.S., which relates to the grant review panel; repealing s. 288.9510, F.S., which relates to legislative intent on the Enterprise Florida Innovation Partnership;

Amendment 13 (672224)(with title amendment)—On page 90, line 4 through page 91, line 8, delete those lines and insert:

Section 25. (1) *Notwithstanding any other provision of law, any contract or interagency agreement existing on or before the effective date of this act between the International Trade and Economic Development Board, the Technology Development Board, or the Capital Development Board of Enterprise Florida, Inc., or entities or agents of those boards, and other agencies, entities, or persons shall continue as binding contracts or agreements with Enterprise Florida, Inc., which is the successor entity responsible for the program, activity, or functions relative to the contract or agreement.*

(2) *Any tangible personal property of the International Trade and Economic Development Board, the Technology Development Board, or the Capital Development Board of Enterprise Florida, Inc., is transferred to Enterprise Florida, Inc.*

(3) *Enterprise Florida, Inc., may assume responsibility for any programs or activities of the International Trade and Economic Development Board, the Technology Development Board, or the Capital Development Board in existence as of the effective date of this act and may determine the appropriate placement of such programs or activities within the organization.*

And the title is amended as follows:

On page 4, delete lines 25-28 and insert: for the transfer of certain property; authorizing Enterprise Florida, Inc., to assume responsibilities of certain repealed boards; directing the

Amendment 14 (805052)(with title amendment)—On page 91, delete lines 13-16 and insert:

Section 27. Subsection (1) of section 288.707, Florida Statutes, is amended to read:

288.707 Florida Black Business Investment Board.—

(1) The Legislature finds that the public interest of Florida will be served by the creation and growth of black business enterprises by:

- (a) Increasing opportunities for employment of blacks, as well as the population in general;
- (b) Providing role models and establishing business networks for the benefit of future generations of aspiring black entrepreneurs; and
- (c) Strengthening the economy of the state by increasing the number of qualified black business enterprises, which in turn will increase com-

petition in the marketplace and improve the welfare of economically depressed neighborhoods; and

(d) Taking measures to increase access of black businesses to both debt and equity capital.

Section 28. Present subsection (17) of section 288.709, Florida Statutes, 1998 Supplement, is redesignated as subsection (19), and new subsections (17) and (18) are added to that section to read:

288.709 Powers of the Florida Black Business Investment Board.—The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of ss. 9-21, chapter 85-104, Laws of Florida, including, but not limited to, the power to:

(17) Promote black ownership of financial institutions in Florida.

(18) Take, hold, and improve property, including real property.

Section 29. Subsections (3), (6), and (11) of section 288.99, Florida Statutes, 1998 Supplement, are amended to read:

288.99 Certified Capital Company Act.—

(3) DEFINITIONS.—As used in this section, the term:

(a) “Affiliate of an insurance company” means:

1. Any person directly or indirectly beneficially owning, whether through rights, options, convertible interests, or otherwise, controlling, or holding power to vote 10 percent or more of the outstanding voting securities or other ownership interests of the insurance company;

2. Any person 10 percent or more of whose outstanding voting securities or other ownership interest is directly or indirectly beneficially owned, whether through rights, options, convertible interests, or otherwise, controlled, or held with power to vote by the insurance company;

3. Any person directly or indirectly controlling, controlled by, or under common control with the insurance company;

4. A partnership in which the insurance company is a general partner; or

5. Any person who is a principal, director, employee, or agent of the insurance company or an immediate family member of the principal, director, employee, or agent.

(b) “Certified capital” means an investment of cash by a certified investor in a certified capital company which fully funds the purchase price of either or both its equity interest in the certified capital company or a qualified debt instrument issued by the certified capital company.

(c) “Certified capital company” means a corporation, partnership, or limited liability company which:

1. Is certified by the department in accordance with this act.

2. Receives investments of certified capital.

3. Makes qualified investments as its primary activity.

(d) “Certified investor” means any insurance company subject to premium tax liability pursuant to s. 624.509 that contributes certified capital.

(e) “Department” means the Department of Banking and Finance.

(f) “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(g) “Early stage technology business” means a qualified business that is involved, at the time of the certified capital company’s initial investment in such business, in activities related to developing initial product or service offerings, such as prototype development or the establishment of initial production or service processes. The term includes a qualified business that is less than 2 years old and has, together with its affiliates, less than \$3 million in annual revenues for the fiscal year immediately preceding the initial investment by the certified capital company on a consolidated basis, as determined in accordance with

generally accepted accounting principles. *The term also includes the Florida Black Business Investment Board, any entity majority owned by the Florida Black Business Investment Board, or any entity in which the Florida Black Business Investment Board holds a majority voting interest on the board of directors.*

(h) “Office” means the Office of Tourism, Trade, and Economic Development.

(i) “Premium tax liability” means any liability incurred by an insurance company under the provisions of s. 624.509.

(j) “Principal” means an executive officer of a corporation, partner of a partnership, manager of a limited liability company, or any other person with equivalent executive functions.

(k) “Qualified business” means a business that meets the following conditions:

1. The business is headquartered in this state and its principal business operations are located in this state.

2. At the time a certified capital company makes an initial investment in a business, the business is a small business concern as defined in 13 C.F.R. s. 121.201, “Size Standards Used to Define Small Business Concerns” of the United States Small Business Administration which is involved in manufacturing, processing or assembling products, conducting research and development, or providing services.

3. At the time a certified capital company makes an initial investment in a business, the business certifies in an affidavit that:

a. The business is unable to obtain conventional financing, which means that the business has failed in an attempt to obtain funding for a loan from a bank or other commercial lender or that the business cannot reasonably be expected to qualify for such financing under the standards of commercial lending;

b. The business plan for the business projects that the business is reasonably expected to achieve in excess of \$25 million in sales revenue within 5 years after the initial investment;

c. The business will maintain its headquarters in this state for the next 10 years and any new manufacturing facility financed by a qualified investment will remain in this state for the next 10 years; and

d. The business has fewer than 200 employees and at least 75 percent of the employees are employed in this state.

For purposes of this subsection, the term “Qualified Business” also includes the Florida Black Business Investment Board, any entity majority owned by the Florida Black Business Investment Board, or any entity in which the Florida Black Business Investment Board holds a majority voting interest on the board of directors. A business predominantly engaged in retail sales, real estate development, insurance, banking, lending, oil and gas exploration, or engaged in professional services provided by accountants, lawyers, or physicians does not constitute a qualified business.

(l) “Qualified debt instrument” means a debt instrument, or a hybrid of a debt instrument, issued by a certified capital company, at par value or a premium, with an original maturity date of at least 5 years after the date of issuance, a repayment schedule which is no faster than a level principal amortization over a 5-year period, and interest, distribution, or payment features which are not related to the profitability of the certified capital company or the performance of the certified capital company’s investment portfolio.

(m) “Qualified distribution” means any distribution or payment to equity holders of a certified capital company for:

1. Costs and expenses of forming, syndicating, managing, and operating the certified capital company, including an annual management fee in an amount that does not exceed 2.5 percent of the certified capital of the certified capital company, plus reasonable and necessary fees in accordance with industry custom for professional services, including, but not limited to, legal and accounting services, related to the operation of the certified capital company.

2. Any projected increase in federal or state taxes, including penalties and interest related to state and federal income taxes, of the equity owners of a certified capital company resulting from the earnings or other tax liability of the certified capital company to the extent that the increase is related to the ownership, management, or operation of a certified capital company.

(n) "Qualified investment" means the investment of cash by a certified capital company in a qualified business for the purchase of any debt, equity, or hybrid security of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, delete line 31 and insert: s. 288.707, F.S.; directing the Florida Black Business Investment Board to increase access to capital for black businesses; amending s. 288.709, F.S.; revising the powers of the Florida Black Business Investment Board; amending s. 288.99, F.S.; revising definitions related to the Certified Capital Company Act; specifying that tax credits

Amendment 15 (690440)(with title amendment)—On page 93, between lines 7 and 8, insert:

Section 28. Sections 288.9950, 288.9951, 288.9952, 288.9953, 288.9954, 288.9955, 288.9956, 288.9957, 288.9958, and 288.9959, Florida Statutes, are designated as part XI of chapter 288, Florida Statutes, and the Division of Statutory Revision is requested to designate that part "Workforce Development."

Section 29. Section 446.601, Florida Statutes, is transferred, renumbered as section 288.9950, Florida Statutes, and amended to read:

~~288.9950~~ ~~446.601~~ *Workforce Florida Act of 1996* Short title; legislative intent.—

- (1) This section may be cited as the "Workforce Florida Act of 1996."
- (2) The goal of this section is to utilize the workforce development system to upgrade dramatically Floridians' workplace skills, economically benefiting the workforce, employers, and the state.
- (3) These principles should guide the state's efforts:
 - (a) Floridians must upgrade their skills to succeed in today's workplace.
 - (b) In business, workforce skills are the key competitive advantage.
 - (c) Workforce skills will be Florida's key job-creating incentive for business.
 - (d) Budget cuts, efficiency, effectiveness, and accountability mandate the consolidation of program services and the elimination of unwarranted duplication.
 - (e) Streamlined state and local partnerships must focus on outcomes, not process.
 - (f) Locally designed, customer-focused, market-driven service delivery works best.
 - (g) Job training curricula must be developed in concert with the input and needs of existing employers and businesses, and must consider the anticipated demand for targeted job opportunities, as specified by the Occupational Forecasting Conference under s. 216.136.
 - (h) Job placement, job retention, and return-on-investment should control workforce development expenditures and be a part of the measure for success and failure.
 - (i) Success will be rewarded and failure will have consequences.
 - (j) Job placement success will be publicly measured and reported to the Legislature.

(k) Apprenticeship programs, pursuant to s. 446.011, which provide a valuable opportunity for preparing citizens for productive employment, will be encouraged.

(l) Self-employment and small business ownership will be options that each worker can pursue.

(4) The workforce development strategy shall be designed by the ~~Workforce Development Board Enterprise Florida Jobs and Education Partnership~~ pursuant to s. ~~288.9952 s. 288.0475~~, and shall be centered around the ~~strategies four integrated strategic components of First Jobs/First Wages One Stop Career Centers, School to Work, Welfare-to-Work, and High Skills/High Wages Wage Jobs.~~

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. The strategy also includes the Work and Gain Economic Self-sufficiency (WAGES) effort that is the state's welfare-to-work program designed and developed by the WAGES Program State Board of Directors.

~~(a) One Stop Career Centers are the state's initial customer service contact strategy for offering every Floridian access, through service sites, telephone, or computer networks, to the following services:~~

- ~~1. Job search, referral, and placement assistance.~~
- ~~2. Career counseling and educational planning.~~
- ~~3. Consumer reports on service providers.~~
- ~~4. Recruitment and eligibility determination.~~
- ~~5. Support services, including child care and transportation.~~
- ~~6. Employability skills training.~~
- ~~7. Adult education and basic skills training.~~
- ~~8. Technical training leading to a certification and degree.~~
- ~~9. Claim filing for unemployment compensation services.~~
- ~~10. Temporary income, health, nutritional, and housing assistance.~~
- ~~11. Child care and transportation assistance to gain employment.~~
- ~~12. Other appropriate and available workforce development services.~~

~~(b) School to Work is the state's youth and adult workforce education strategy for coordinating business, education, and the community to support students in achieving long term career goals, and for ensuring the workforce is prepared with the academic and occupational skills required for success.~~

~~(c) Welfare to Work is the state's strategy for encouraging self-sufficiency and minimizing dependence upon public assistance by emphasizing job placement and transition support services for welfare recipients.~~

~~(b)(d) High Skills/High Wages Wage is the state's strategy for aligning education and training programs with high-paying, high-demand occupations that advance individuals' careers, build a more skilled workforce, and enhance Florida's efforts to attract and expand job-creating business the Occupational Forecasting Conference under s. 216.136, for meeting the job demands of the state's existing businesses, and for providing a ready workforce which is integral to the state's economic development goal of attracting new and expanding businesses.~~

(5) The workforce development system shall utilize a charter process approach aimed at encouraging local design and control of service delivery and targeted activities. The ~~Workforce Development Board Enterprise Florida Jobs and Education Partnership~~ shall be responsible for granting charters to ~~regional workforce development boards that Regional Workforce Development Boards~~ which have a membership

consistent with the requirements of federal and state law and *that which* have developed a plan consistent with the state's workforce development strategy and with the strategic components of One-Stop Career Centers, School-to-Work, Welfare-to-Work, and High Skills/High Wage. The plan shall specify methods for allocating the resources and programs in a manner that eliminates unwarranted duplication, minimizes administrative costs, meets the existing job market demands and the job market demands resulting from successful economic development activities, ensures access to quality workforce development services for all Floridians, and maximizes successful outcomes. As part of the charter process, the Workforce Development Board Enterprise Florida Jobs and Education Partnership shall establish incentives for effective coordination of federal and state programs, outline rewards for successful job placements, and institute collaborative approaches among local service providers. Local decisionmaking and control shall be important components for inclusion in this charter application.

Section 30. Section 446.604, Florida Statutes, is transferred, renumbered as section 288.9951, Florida Statutes, and amended to read:

288.9951 446.604 One-Stop Career Centers.—

(1) One-Stop Career Centers comprise the state's initial customer-service delivery system for offering every Floridian access, through service sites or telephone or computer networks, to the following services:

- (a) Job search, referral, and placement assistance.
- (b) Career counseling and educational planning.
- (c) Consumer reports on service providers.
- (d) Recruitment and eligibility determination.
- (e) Support services, including child care and transportation assistance to gain employment.
- (f) Employability skills training.
- (g) Adult education and basic skills training.
- (h) Technical training leading to a certification and degree.
- (i) Claim filing for unemployment compensation services.
- (j) Temporary income, health, nutritional, and housing assistance.
- (k) Other appropriate and available workforce development services.

(2) In addition to the mandatory partners identified in Pub. L. No. 105-220, Food Stamp Employment and Training, Food Stamp work programs, and WAGES/TANF programs shall participate as partners in each One-Stop Career Center. Each partner is prohibited from operating independently from a One-Stop Career Center unless approved by the regional workforce development board. Services provided by partners who are not physically located in a One-Stop Career Center must be approved by the regional workforce development board.

(3) Subject to a process designed by the Workforce Development Board, and in compliance with Pub. L. No. 105-220, regional workforce development boards shall designate One-Stop Career Center operators. A regional workforce development board may retain its current One-Stop Career Center operator without further procurement action where the board has established a One-Stop Career Center that has complied with federal and state law.

(4) Notwithstanding any other provision of law, effective July 1, 1999, regional workforce development boards shall assume responsibility for, and contract for the delivery of, employment services authorized by Wagner-Peyser, except that for fiscal year 1999-2000, the contract must be with the Department of Labor and Employment Security. Contracts must be performance-based, dedicating 15 percent of the funds to performance payments. Performance payments shall be based on performance measures developed by the Workforce Development Board. Prior to the execution of a contract for employment services with entities other than the Department of Labor and Employment Security, the regional workforce development board must develop a transition plan to be approved by the Workforce Development Board. Such plan must include assurances, to be affirmed by the Workforce Development Board through the approval of

the plan, that employment services will be delivered in compliance with federal law.

(a) The Workforce Development Board may direct the Department of Labor and Employment Security to provide such services and to assign or lease staff to the regional workforce development boards' One-Stop Career Centers as are necessary to maintain services and to comply with federal and state workforce development requirements. Leased employees from the department shall work under the management of a One-Stop Career Center operator, but shall retain their state employment status, including the right to participate in the Florida Retirement System and the State Group Insurance Program.

(b) Unless otherwise required by federal law, at least 90 percent of the Wagner-Peyser funding must go into direct customer service costs.

(c) Employment services must be provided through One-Stop Career Centers, and managed by One-Stop Career Center operators.

(d) Career service employees of the Department of Labor and Employment Security who are subject to layoff due to the enactment of this act shall be given priority consideration for employment by the regional workforce development boards' One-Stop Career Center operators.

(5) One-Stop Career Center partners identified in subsection (2) shall enter into a Memorandum of Understanding pursuant to Pub. L. No. 105-220, Title I, s. 121, with the regional workforce development board. Failure of a local partner to participate cannot unilaterally block the majority of partners from moving forward with their One-Stop Career Centers, and the Workforce Development Board, pursuant to s. 288.9952(4)(d), may recommend sanction of a local partner that fails to participate.

(6) To the maximum extent possible, core services, as defined by Pub. L. No. 105-220, shall be provided electronically, utilizing existing systems and public libraries. To expand electronic capabilities, the Workforce Development Board, working with regional workforce development boards, shall develop a centralized help center to assist regional workforce development boards in fulfilling core services, minimizing the need for fixed-site One-Stop Career Centers.

(7) Intensive services and training provided pursuant to Pub. L. No. 105-220, shall be provided to individuals through Intensive Service Accounts and Individual Training Accounts. The Workforce Development Board shall develop, by July 1, 1999, an implementation plan, including identification of initially eligible training providers, transition guidelines, and criteria for use of these accounts. Individual Training Accounts must be compatible with Individual Development Accounts for education allowed in federal and state welfare reform statutes.

(8)(a) Individual Training Accounts must be expended on programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136, and on other programs as approved by the Workforce Development Board.

(b) For each approved training program, regional workforce development boards, in consultation with training providers, shall establish a fair-market purchase price to be paid through an Individual Training Account. The purchase price must be based on prevailing costs and reflect local economic factors, program complexity, and program benefits, including time to beginning of training and time to completion. The price shall ensure the fair participation of public and nonpublic postsecondary educational institutions as authorized service providers and shall prohibit the use of unlawful remuneration to the student in return for attending an institution. Unlawful remuneration does not include student financial assistance programs.

(c) The Workforce Development Board shall review Individual Training Account pricing schedules developed by regional workforce development boards and present findings and recommendations for process improvement to the President of the Senate and the Speaker of the House of Representatives by January 1, 2000.

(d) To the maximum extent possible, training providers shall use funding sources other than the funding provided under Pub. L. No. 105-220. A performance outcome related to alternative financing obtained by the training provider shall be established by the Workforce Development Board and used for performance evaluation purposes. The performance evaluation must take into consideration the number of alternative funding sources.

(e) Training services provided through Individual Training Accounts must be performance-based, with successful job placement triggering full payment.

(f) The accountability measures to be used in documenting competencies acquired by the participant during training shall be literacy completion points and occupational completion points. Literacy completion points refers to the academic or workforce readiness competencies that qualify a person for further basic education, vocational education, or for employment. Occupational completion points refers to the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

(9)(a)(1) The Department of Management Services, working with the Workforce Development Board, shall coordinate among the agencies a plan for a One-Stop Career Center Electronic Network made up of One-Stop Career Centers that are operated by the Department of Labor and Employment Security, the Department of Health and Rehabilitative Services, the Department of Education, and other authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support this such electronic network for service delivery that includes the Florida Communities Network.

(b)(2) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the One-Stop Career Centers:

- 1.(a) The Unemployment Compensation System of the Department of Labor and Employment Security.
- 2.(b) The Job Service System of the Department of Labor and Employment Security.
- 3.(c) The FLORIDA System and the components related to WAGES Aid to Families with Dependent Children, food stamps, and Medicaid eligibility.
- 4.(d) The Workers' Compensation System of the Department of Labor and Employment Security.
- 5.(e) The Student Financial Assistance System of the Department of Education.
- 6.(f) Enrollment in the public postsecondary education system.

The systems shall be fully coordinated at both the state and local levels by January 1, 2000 July 1, 1999.

Section 31. Section 288.9620, Florida Statutes, is transferred, renumbered as section 288.9952, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 288.9620, F.S., for present text.)

288.9952 Workforce Development Board.—

(1) There is created within the not-for-profit corporate structure of Enterprise Florida, Inc., a not-for-profit public-private Workforce Development Board. The purpose of the Workforce Development Board is to design and implement strategies that help Floridians enter, remain in, and advance in the workplace, becoming more highly skilled and successful, benefiting these Floridians, Florida businesses, and the entire state.

(2)(a) The Workforce Development Board shall be governed by a 25-voting-member board of directors whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain three representatives of organized labor. Notwithstanding s. 114.05(f), the Governor may appoint members of the current board to serve on the reconstituted board as required by this section. By June 1, 1999, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the timeframe and manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority and gender representation shall be considered when making appointments to the board. Additional

members may be appointed when necessary to conform to the requirements of Pub. L. No. 105-220.

(b) The board of directors of the Workforce Development Board shall be chaired by a board member designated by the Governor pursuant to Pub. L. No. 105-220.

(c) Private-sector members appointed by the Governor must be appointed for four-year, staggered terms. Public-sector members appointed by the Governor must be appointed to 4-year terms. Members appointed by the Governor serve at the pleasure of the Governor.

(d) The Governor shall appoint members to the board of directors of the Workforce Development Board within 30 days after the receipt of nominations.

(e) A member of the board of directors of the Workforce Development Board may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal. The chair of the Workforce Development Board shall notify the Governor of such absences.

(3)(a) The president of the Workforce Development Board shall be hired by the president of Enterprise Florida, Inc., and shall serve in the capacity of an executive director and secretary of the Workforce Development Board.

(b) The board of directors of the Workforce Development Board shall meet at least quarterly and at other times upon call of its chair.

(c) A majority of the total current membership of the board of directors of the Workforce Development Board comprises a quorum of the board.

(d) A majority of those voting is required to organize and conduct the business of the Workforce Development Board, except that a majority of the entire board of directors of the Workforce Development Board is required to adopt or amend the operational plan.

(e) Except as delegated or authorized by the board of directors of the Workforce Development Board, individual members have no authority to control or direct the operations of the Workforce Development Board or the actions of its officers and employees, including the president.

(f) The board of directors of the Workforce Development Board may delegate to its president those powers and responsibilities it deems appropriate.

(g) Members of the board of directors of the Workforce Development Board and its committees shall serve without compensation, but these members, the president, and all employees of the Workforce Development Board may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.

(h) The board of directors of the Workforce Development Board may establish an executive committee consisting of the chair and at least two additional board members selected by the board of directors. The executive committee shall have such authority as the board of directors of the Workforce Development Board delegates to it, except that the board of directors may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.

(i) The board of directors of the Workforce Development Board may appoint committees to fulfill its responsibilities, to comply with federal requirements, or to obtain technical assistance, and must incorporate members of regional workforce development boards into its structure.

(j) Each member of the board of directors of the Workforce Development Board who is not otherwise required to file a financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must file disclosure of financial interests pursuant to s. 112.3145.

(4) The Workforce Development Board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(a) Serving as the state's Workforce Investment Board pursuant to Pub. L. No. 105-220. Unless otherwise required by federal law, at least

90 percent of the workforce development funding must go into direct customer service costs. Of the allowable administrative overhead, appropriate amounts shall be expended to procure independent job-placement evaluations.

(b) Contracting with public and private entities as necessary to further the directives of this section, except that any contract made with an organization represented on the board of directors of Enterprise Florida, Inc., or on the board of directors of the Workforce Development Board must be approved by a two-thirds vote of the entire board of directors of the Workforce Development Board, and, if applicable, the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the board of directors of Enterprise Florida, Inc., or the board of directors of the Workforce Development Board. An organization represented on the board of directors of the Workforce Development Board or on the board of directors of Enterprise Florida, Inc., may not enter into a contract to receive a state-funded economic development incentive or similar grant unless such incentive award is specifically endorsed by a two-thirds vote of the entire board of directors of the Workforce Development Board. The member of the board of directors of the Workforce Development Board representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with members of the board of directors of the Workforce Development Board.

(c) Providing an annual report to the board of directors of Enterprise Florida, Inc., by November 1 that includes a copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(d) Notifying the Governor, the President of the Senate, and the Speaker of the House of Representatives of noncompliance by agencies or obstruction of the board's efforts by agencies. For such actions, the board may recommend sanctions to the Governor, the President of the Senate, and the Speaker of House of Representatives, including but not limited to: disqualification or suspension of an agency from participation in workforce development programs; designating an agency ineligible for workforce grants, awards, or funding; and penalties. Through the Office of Planning and Budgeting, the Office of the Governor shall enforce such sanctions as approved by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(e) Ensuring that the state does not waste valuable training resources. Thus, the board shall direct that all resources, including equipment purchased for training Workforce Investment Act clients, be available for use at all times by eligible populations as first priority users. At times when eligible populations are not available, such resources shall be used for any other state authorized education and training purpose.

(5) Notwithstanding s. 216.351, to allow time for documenting program performance, funds allocated for the incentives in s. 239.249 must be carried forward to the next fiscal year and must be awarded for the current year's performance, unless federal law requires the funds to revert at the year's end.

(6) The Workforce Development Board may take action that it deems necessary to achieve the purposes of this section and consistent with the policies of the board of directors of Enterprise Florida, Inc., in partnership with private enterprises, public agencies, and other organizations. The Workforce Development Board shall advise and make recommendations to the board of directors of Enterprise Florida, Inc., and through that board of directors to the State Board of Education and the Legislature concerning action needed to bring about the following benefits to the state's social and economic resources:

(a) A state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.

(b) A funding system that provides incentives to improve the outcomes of vocational education programs, and of registered apprenticeship and work-based learning programs, and that focuses resources on occupa-

tions related to new or emerging industries that add greatly to the value of the state's economy.

(c) A comprehensive approach to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(d) The designation of Institutes of Applied Technology composed of public and private postsecondary institutions working together with business and industry to ensure that technical and vocational education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry. Of the funds reserved for activities of the Workforce Investment Act at the state level, \$500,000 shall be reserved for an institute of applied technology in construction excellence, which shall be a demonstration project on the development of such institutes. The institute, once established, shall contract with the Workforce Development Board to provide a coordinated approach to workforce development in this industry.

(e) A system to project and evaluate labor market supply and demand using the results of the Occupational Forecasting Conference created in s. 216.136 and the career education performance standards identified under s. 239.233.

(f) A review of the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs.

(7) By December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report by the Workforce Development Board setting forth:

(a) The audit in subsection (8), if conducted.

(b) The operations and accomplishments of the partnership including the programs or entities listed in subsection (6).

(8) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the Workforce Development Board or the programs or entities created by the Workforce Development Board.

(9) The Workforce Development Board, in collaboration with the regional workforce development boards and appropriate state agencies and local public and private service providers, and in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish uniform measures and standards to gauge the performance of the workforce development strategy. These measures and standards must be organized into three outcome tiers.

(a) The first tier of measures must be organized to provide benchmarks for system-wide outcomes. The Workforce Development Board must, in collaboration with the Office of Program Policy Analysis and Government Accountability, establish goals for the tier-one outcomes. System-wide outcomes may include employment in occupations demonstrating continued growth in wages; continued employment after 3, 6, 12, and 24 months; reduction in and elimination of public assistance reliance; job placement; employer satisfaction; and positive return on investment of public resources.

(b) The second tier of measures must be organized to provide a set of benchmark outcomes for One-Stop Career Centers and each of the strategic components of the workforce development strategy. A set of standards and measures must be developed for One-Stop Career Centers, youth employment activities, WAGES, and High Skills/High Wages, targeting the specific goals of each particular strategic component. Cost per entered employment, earnings at placement, retention in employment, job placement, and entered employment rate must be included among the performance outcome measures.

1. Appropriate measures for One-Stop Career Centers may include direct job placements at minimum wage, at a wage level established by the Occupational Forecasting Conference, and at a wage level above the level established by the Occupational Forecasting Conference.

2. *Appropriate measures for youth employment activities may include the number of students enrolling in and completing work-based programs, including apprenticeship programs; job placement rate; job retention rate; wage at placement; and wage growth.*

3. *WAGES measures may include job placement rate, job retention rate, wage at placement, wage growth, reduction and elimination of reliance on public assistance, and savings resulting from reduced reliance on public assistance.*

4. *High Skills/High Wages measures may include job placement rate, job retention rate, wage at placement, and wage growth.*

(c) *The third tier of measures must be the operational output measures to be used by the agency implementing programs, and it may be specific to federal requirements. The tier-three measures must be developed by the agencies implementing programs, and the Workforce Development Board may be consulted in this effort. Such measures must be reported to the Workforce Development Board by the appropriate implementing agency.*

(d) *Regional differences must be reflected in the establishment of performance goals and may include job availability, unemployment rates, average worker wage, and available employable population. All performance goals must be derived from the goals, principles, and strategies established in the Workforce Florida Act of 1996.*

(e) *Job placement must be reported pursuant to s. 229.8075. Positive outcomes for providers of education and training must be consistent with ss. 239.233 and 239.245.*

(f) *The uniform measures of success that are adopted by the Workforce Development Board or the regional workforce development boards must be developed in a manner that provides for an equitable comparison of the relative success or failure of any service provider in terms of positive outcomes.*

(g) *By October 15 of each year, the Workforce Development Board shall provide the Legislature with a report detailing the performance of Florida's workforce development system, as reflected in the three-tier measurement system. Additionally, this report must benchmark Florida outcomes, at all tiers, against other states that collect data similarly.*

Section 32. Section 446.602, Florida Statutes, is transferred, renumbered as section 288.9953, Florida Statutes, and amended to read:

~~288.9953~~ **446.602** Regional Workforce Development Boards.—

(1) ~~One regional workforce development board~~ ~~Regional Workforce Development Board~~ shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership and responsibilities of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain three representatives of organized labor. A member of a regional workforce development board may not vote on a matter under consideration by the board regarding the provision of services by such member, or by an entity that such member represents; vote on a matter that would provide direct financial benefit to such member or the immediate family of such member; or engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the state plan. ~~97-300, as amended. The board shall be appointed by the chief elected official or his or her designee of the local county or city governing bodies or consortiums of county and/or city governmental units that exist through inter-local agreements and shall include:~~

(a) ~~At least 51 percent of the members of each board being from the private sector and being chief executives, chief operating officers, owners of business concerns, or other private sector executives with substantial management or policy responsibility.~~

(b) ~~Representatives of organized labor and community-based organizations, who shall constitute not less than 15 percent of the board members.~~

(c) ~~Representatives of educational agencies, including presidents of local community colleges, superintendents of local school districts, licensed private postsecondary educational institutions participating in vocational education and job training in the state and conducting programs on the Occupational Forecasting Conference list or a list validated~~

~~by the Regional Workforce Development Board; vocational rehabilitation agencies; economic development agencies; public assistance agencies; and public employment service. One of the representatives from licensed private postsecondary educational institutions shall be from a degree-granting institution, and one from an institution offering certificate or diploma programs. One of these members shall be a nonprofit, community-based organization which provides direct job training and placement services to hard-to-serve individuals including the target population of people with disabilities.~~

~~The current Private Industry Council may be restructured, by local agreement, to meet the criteria for a Regional Workforce Development Board.~~

(2) *The Workforce Development Board will determine the timeframe and manner of changes to the regional workforce development boards as required by this act and Pub. L. No. 105-220.*

(3) *The Workforce Development Board shall assign staff to meet with each regional workforce development board annually to review the board's performance and to certify that the board is in compliance with applicable state and federal law.*

(4)(2) ~~In addition to the duties and functions specified by the Workforce Development Board Enterprise Florida Jobs and Education Partnership and by the interlocal agreement approved by the local county or city governing bodies, the regional workforce development board~~ ~~Regional Workforce Development Board~~ shall have the following responsibilities:

(a) ~~Develop, submit, ratify, or amend~~ ~~Review, approve, and ratify~~ the local ~~Job Training Partnership Act~~ plan pursuant to Pub. L. No. 105-220, Title I, s. 118 which also must be signed by the chief elected officials.

(b) Conclude agreements necessary to designate the fiscal agent and administrative entity.

(c) Complete assurances required for the ~~Workforce Development Board Enterprise Florida Jobs and Education Partnership~~ charter process and provide ongoing oversight related to administrative costs, duplicated services, career counseling, economic development, equal access, compliance and accountability, and performance outcomes.

(d) *Oversee One-Stop Career Centers in its local area.*

(5)(3) ~~The Workforce Development Board Enterprise Florida Jobs and Education Partnership shall, by January 1, 1997, design and implement a training program for the regional workforce development boards~~ ~~Regional Workforce Development Boards~~ to familiarize board members with the state's workforce development goals and strategies.

~~The regional workforce development board~~ ~~Regional Workforce Development Board~~ shall designate all local service providers and shall not transfer this authority to a third party. In order to exercise independent oversight, the ~~regional workforce development board~~ ~~Regional Workforce Development Board~~ shall not be a direct provider of intake, assessment, eligibility determinations, or other direct provider services.

(6) *Regional workforce development boards may appoint local committees to obtain technical assistance on issues of importance, including those issues affecting older workers.*

(7) *Each regional workforce development board shall establish a high skills/high wages committee consisting of five private-sector business representatives, including the regional workforce development board chair; the presidents of all community colleges within the board's region; those district school superintendents with authority for conducting postsecondary educational programs within the region; and a representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region. The business representatives other than the board chair need not be members of the regional workforce development board.*

(a) *During fiscal year 1999-2000, each high skills/high wages committee shall submit, quarterly, recommendations to the Workforce Development Board related to:*

1. *Policies to enhance the responsiveness of high skills/high wages programs in its region to business and economic development opportunities.*

2. *Integrated use of state education and federal workforce development funds to enhance the training and placement of designated population individuals with local businesses and industries.*

(b) *After fiscal year 1999-2000, the Workforce Development Board has the discretion to decrease the frequency of reporting by the high skills/high wages committees, but the committees shall meet and submit any recommendations at least annually.*

(c) *Annually, the Workforce Development Board shall compile all the recommendations of the high skills/high wages committees, research their feasibility, and make recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 33. Section 446.607, Florida Statutes, is transferred, renumbered as section 288.9954, Florida Statutes, and amended to read:

~~288.9954 446.607~~ Consultation, consolidation, and coordination.—~~The Workforce Development Board Enterprise Florida Jobs and Education Partnership and the WAGES Program State Board of Directors any state public assistance policy board established pursuant to law shall consult with each other in developing each of their statewide implementation plans and strategies. The regional workforce development boards Regional Workforce Development Boards and local WAGES coalitions any local public assistance policy boards established pursuant to law may elect to consolidate into one board provided that the consolidated board membership complies with the requirements of Pub. L. No. 105-220, Title I, s. 117(b) 97-300, as amended, and with any other law delineating the membership requirements for either of the separate boards. The regional workforce development boards Regional Workforce Development Boards and local WAGES coalitions any respective local public assistance policy board established pursuant to law shall collaboratively coordinate, to the maximum extent possible, the local services and activities provided by and through each of these boards and coalitions and their designated local service providers.~~

Section 34. Section 446.603, Florida Statutes, is transferred, renumbered as section 288.9955, Florida Statutes, and amended to read:

~~288.9955 446.603~~ Untried Worker Placement and Employment Incentive Act.—

(1) This section may be cited as the “Untried Worker Placement and Employment Incentive Act.”

(2) For purposes of this section, the term “untried worker” means a person who is a hard-to-place participant in the *Work and Gain Economic Self-sufficiency Program (WAGES) welfare-to-work programs of the Department of Labor and Employment Security or the Department of Health and Rehabilitative Services* because *he or she has they have* limitations associated with the long-term receipt of welfare and difficulty in sustaining employment, *particularly because of physical or mental disabilities.*

~~(3) The Department of Labor and Employment Security and the Department of Health and Rehabilitative Services, working with the Enterprise Florida Jobs and Education Partnership, shall develop five Untried Worker Placement and Employment Incentive pilot projects in at least five different counties.~~

~~(3)(4)~~ *In these pilots, incentive payments may will be made to for-profit or not-for-profit agents selected by local WAGES coalitions the Regional Workforce Development Boards who successfully place untried workers in full-time employment for 6 months with an employer after the employee successfully completes a probationary placement of no more than 6 months with that employer. Full-time employment that includes health care benefits will receive an additional incentive payment.*

(4)(5) The for-profit and not-for-profit agents shall contract to provide services for no more than 1 year. Contracts may be renewed upon successful review by the contracting agent.

(5)(6) *Incentives must be paid according to the The Department of Labor and Employment Security and the Department of Health and Rehabilitative Services, working with the Enterprise Florida Jobs and Education Partnership, shall develop an incentive schedule developed by the Department of Labor and Employment Security and the Department of Children and Family Services which that costs the state less per placement than the state's 12-month expenditure on a welfare recipient.*

~~(6)(7)~~ During an untried worker's probationary placement, the for-profit or not-for-profit agent shall be the employer of record of that untried worker, and shall provide workers' compensation and unemployment compensation coverage as provided by law. The business employing the untried worker through the agent may be eligible to apply for any tax credits, wage supplementation, wage subsidy, or employer payment for that employee that are authorized in law or by agreement with the employer. After satisfactory completion of such a probationary period, an untried worker shall not be considered an untried worker.

~~(7)(8)~~ This section shall not be used for the purpose of displacing or replacing an employer's regular employees, and shall not interfere with executed collective bargaining agreements. Untried workers shall be paid by the employer at the same rate as similarly situated and assessed workers in the same place of employment.

~~(8)(9)~~ An employer that demonstrates a pattern of unsuccessful placements shall be disqualified from participation in these pilots because of poor return on the public's investment.

~~(9)(10) The Department of Labor and Employment Security and the Department of Health and Rehabilitative Services, working with the Enterprise Florida Jobs and Education Partnership, may offer to Any employer that chooses to employ untried workers is eligible to receive such incentives and benefits that are available and provided in law, as long as the long-term, cost savings can be quantified with each such additional inducement.~~

~~(11) Unless otherwise reenacted, this section shall be repealed on July 1, 1999.~~

Section 35. Section 288.9956, Florida Statutes, is created to read:

~~288.9956~~ *Implementation of the federal Workforce Investment Act of 1998.—*

(1) *WORKFORCE INVESTMENT ACT PRINCIPLES.—The state's approach to implementing the federal Workforce Investment Act of 1998, Pub. L. No. 105-220, should have six elements:*

(a) *Streamlining Services—Florida's employment and training programs must be coordinated and consolidated at locally managed One-Stop Career Centers.*

(b) *Empowering Individuals—Eligible participants will make informed decisions, choosing the qualified training program that best meets their needs.*

(c) *Universal Access—Through One-Stop Career Centers, every Floridian will have access to employment services.*

(d) *Increased Accountability—The state, localities, and training providers will be held accountable for their performance.*

(e) *Local Board and Private Sector Leadership—Local boards will focus on strategic planning, policy development, and oversight of the local system, choosing local managers to direct the operational details of their One-Stop Career Centers.*

(f) *Local Flexibility and Integration—Localities will have exceptional flexibility to build on existing reforms. Unified planning will free local groups from conflicting micro-management, while waivers and Work-Flex will allow local innovations.*

(2) *FIVE-YEAR PLAN.—The Workforce Development Board shall prepare and submit a 5-year plan, which includes secondary vocational education, to fulfill the early implementation requirements of Pub. L. No. 105-220 and applicable state statutes. Mandatory federal partners and optional federal partners, including the WAGES Program State Board of Directors, shall be fully involved in designing the plan's One-Stop Career Center system strategy. The plan shall detail a process to clearly define each program's statewide duties and role relating to the system. Any optional federal partner may immediately choose to fully integrate its program's plan with this plan, which shall, notwithstanding any other state provisions, fulfill all their state planning and reporting requirements as they relate to One-Stop Career Centers. The plan shall detail a process that would fully integrate all federally mandated and optional partners by the second year of the plan. All optional federal program partners in the planning process shall be mandatory participants in the second year of the plan.*

(3) FUNDING.—

(a) Title I, Workforce Investment Act of 1998 funds; Wagner–Peysers funds; and NAFTA/Trade Act funds will be expended based on the Workforce Development Board's 5-year plan. The plan shall outline and direct the method used to administer and coordinate various funds and programs that are operated by various agencies. The following provisions shall also apply to these funds:

1. At least 50 percent of the Title I funds for Adults and Dislocated Workers that are passed through to regional workforce development boards shall be allocated to Individual Training Accounts unless a regional workforce development board obtains a waiver from the Workforce Development Board. Tuition, fees, and performance-based incentive awards paid in compliance with Florida's Performance-Based Incentive Fund Program qualify as an Individual Training Account expenditure, as do other programs developed by regional workforce development boards in compliance with the Workforce Development Board's policies.

2. Twenty-five percent of Wagner–Peysers funds shall be allocated to Intensive Services Accounts unless a regional workforce development board obtains a waiver from the Workforce Development Board. Except where prohibited by federal law, or approved by the Workforce Development Board, all core services provided pursuant to Pub. L. No. 105-220 shall be funded using Wagner–Peysers funds.

3. Fifteen percent of Title I funding shall be retained at the state level and shall be dedicated to state administration and used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. Eligible state administration costs include the costs of: funding of the Workforce Development Board and Workforce Development Board's staff; operating fiscal, compliance, and management accountability systems through the Workforce Development Board; conducting evaluation and research on workforce development activities; and providing technical and capacity building assistance to regions at the direction of the Workforce Development Board. Notwithstanding s. 288.9952, such administrative costs shall not exceed 25 percent of these funds. Seventy percent of these funds shall be allocated to Individual Training Accounts for: the Minority Teacher Education Scholars program, the Certified Teacher–Aide program, the Self-Employment Institute, and other Individual Training Accounts designed and tailored by the Workforce Development Board, including, but not limited to, programs for incumbent workers, displaced homemakers, nontraditional employment, empowerment zones, and enterprise zones. The Workforce Development Board shall design, adopt, and fund Individual Training Accounts for distressed urban and rural communities. The remaining 5 percent shall be reserved for the Incumbent Worker Training Program.

4. The Incumbent Worker Training Program is created for the purpose of providing grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program will provide reimbursement grants to businesses that pay for preapproved, direct, training-related costs.

a. The Incumbent Worker Training Program will be administered by a private business organization, known as the grant administrator, under contract with the Workforce Development Board.

b. To be eligible for the program's grant funding, a business must have been in operation in Florida for a minimum of 1 year prior to the application for grant funding; have at least one full-time employee; demonstrate financial viability; and be current on all state tax obligations. Priority for funding shall be given to businesses with 25 employees or fewer, businesses in rural areas, businesses in distressed inner-city areas, or businesses whose grant proposals represent a significant upgrade in employee skills.

c. All costs reimbursed by the program must be preapproved by the grant administrator. The program will not reimburse businesses for trainee wages, the purchase of capital equipment, or the purchase of any item or service that may possibly be used outside the training project. A business approved for a grant may be reimbursed for preapproved, direct, training-related costs including tuition and fees; books and classroom materials; and administrative costs not to exceed 5 percent of the grant amount.

d. A business that is selected to receive grant funding must provide a matching contribution to the training project, including but not limited

to, wages paid to trainees or the purchase of capital equipment used in the training project; must sign an agreement with the grant administrator to complete the training project as proposed in the application; must keep accurate records of the project's implementation process; and must submit monthly or quarterly reimbursement requests with required documentation.

e. All Incumbent Worker Training Program grant projects shall be performance-based with specific measurable performance outcomes, including completion of the training project and job retention. The grant administrator shall withhold the final payment to the grantee until a final grant report is submitted and all performance criteria specified in the grant contract have been achieved.

f. The Workforce Development Board is authorized to establish guidelines necessary to implement the Incumbent Worker Training Program.

g. No more than 10 percent of the Incumbent Worker Training Program's appropriation may be used for administrative purposes.

h. The grant administrator is required to submit a report to the Workforce Development Board and the Legislature on the financial and general operations of the Incumbent Worker Training Program. Such report will be due before December 1 of any fiscal year for which the program is funded by the Legislature.

5. At least 50 percent of Rapid Response funding shall be dedicated to Intensive Services Accounts and Individual Training Accounts for dislocated workers and incumbent workers who are at risk of dislocation. The Workforce Development Board shall also maintain an Emergency Preparedness Fund from Rapid Response funds which will immediately issue Intensive Service Accounts and Individual Training Accounts as well as other federally authorized assistance to eligible victims of natural or other disasters. The state shall retain a limited reserve of Rapid Response funds for rapid response activities at the state level. All Rapid Response funds must be expended based on a plan developed by the Workforce Development Board.

(b) The administrative entity for Title I, Workforce Investment Act of 1998 funds, Wagner–Peysers, and Rapid Response activities, will be determined by the Workforce Development Board. The administrative entity will provide services through a contractual agreement with the Workforce Development Board. The terms and conditions of the agreement may include, but are not limited to, the following:

1. All policy direction to regional workforce development boards regarding Title I programs, Wagner–Peysers, and Rapid Response activities shall emanate from the Workforce Development Board.

2. Any policies by a state agency acting as an administrative entity which may materially impact local workforce boards, local governments, or educational institutions must be promulgated under chapter 120.

3. The administrative entity will operate under a procedures manual, approved by the Workforce Development Board, addressing: financial services including cash management, accounting, and auditing; procurement; management information system services; and federal and state compliance monitoring, including quality control.

4. State Career Service employees in the Department of Labor and Employment Security may be leased or assigned to the administrative entity to provide administrative and professional functions.

(4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED MODIFICATIONS.—

(a) The Workforce Development Board may provide indemnification from audit liabilities to regional workforce development boards that act in full compliance with state law and the board's policies.

(b) The Workforce Development Board may negotiate and settle all outstanding issues with the U.S. Department of Labor relating to decisions made by the Workforce Development Board and the Legislature with regard to the Job Training Partnership Act, making settlements and closing out all JTPA program year grants before the repeal of the act June 30, 2000.

(c) The Workforce Development Board may make modifications to the state's plan, policies, and procedures to comply with federally mandated

requirements that in its judgment must be complied with to maintain funding provided pursuant to Pub. L. No. 105-220. The board shall notify in writing the Governor, the President of the Senate, and the Speaker of the House of Representatives within 30 days of any such changes or modifications.

(5) The Department of Labor and Employment Security shall phase-down JTPA duties before the federal program is abolished July 1, 2000. Outstanding accounts and issues shall be promptly closed out after this date.

(6) **LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.**—

(a) The Workforce Development Board may recommend workforce-related divisions, bureaus, units, programs, duties, commissions, boards, and councils that can be eliminated, consolidated, or privatized.

(b) By December 31, 1999, the Office of Program Policy Analysis and Government Accountability shall review the workforce development system, identifying divisions, bureaus, units, programs, duties, commissions, boards, and councils that could be eliminated, consolidated, or privatized. The office shall submit preliminary findings by December 31, 1999, and its final report and recommendations by January 31, 2000, to the President of the Senate and the Speaker of the House of Representatives. As part of the report, the Office of Program Policy Analysis and Government Accountability shall specifically identify, by funding stream, indirect, administrative, management information system, and overhead costs of the Department of Labor and Employment Security.

(7) **TERMINATION OF STATE SET-ASIDE.**—The Department of Education and the Department of Elderly Affairs shall keep any unexpended JTPA Section 123 (Education Coordination) or JTPA IIA (Services for Older Adults) funds to closeout their education and coordination activities. The Workforce Development Board shall develop guidelines under which the departments may negotiate with the regional workforce development boards to provide continuation of activities and services currently conducted with the JTPA Section 123 or JTPA IIA funds.

Section 36. Section 288.9957, Florida Statutes, is created to read:

288.9957 *Florida Youth Workforce Council.*—

(1) The chairman of the Workforce Development Board shall designate the Florida Youth Workforce Council from representatives of distressed inner-city and rural communities who have demonstrated experience working with at-risk youth, and representatives of public and private groups, including, but not limited to, School-to-Work Advisory Councils, the National Guard, Children's Services Councils, Juvenile Welfare Boards, the Apprenticeship Council, Juvenile Justice Advisory Boards, and other federal and state programs that target youth, to advise the board on youth programs and to implement Workforce Development Board strategies for young people.

(2) The Florida Youth Workforce Council shall oversee the development of regional youth workforce councils, as a subgroup of each regional workforce development board, which will be responsible for developing required local plans relating to youth, recommending providers of youth activities to be awarded grants by the regional workforce development board, conducting oversight of these providers, and coordinating youth activities in the region.

(3) Resources awarded to regions for youth activities shall fund community activities including the Minority Teacher Education Scholars program, the Certified Teacher-Aide program, and the "About Face" program of the Department of Military Affairs, as well as other programs designed and tailored by the regional youth workforce council and regional workforce development board.

(4) Regional youth workforce councils must leverage other program funds in order to enlist youth workforce program stakeholders in their community in upgrading each stakeholder's effectiveness through collaborative planning, implementation, and funding.

(5) The Florida Youth Workforce Council shall report annually by December 1 to the Workforce Development Board the total aggregate funding impact of this effort, including the inventory of collaborative funding partners in each region and their contributions.

(6) Ten percent of youth funds allocated under Pub. L. No. 105-220 to the regional workforce development boards shall be used to leverage public schools' dropout-prevention funds through performance payments for outcomes specified by the Workforce Development Board.

Section 37. Section 288.9958, Florida Statutes, is created to read:

288.9958 *Employment, Occupation, and Performance Information Coordinating Committee.*—

(1) By July 15, 1999, the chairman of the Workforce Development Board shall appoint an Employment, Occupation, and Performance Information Coordinating Committee, which shall assemble all employment, occupational, and performance information from workforce development partners into a single integrated informational system. The committee shall include representatives from the Bureau of Labor Market and Performance Information, Florida Education and Training Placement Information Program, and the State Occupational Forecasting Conference, as well as other public or private members with information expertise.

(2) The committee shall initially focus on the timely provision of data necessary for planning, consumer reports, and performance accountability reports necessary for the selection of training service providers, as well as state and local board program assessment, completing these tasks no later than October 1, 1999.

(3) By December 1, 1999, the committee shall establish outcome measures that enable an assessment of the Workforce Development Board's coordinating and oversight responsibilities.

(4) By June 30, 2000, the committee shall develop an integrated and comprehensive accountability system that can be used to evaluate and report on the effectiveness of Florida's workforce development system as required by state law.

(5) To ensure the fulfillment of these requirements, the Workforce Development Board may direct the Department of Labor and Employment Security, the Department of Education, and the Department of Children and Family Services to provide such services and assign such staff to this committee as it deems necessary until June 30, 2000.

Section 38. Section 288.9959, Florida Statutes, is created to read:

288.9959 *Operational Design and Technology Procurement Committee.*—

(1) The chairman of the Workforce Development Board shall appoint an Operational Design and Technology Procurement Committee, which shall assemble representatives from the regional workforce development boards, board staff, and the staff of the WAGES State Board of Directors to design and develop a model operational design and technology procurement strategy for One-Stop Career Centers to ensure that services from region to region are consistent for customers, that customer service technology is compatible, and that procurement expenditures, where possible, are aggregated to obtain economies and efficiencies.

(2) The committee shall initially focus on designing a uniform intake procedure for all One-Stop Career Centers; on the design and delivery of customer reports on eligible training providers; on the design of Intensive Services Accounts, Individual Training Accounts, and Individual Development Accounts; on enhancing availability of electronic One-Stop Career Center core services; and on the development of One-Stop Career Center model operating procedures.

(3) To ensure the fulfillment of these requirements, the Workforce Development Board may direct the Department of Labor and Employment Security, the Department of Education, and the Department of Children and Family Services to provide such services and assign such staff to this committee as it deems necessary until June 30, 2000.

Section 39. Paragraph (a) of subsection (2) of section 414.026, Florida Statutes, 1998 Supplement, is amended to read:

414.026 *WAGES Program State Board of Directors.*—

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

1. The Commissioner of Education, or the commissioner's designee.
2. The Secretary of Children and Family Services.
3. The Secretary of Health.
4. The Secretary of Labor and Employment Security.
5. The Secretary of Community Affairs.
6. The Secretary of Transportation, or the secretary's designee.
7. The director of the Office of Tourism, Trade, and Economic Development.
8. The president of the Enterprise Florida workforce development board, established under *s. 288.9952 s. 288.9620*.
9. The chief executive officer of the Florida Tourism Industry Marketing Corporation, established under *s. 288.1226*.
10. Nine members appointed by the Governor, as follows:

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

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

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

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

Section 40. *Sections 446.20, 446.205, 446.605, and 446.606, Florida Statutes, are repealed effective June 30, 2000.*

Section 41. *If any provision of sections 28 through 42 of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 5, after the semicolon (;) insert: directing the Division of Statutory Revision to designate certain sections of the Florida Statutes as part XI, relating to Workforce Development; transferring, renumbering, and amending *s. 446.601, F.S.*; conforming cross-references; deleting provisions governing services of One-Stop Career Centers; revising components of the state's workforce development strategy; transferring, renumbering, and amending *s. 446.604, F.S.*; providing for the state's One-Stop Career Center customer service delivery strategy; specifying partners; providing for oversight and operation of centers by regional workforce development boards and center operators; providing for transfer of responsibilities; providing for assigning and leasing of employees; directing funds for direct customer service costs; providing for employment preference; providing for memorandums of understanding and sanctions; providing for electronic service delivery; authorizing Intensive Service Accounts and Individual Training Accounts and provid-

ing specifications; transferring, renumbering, and amending *s. 288.9620, F.S.*; providing for membership of the Workforce Development Board pursuant to federal law; providing for committees; requiring financial disclosure; authorizing the board as the Workforce Investment Board; specifying functions, duties, and responsibilities; providing for sanctions; providing for carryover of funds; requiring a performance measurement system and reporting of such; transferring, renumbering, and amending *s. 446.602, F.S.*; providing for membership of regional workforce development boards pursuant to federal law; prohibiting certain activities that create a conflict of interest; providing for transition; providing for performance and compliance review; correcting organizational name references; requiring a local plan; providing for oversight of One-Stop Career Centers; authorizing local committees; establishing high skills/high wages committees; transferring, renumbering, and amending *s. 446.607, F.S.*; conforming cross-references; providing for consolidated board membership requirements; transferring, renumbering, and amending *s. 446.603, F.S.*; conforming cross-references; expanding the scope of the Untried Worker Placement and Employment Incentive Act; abrogating scheduled repeal of program; creating *s. 288.9956, F.S.*; providing principles for implementing the federal Workforce Investment Act of 1998; providing for a 5-year plan; specifying funding distribution; creating the Incumbent Worker Training Program; providing program requirements; requiring a report; authorizing the Workforce Development Board to contract for administrative services related to federal funding; specifying contractual agreements; providing for indemnification; providing for settlement authority; providing for compliance with federal law; providing for workforce development review; providing for termination of state set-aside; creating *s. 288.9957, F.S.*; requiring designation of the Florida Youth Workforce Council; providing for membership and duties; providing for allocation of funds; creating *s. 288.9958, F.S.*; requiring appointment of the Employment, Occupation, and Performance Information Coordinating Committee; providing for membership and duties; providing for services and staff; creating *s. 288.9959, F.S.*; requiring appointment of the Operational Design and Technology Procurement Committee; providing for membership and duties; providing for services and staff; amending *s. 414.026, F.S.*; conforming a cross-reference; repealing *s. 446.20, F.S.*, which provides for administration of responsibilities under the federal Job Training Partnership Act; repealing *s. 446.205, F.S.*, which provides for a Job Training Partnership Act family drop-out prevention program; repealing *s. 446.605, F.S.*, which provides for applicability of the Workforce Florida Act of 1996; repealing *s. 446.606, F.S.*, which provides for designation of primary service providers; providing for severability;

Amendment 16 (912550)(with title amendment)—On page 99, line 8, before the colon (:) insert: *excluding transient lodging facilities*
And the title is amended as follows:

On page 6, line 3, after the semicolon (;) insert: providing that projects eligible for funding include projects that accommodate freight movement and storage capacity or cruise capacity with exceptions;

Amendment 17 (401950)(with title amendment)—On page 108, line 8 through page 110, line 23, delete those lines
(Redesignate subsequent sections.)
And the title is amended as follows:

On page 6, line 27 through page 7, line 10, delete those lines and insert: amending *s. 311.11, F.S.*;

Amendment 18 (904978)—On page 112, delete lines 7-16

Amendment 19 (112990)(with title amendment)—On page 113, line 18 through page 114, line 20, delete those lines
(Redesignate subsequent sections.)
And the title is amended as follows:

On page 7, delete lines 25-29 and insert: creating

Amendment 20 (724930)(with title amendment)—On page 160, line 29; and on page 163, line 12, after the period (.) insert: *In addition, the Office of Tourism, Trade, and Economic Development may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations.*

And the title is amended as follows:

On page 10, line 12, after the semicolon (;) insert: authorizing the recommendation of additions to or deletions from the list of eligible businesses;

Amendment 21 (080358)(with title amendment)—On page 163, between lines 24 and 25, insert:

Section 62. (1) *There is created the Institute on Urban Policy and Commerce as a Type I Institute under the Board of Regents at Florida Agricultural and Mechanical University to improve the quality of life in urban communities through research, teaching, and outreach activities.*

(2) *The major purposes of the institute are to pursue basic and applied research on urban policy issues confronting the inner-city areas and neighborhoods in the state; to influence the equitable allocation and stewardship of federal, state, and local financial resources; to train a new generation of civic leaders and university students interested in approaches to community planning and design; to assist with the planning, development, and capacity building of urban area nonprofit organizations and government agencies; to develop and maintain a database relating to inner-city areas; and to support the community development efforts of inner-city areas, neighborhood-based organizations, and municipal agencies.*

(3) *The institute shall research and recommend strategies concerning critical issues facing the underserved population in urban communities, including, but not limited to, transportation and physical infrastructure; affordable housing; tourism and commerce; environmental restoration; job development and retention; child care; public health; life-long learning; family intervention; public safety; and community relations.*

(4) *The institute may establish regional urban centers to be located in the inner cities of St. Petersburg, Tampa, Jacksonville, Orlando, West Palm Beach, Fort Lauderdale, Miami, Daytona Beach, and Pensacola to assist urban communities on critical economic, social, and educational problems affecting the underserved population.*

(5) *Before January 1 of each year, the institute shall submit a report of its critical findings and recommendations for the prior year to the President of the Senate, the Speaker of the House of Representatives, and the appropriate committees of the Legislature. The report shall be titled "The State of Unmet Needs in Florida's Urban Communities" and shall include, but is not limited to, a recommended list of resources that could be made available for revitalizing urban communities; significant accomplishments and activities of the institute; and recommendations concerning the expansion, improvement, or termination of the institute.*

(6) *The Governor shall submit an annual report to the Legislature on the unmet needs in the state's urban communities.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 15, after the semicolon (;) insert: creating the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University; providing its purposes and duties; providing for the establishment of regional urban centers; requiring annual reports by the institute and the Governor;

Amendment 22 (464302)(with title amendment)—On page 163, between lines 24 and 25, insert:

Section 62. Section 339.081, Florida Statutes, is created to read:

339.081 Workforce and Economic Development Transportation Program; program funding; funding eligibility.—

(1) *There is created within the Department of Transportation the Workforce and Economic Development Transportation Program.*

(2) *Program funding shall be as follows:*

(a) *For Fiscal Year 1999–2000, up to \$50 million.*

1. *Of such funds, 50 percent will be allocated to projects of regional significance which promote economic development.*

2. *The remaining 50 percent shall be allocated for the purpose of economic development and creating jobs for WAGES participants.*

(b) *For Fiscal Year 2000–2001, up to \$75 million.*

1. *Of such funds, 60 percent will be allocated to projects of regional significance which promote economic development.*

2. *The remaining 40 percent shall be allocated for the purpose of economic development and creating jobs for WAGES participants.*

(c) *For Fiscal Year 2001–2002, and for each year thereafter, up to \$100 million adjusted annually by the change in the Consumer Price Index as compared to the previous fiscal year.*

1. *Of such funds, 60 percent will be allocated to projects of regional significance which promote economic development.*

2. *The remaining 40 percent shall be allocated for the purpose of economic development and creating jobs for WAGES participants.*

(3) *Project selection shall be in accordance with s. 288.063 or s. 414.030, and funds shall be transferred from the Department of Transportation to the Office of Tourism, Trade, and Economic Development as needed to finance selected projects.*

Section 63. *The sum of \$50 million is hereby appropriated for Fiscal Year 1999–2000 from the State Transportation Trust Fund to the Department of Transportation for the Workforce and Economic Development Transportation Program under section 339.081, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 15, after the semicolon (;) insert: creating s. 339.081, F.S.; creating a Workforce and Economic Development Transportation Program within the Department of Transportation; providing for program funding; providing for project selection; providing an appropriation;

Senator Kirkpatrick moved the following amendment:

Amendment 23 (691752)(with title amendment)—On page 163, between lines 24 and 25, insert:

Section 62. *Legislative intent.—*

(1) *The Legislature finds and declares that because of climate, tourism, industrialization, technological advances, federal and state government policies, transportation, and migration, Florida's urban communities have grown rapidly over the past 40 years. This growth and prosperity, however, have not been shared by Florida's rural communities, although they are the stewards of the vast majority of the land and natural resources. Without this land and these resources, the state's growth and prosperity cannot continue. In short, successful rural communities are essential to the overall success of the state's economy.*

(2) *The Legislature further finds and declares that many rural areas of the state are experiencing not only a lack of growth, but severe and sustained economic distress. Median household incomes are significantly less than the state's median household income level. Job creation rates trail those in more urbanized areas. In many cases, rural counties have lost jobs, which handicaps local economies and drains wealth from these communities. These and other factors, including government policies, amplify and compound social, health, and community problems, making job creation and economic development even more difficult. Moreover, the Legislature finds that traditional program and service delivery is often hampered by the necessarily rigid structure of the programs themselves and the lack of local resources.*

(3) *It is the intent of the Legislature to provide for the most efficient and effective delivery of programs of assistance and support to rural communities, including the use, where appropriate, of regulatory flexibility through multiagency coordination and adequate funding. Therefore, the Legislature determines and declares that the provisions of this act fulfill an important state interest.*

Section 63. Paragraph (a) of subsection (6) of section 163.3177, Florida Statutes, 1998 Supplement, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; and the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. *In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community.* The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with this paragraph no later than October 1, 1999, or the deadline for the local government evaluation and appraisal report, whichever occurs first. The failure by a local government to comply with this requirement will result in the prohibition of the local government's ability to amend the local comprehensive plan as provided by s. 163.3187(6). An amendment proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible.

Section 64. Subsection (5) is added to section 186.502, Florida Statutes, to read:

186.502 Legislative findings; public purpose.—

(5) *The regional planning council shall have a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council.*

Section 65. Subsection (4) of section 186.504, Florida Statutes, is amended to read:

186.504 Regional planning councils; creation; membership.—

(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex officio nonvoting members to each regional planning council:

- (a) A representative of the Department of Transportation.
- (b) A representative of the Department of Environmental Protection.
- (c) A representative *nominated by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development of the Department of Commerce.*
- (d) A representative of the appropriate water management district or districts.

The Governor may also appoint ex officio nonvoting members representing appropriate metropolitan planning organizations and regional water supply authorities.

Section 66. Subsection (25) is added to section 186.505, Florida Statutes, to read:

186.505 Regional planning councils; powers and duties.—Any regional planning council created hereunder shall have the following powers:

(25) *To use personnel, consultants, or technical or professional assistants of the council to help local governments within the geographic area covered by the council conduct economic development activities.*

Section 67. Subsections (1) and (3) of section 288.018, Florida Statutes, are amended to read:

288.018 Regional Rural Development Grants Program.—

(1) The Office of Tourism, Trade, and Economic Development shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. The Office of Tourism, Trade, and Economic Development is authorized to approve, *on an annual basis*, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be *\$35,000, or \$100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, \$20,000* and must be matched each year by an equivalent amount of nonstate resources.

(3) The Office of Tourism, Trade, and Economic Development may expend up to *\$600,000* ~~\$100,000~~ each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section.

Section 68. Subsection (2) of section 288.065, Florida Statutes, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments within counties with populations of *75,000 or less than 50,000*, or any county that has a population of 100,000 or less and is contiguous to a county with a population of *75,000 or less than 50,000*, as determined by the most recent official estimate pursuant to s. 186.901, residing in incorporated and unincorporated areas of the county. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the local government and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the local government. All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. *However, in a rural area of critical economic concern designated by the Governor, and upon approval by the Office of Tourism, Trade, and Economic Development, repayments of principal and interest may be retained by a unit of local government if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of critical economic concern.*

Section 69. Section 288.0655, Florida Statutes, is created to read:

288.0655 Rural Infrastructure Fund.—

(1) There is created within the Office of Tourism, Trade, and Economic Development the Rural Infrastructure Fund to facilitate the planning, preparing, and financing of infrastructure projects in rural communities which will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development.

(2) On July 1, 1999, and annually thereafter, \$8 million shall be deposited in the Economic Development Trust Fund, as provided in s. 320.20(5), solely for the purpose of funding the Rural Infrastructure Fund.

(3)(a) Funds under this section shall be distributed by the office through a grant program that maximizes the use of federal, local, and private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the U.S. Department of Agriculture and the U.S. Department of Commerce, the office may award grants to applicants for such federal programs for up to 30 percent of the total infrastructure project cost. Eligible projects must be related to specific job-creating opportunities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly-owned self-powered nature-based tourism facilities and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(c) To facilitate timely response and induce the location or expansion of specific job creating opportunities, the office may award grants for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Authorized grants shall be up to \$50,000 for an employment project with a business committed to create at least 100 jobs, up to \$150,000 for an employment project with a business committed to create at least 300 jobs, and up to \$300,000 for a project in a rural area of critical economic concern. Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent of the total project cost. In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(d) By September 1, 1999, the office shall pursue execution of a memorandum of agreement with the U.S. Department of Agriculture under which state funds available through the Rural Infrastructure Fund may be advanced, in excess of the prescribed state share, for a project that has received from the department a preliminary determination of eligibility for federal financial support. State funds in excess of the prescribed state share which are advanced pursuant to this paragraph and the memorandum of agreement shall be reimbursed when funds are awarded under an application for federal funding.

(e) To enable local governments to access the resources available pursuant to s. 403.973(16), the office may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed \$75,000 each, except in the case of a project in a rural area of critical economic concern, in which case

the grant shall not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(4) The office, in consultation with Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review applications and evaluate the economic benefit of the projects and their long-term viability. The office shall have final approval for any grant under this section and must make a grant decision within 30 days of receiving a completed application.

(5) By September 1, 1999, the office shall, in consultation with the organizations listed in subsection (4), and other organizations, develop guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The office shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration of local public and private commitment, the location of the project in an enterprise zone, the location of the project in a community development corporation service area as defined in s. 290.035(2), the location of the project in a county designated under s. 212.097, the unemployment rate of the surrounding area, and the poverty rate of the community.

(6) Notwithstanding the provisions of s. 216.301, funds appropriated for the purposes of this section shall not be subject to reversion.

Section 70. Present subsection (5) of section 320.20, Florida Statutes, is redesignated as subsection (6) and a new subsection (5) is added to that section to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(5) Notwithstanding any other provision of law except subsections (1), (2), (3), and (4), on July 1, 1999, and annually thereafter, \$8 million shall be deposited in the Economic Development Trust Fund under s. 288.095, solely for the purposes of funding the Rural Infrastructure Fund under s. 288.0655. Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, grant anticipation notes, variable rate demand obligations, including, but not limited to, tax exempt commercial paper and derivative instruments, or any other form of indebtedness, or used to purchase credit support to permit such borrowings, issued by a governing body under s. 163.01(7)(d), or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any applicable government; however, such debt shall not constitute a general obligation of the State of Florida. The state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend in any manner that will materially and adversely affect the rights of such holders so long as bonds authorized by this subsection are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this subsection may be utilized for purposes authorized under the Rural Infrastructure Fund. The Office of Tourism, Trade, and Economic Development shall approve distribution of funds for rural infrastructure related to tourism, trade, and economic development. The office and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the counties and the Office of Tourism, Trade, and Economic Development to cooperate to their mutual advantage, the governing body of each government may exercise powers provided to municipalities or counties in s. 163.01(7)(d). The use of funds provided under this subsection is limited to eligible projects listed in s. 288.0655. Unexpended proceeds derived from a project completed with the use of program funds, beyond operating costs and debt service, shall be restricted to further capital improvements consistent with tourism, trade, and economic development infrastructure purposes and for no other purpose. Use of such unexpended proceeds for purposes other than tourism, trade, and economic development infrastructure is prohibited. Any funds deposited in the Economic Development Trust Fund for the purposes of the Rural Infrastructure Fund under s. 288.0655 shall not be

diverted to any other purpose. Any such diversion shall trigger immediate repayment to the Economic Development Trust Fund from the Working Capital Trust Fund.

Section 71. *Rural Economic Development Initiative.*—

(1) *The Rural Economic Development Initiative, known as “REDI,” is created within the Office of Tourism, Trade, and Economic Development, and the participation of state and regional agencies in this initiative is authorized.*

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

(a) *“Economic distress” means conditions affecting the fiscal and economic viability of a rural community, including such factors as low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.*

(b) *“Rural community” means:*

1. *A county with a population of 75,000 or less.*
2. *A county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.*
3. *A municipality within a county described in subparagraph 1. or subparagraph 2.*
4. *An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (2)(a) and verified by the Office of Tourism, Trade, and Economic Development.*

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to section 186.901, Florida Statutes.

(3) *REDI shall be responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida’s economically distressed rural communities, working with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.*

(4) *REDI shall review and evaluate the impact of statutes and rules on rural communities and shall work to minimize any adverse impact.*

(5) *REDI shall facilitate better access to state resources by promoting direct access and referrals to appropriate state and regional agencies and statewide organizations. REDI may undertake outreach, capacity-building, and other advocacy efforts to improve conditions in rural communities. These activities may include sponsorship of conferences and achievement awards.*

(6)(a) *No later than August 1, 1999, the head of each of the following agencies and organizations shall designate a high-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:*

1. *The Department of Community Affairs.*
2. *The Department of Transportation.*
3. *The Department of Environmental Protection.*
4. *The Department of Agriculture and Consumer Services.*
5. *The Department of State.*
6. *The Department of Health.*
7. *The Department of Children and Family Services.*

8. *The Department of Corrections.*

9. *The Department of Labor and Employment Security.*

10. *The Department of Education.*

11. *The Fish and Wildlife Conservation Commission.*

12. *Each water management district.*

13. *Enterprise Florida, Inc.*

14. *The Florida Commission on Tourism or VISIT Florida.*

15. *The Florida Regional Planning Council Association.*

16. *The Florida State Rural Development Council.*

17. *The Institute of Food and Agricultural Sciences (IFAS).*

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the director of the Office of Tourism, Trade, and Economic Development.

(b) *Each REDI representative must have comprehensive knowledge of his or her agency’s functions, both regulatory and service in nature, and of the state’s economic goals, policies, and programs. This person shall be the primary point of contact for his or her agency with REDI on issues and projects relating to economically distressed rural communities and with regard to expediting project review, shall ensure a prompt effective response to problems arising with regard to rural issues, and shall work closely with the other REDI representatives in the identification of opportunities for preferential awards of program funds and allowances and waiver of program requirements when necessary to encourage and facilitate long-term private capital investment and job creation.*

(c) *The REDI representatives shall work with REDI in the review and evaluation of statutes and rules for adverse impact on rural communities and the development of alternative proposals to mitigate that impact.*

(d) *Each REDI representative shall be responsible for ensuring that each district office or facility of his or her agency is informed about the Rural Economic Development Initiative and for providing assistance throughout the agency in the implementation of REDI activities.*

(7) *REDI may recommend to the Governor up to three rural areas of critical economic concern. A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development opportunity of regional impact that will create more than 1,000 jobs over a 5-year period. The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to:*

(a) *Waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under section 288.106, Florida Statutes, the Quick Response Training Program under section 288.047, Florida Statutes, the WAGES Quick Response Training Program under section 288.047(10), Florida Statutes, transportation projects under section 288.063, Florida Statutes, the brownfield redevelopment bonus refund under section 288.107, Florida Statutes, and the rural job tax credit program under sections 212.098 and 220.1895, Florida Statutes.*

(b) *Waive agency rules to empower the agency to commit and coordinate their resources, staff, or assistance to these rural communities, as well as to suspend procedural requirements of law that do not compromise the public’s health, safety, or welfare.*

(c) *Provide rapid response assistance, training services, and educational opportunities for employees; develop training programs; and pay tuition or training expenses for employees from resources coordinated by the Workforce Development Board.*

(d) *Commit the resources or benefits of the Rural Community Development Revolving Loan Fund under section 288.065, Florida Statutes, the Regional Rural Grants Program under section 288.018, Florida Statutes, the rural job tax credit program under sections 212.098 and*

220.1895, Florida Statutes, and the federal Community Development Block Grant Program.

(e) Direct the assignment of staffing and resources from Enterprise Florida, Inc.

Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the Office of Tourism, Trade, and Economic Development, the governing body of the county, and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(8) REDI shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives each year on or before February 1 on all REDI activities. This report shall include a status report on all projects currently being coordinated through REDI, the number of preferential awards and allowances made pursuant to this section, the dollar amount of such awards, and the names of the recipients. The report shall also include a description of all waivers of program requirements granted. The report shall also include information as to the economic impact of the projects coordinated by REDI.

Section 72. Florida rural economic development strategy grants.—

(1) As used in this section, the term "rural community" means:

(a) A county with a population of 75,000 or less.

(b) A county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.

(c) A municipality within a county described in paragraph (a) or paragraph (b).

For purposes of this subsection, population shall be determined in accordance with the most recent official estimate pursuant to section 186.901, Florida Statutes.

(2) The Office of Tourism, Trade, and Economic Development may accept and administer moneys appropriated to the office for providing grants to assist rural communities to develop and implement strategic economic development plans.

(3) A rural community, an economic development organization in a rural area, or a regional organization representing at least one rural community or such economic development organizations may apply for such grants.

(4) Enterprise Florida, Inc., and VISIT Florida, shall establish criteria for reviewing grant applications. These criteria shall include, but are not limited to, the degree of participation and commitment by the local community and the application's consistency with local comprehensive plans or the application's proposal to ensure such consistency. The International Trade and Economic Development Board of Enterprise Florida, Inc., and VISIT Florida, shall review each application for a grant and shall submit annually to the office for approval a list of all applications that are recommended by the board and VISIT Florida, arranged in order of priority. The office may approve grants only to the extent that funds are appropriated for such grants by the Legislature.

Section 73. Establishment of municipal service taxing or benefit units; grants to rural counties.—

(1) As used in this section, the term "rural county" means a county with a population of 75,000 or fewer persons, determined pursuant to section 186.901, Florida Statutes.

(2) Subject to legislative appropriation, the Department of Community Affairs shall establish a grant program to assist any rural county in making a determination whether to establish a municipal service taxing or benefit unit as authorized by section 125.01, Florida Statutes. Under this program, any rural county that is considering the establishment of a municipal service taxing or benefit unit and that wishes to conduct a study to determine the necessity for and advisability of establishing such a unit may apply to the department for a grant to assist in financing the

study. If the application is approved by the department, the department may award a grant to the county in an amount equal to 75 percent of the cost of the study, if the county agrees to finance 25 percent of the cost of the study itself. A copy of the study shall be submitted to the department within 30 days after it is completed.

(3) The department shall establish an application form and application procedures and requirements by rule pursuant to chapter 120, Florida Statutes.

Section 74. There is appropriated from the General Revenue Fund to the Department of Community Affairs for Fiscal Year 1999-2000 the sum of \$1 million to carry out the purposes of a grant program for rural county municipal service taxing or benefit unit feasibility studies.

Section 75. Paragraph (d) of subsection (4) of section 236.081, Florida Statutes, 1998 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(d) Exclusions ~~Exclusion~~.—

1. In those instances in which:

a.1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll, and

b.2. The assessed value of the property in contest involves more than 6 percent of the total nonexempt assessment roll,

the assessed value of the property in contest shall be excluded from the taxable value for school purposes for purposes of computing the district required local effort.

2. In those instances in which there is a nonpayment of property taxes in a community designated as a rural area of critical economic concern that exceeds 6 percent of the total nonexempt assessment roll, the assessed value of the property that is the subject of the nonpayment shall be excluded from the taxable value for school purposes for purposes of computing the district required local effort.

Section 76. Subsection (5) of section 378.601, Florida Statutes, is amended to read:

378.601 Heavy minerals.—

(5) Any heavy mineral mining operation which annually mines less than 500 acres and whose proposed consumption of water is 3 million gallons per day or less shall not be required to undergo development of regional impact review pursuant to s. 380.06, provided permits and plan approvals pursuant to either this section and part IV of chapter 373, or s. 378.901, are issued. This subsection applies only in the following circumstances:

(a) Mining is conducted in counties where the operator has conducted heavy mineral mining activities prior to March 1, 1997; and

(b) The operator of the heavy mineral mining operation has executed a developer agreement pursuant to s. 380.032 or has received a developer agreement pursuant to s. 380.06(15) as of March 1, 1997. Lands mined pursuant to this section need not be the subject of the developer agreement or development order.

Section 77. The Florida Fish and Wildlife Conservation Commission is directed to assist the Florida Commission on Tourism; the Florida

Tourism Industry Marketing Corporation, doing business as VISIT Florida; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments through the provision of marketing advice, technical expertise, promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Florida Fish and Wildlife Conservation Commission shall focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. As used in this section, the term "nature-based recreation" means leisure activities related to the state's lands, waters, and fish and wildlife resources, including, but not limited to, wildlife viewing, fishing, hiking, canoeing, kayaking, camping, hunting, backpacking, and nature photography. For the purposes of this section, there is appropriated from the General Revenue Fund, for Fiscal Year 1999-2000, the sum of \$103,000 to the Florida Fish and Wildlife Conservation Commission to be used as marketing money to promote nature-based recreation as authorized in this section.

Section 78. *Notwithstanding the provisions of section 290.044(4), Florida Statutes, regarding the distribution of funds to categories under the Florida Small Cities Community Development Block Grant Program, in no case shall the percentage of funds for the economic development category be less than 40 percent.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 15, after the semicolon (;) insert: providing a short title; providing intent; amending s. 163.3177, F.S.; providing requirements for the future land use element of a local government comprehensive plan with respect to rural areas; amending s. 186.502, F.S.; providing that a regional planning council shall have a duty to assist local governments with economic development; amending s. 186.504, F.S.; providing that the ex officio, nonvoting membership of each regional planning council shall include a representative nominated by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 186.505, F.S.; authorizing the use of regional planning council personnel, consultants, or technical or professional assistants to help local governments with economic development activities; amending s. 288.018, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to approve regional rural development grants on an annual basis; increasing the maximum amount of each grant award; increasing the total amount that may be expended annually for such grants; amending s. 288.065, F.S.; revising the population criteria for local government participation in the Rural Community Development Revolving Loan Fund; prescribing conditions under which repayments of principal and interest under the Rural Community Development Revolving Loan Fund may be retained by a unit of local government; creating s. 288.0655, F.S.; creating the Rural Infrastructure Fund for infrastructure projects in rural communities; providing for an annual deposit in the Economic Development Trust Fund in support of such infrastructure fund; authorizing grants for infrastructure projects and related studies; requiring the development of guidelines; providing that funds appropriated for such infrastructure fund shall not be subject to reversion; amending s. 320.20, F.S.; requiring the deposit of a certain amount of motor vehicle registration funds in the Economic Development Trust Fund in support of the Rural Infrastructure Fund; prescribing the manner in which such funds may be used; prohibiting diversion of such funds; creating the Rural Economic Development Initiative within the office and providing its duties and responsibilities; directing specified agencies to select a representative to work with the initiative; providing for the recommendation and designation of rural areas of critical economic concern; providing for the waiver of certain criteria and rules with respect to such areas; providing for the commitment of certain services, resources, benefits, and staffing with respect to such areas; requiring execution of a memorandum of agreement as a condition to designation as a rural area of critical economic concern; providing for an annual report; authorizing the Office of Tourism, Trade, and Economic Development to accept and administer moneys appropriated for grants to assist rural communities to develop and implement strategic economic development plans; providing for review of grant applications; authorizing the Department of Community Affairs to establish a grant program to assist rural counties in financing studies regarding the establishment of municipal service taxing or benefit units; providing for rules; providing an appropriation; amending s. 236.081, F.S.; providing an exclusion under the computation of school district required local effort for certain non-payment of property taxes in a rural area of critical economic concern; amending s. 378.601, F.S.; exempting specified heavy mining operations

from requirements for development-of-regional-impact review under certain circumstances; directing the Florida Fish and Wildlife Conservation Commission to provide assistance related to promotion and development of nature-based recreation; providing an appropriation; specifying a minimum percentage of funds to be allocated to economic development under the Florida Small Cities Community Development Block Grant Program;

Senator Burt offered the following amendment to **Amendment 23** which was moved by Senator Kirkpatrick and adopted:

Amendment 23A (945254) (with title amendment)—On page 23, delete lines 14-19 and insert: *photography*.

And the title is amended as follows:

On page 26, delete line 28 and insert: specifying a

Amendment 23 as amended was adopted.

Senator Clary moved the following amendment which was adopted:

Amendment 24 (161008)(with title amendment)—On page 163, between lines 27 and 28, insert:

Section 63. Section 288.980, Florida Statutes, 1998 Supplement, is amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)(a) It is the intent of this state to provide the necessary means to assist communities with military installations that would be adversely affected by federal base realignment or closure actions. It is further the intent to encourage communities to initiate a coordinated program of response and plan of action in advance of future actions of the federal Base Realignment and Closure Commission. It is critical that closure-vulnerable communities develop such a program to preserve affected military installations. *The Legislature hereby recognizes that the state needs to coordinate all efforts that can facilitate the retention of all remaining military installations in the state.* The Legislature, therefore, declares that providing such assistance to support the defense-related initiatives within this section is a public purpose for which public money may be used.

(b) *The Florida Defense Alliance, an organization within Enterprise Florida, is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for Enterprise Florida defense-related activity. The Florida Defense Alliance shall receive funding from appropriations made for that purpose administered by the Office of Tourism, Trade, and Economic Development.*

(2)(a) The Office of Tourism, Trade, and Economic Development is authorized to award grants from any funds available to it to support activities related to the retention of military installations potentially affected by federal base closure or realignment.

(b) The term "activities" as used in this section means studies, presentations, analyses, plans, and modeling. ~~Travel and costs incidental thereto, and~~ Staff salaries, are not considered an "activity" for which grant funds may be awarded. *Travel costs and costs incidental thereto incurred by a grant recipient shall be considered an "activity" for which grant funds may be awarded.*

(c) *Except for grants issued pursuant to the Florida Military Installation Reuse Planning and Marketing Grant Program as described in (3)(c), the amount of any grant provided to an applicant may not exceed \$250,000. The Office of Tourism, Trade, and Economic Development shall require that an applicant:*

1. Represent a local government with a military installation or military installations that could be adversely affected by federal base realignment or closure.
2. Agree to match at least 30 50 percent of any grant awarded.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for realignment or closure of a military installation located in the applicant's community and the adverse impacts such realignment or closure will have on the applicant's community.

(d) In making grant awards the office shall consider, at a minimum, the following factors:

1. The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure.

2. The potential job displacement within the local community should the military installation be closed.

3. The potential adverse impact on industries and technologies which service the military installation.

(3) The Florida Economic Reinvestment Initiative is established to respond to the need for this state and defense-dependent communities in this state to develop alternative economic diversification strategies to lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse. The initiative shall consist of the following three distinct grant programs to be administered by the Office of Tourism, Trade, and Economic Development:

(a) The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed \$250,000 per applicant and shall be available on a competitive basis.

(b) The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed \$100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.

(c) The Florida Military Installation Reuse Planning and Marketing Grant Program, through which funds shall be used to help counties, cities, and local economic development councils develop and implement plans for the reuse of closed or realigned military installations, including any necessary infrastructure improvements needed to facilitate reuse and related marketing activities. ~~Grant awards are limited to not more than \$100,000 per eligible applicant and made available through a competitive process. Awards shall be matched on a one-to-one basis.~~

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

(4)(a) The Defense-Related Business Adjustment Program is hereby created. The Director of the Office of Tourism, Trade, and Economic Development shall coordinate the development of the Defense-Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(b) The office shall require that an applicant:

1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.

2. Agree to match at least 50 percent of any funds awarded by the department in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.

3. Prepare a coordinated program or plan delineating how the funds will be administered.

4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

(5) *The Retention of Military Installations Program is created. The Director of the Office of Tourism, Trade, and Economic Development shall coordinate and implement this program for military installations located in counties with a population greater than 824,000. Notwithstanding subsection (2), the program shall provide up to \$1.2 million to assist military installations potentially affected by federal base closure or realignment in covering current operating costs in an effort to retain the installation in this state. An eligible military installation for this program shall include a provider of simulation solutions for warfighting experimentation, testing, and training which employs at least 500 civilian and military employees and has been operating in the state for a period of more than 10 years or a joint military command in a constitutional charter county as defined in s. 125.001(1).*

(6)(5) The director may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

(7) *Payment of administrative expenses shall be limited to no more than 10 percent of any grants issued pursuant to this section.*

(8)(6) The Office of Tourism, Trade, and Economic Development shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 64. *There is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development the sum of \$800,000 to implement the programs described in section 288.980, Florida Statutes. The funding provided pursuant to this section is critical in assisting with the improvement or upgrade of infrastructure (roads, water supply, power grids, communication nets, etc.) around the state's military bases which will be measured in the next round of military base closures. It is the specific intent of the Legislature that a portion of this appropriation be expended to employ a consultant to evaluate the infrastructure needs of Florida military bases in order to provide a baseline and order of priority for the disbursement of funds. This appropriation is in addition to any funds currently available for grants to help local communities.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 17, after the semicolon (;) insert: amending s. 288.980, F.S.; providing legislative intent; providing for the role of the Florida Defense Alliance; providing funding; removing a limitation on the amount of a grant under the Florida Military Installation Reuse Planning and Marketing Grant Program; increasing a grant limitation with respect to the Florida Defense Planning Grant Program; reducing the amount of matching funds required under certain grant programs; creating the Retention of Military Installations Program; providing eligibility criteria; providing a cap on the payment of administrative expenses from certain grants; providing an appropriation;

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 25 (603500)—In title, on page 2, delete lines 23 and 24 and insert: amending s.

Senator Klein moved the following amendment which was adopted:

Amendment 26 (954494)(with title amendment)—On page 60, line 16, after the period (.) insert: *By August 1, 1999, Enterprise Florida, Inc., shall establish an advisory committee on international business issues, and an advisory committee on small business issues. These committees shall be comprised of individuals representing the private sector and the public sector with expertise in the respective subject areas. The purpose of the committees shall be to guide and advise Enterprise Florida, Inc., on the development and implementation of policies, strategies, programs, and activities affecting international business and small business. The advisory committee on international business and the advisory committee on small business shall meet at the call of the chairman or vice chairman of the board of directors of Enterprise Florida, Inc., but shall meet at least quarterly. Meetings of the advisory committee on international business and the advisory committee on small business may be held telephonically; however, meetings of the committees that are held in person shall be rotated at different locations around the state to ensure participation of local and regional economic development practitioners and other members of the public. Members of advisory committees, working groups, task forces, or similar organizations created by Enterprise Florida, Inc., shall serve without compensation, but may be reimbursed for reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.*

And the title is amended as follows:

On page 3, line 10, after the first semicolon (;) insert: requiring the creation of advisory committees on international business and small business; prescribing the purpose and procedures of such committees; providing for reimbursement of expenses;

Senator McKay moved the following amendment which was adopted:

Amendment 27 (100220)(with title amendment)—On page 163, between lines 24 and 25, insert:

Section 62. Section 230.23027, Florida Statutes, is created to read:
 230.23027 *Small School District Stabilization Program.*—

(1) *There is created the Small School District Stabilization Program to assist school districts in rural communities that document economic conditions or other significant community influences that negatively impact the school district. The purpose of the program is to provide technical assistance and financial support to maintain the stability of the educational program in the school district. A rural community means a county with a population of 75,000 or less; or a county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.*

(2) *In order to participate in this program, a school district must be located in a rural area of critical economic concern designated by the Executive Office of the Governor, and the school board must submit a resolution to the Office of Tourism, Trade, and Economic Development requesting participation in the program. A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development concern or opportunity of regional impact. The resolution must be accompanied with documentation of the economic conditions in the community, provide information indicating the negative impact of these conditions on the school district's financial stability, and the school district must participate in a best financial management practices review to determine potential efficiencies that could be implemented to reduce program costs in the district.*

(3) *The Office of Tourism, Trade, and Economic Development, in consultation with the Department of Education, shall review the resolution and other information required by subsection (2) and determine whether the school district is eligible to participate in the program. Factors influencing the office's determination may include, but are not limited to, reductions in the county tax roll resulting from business closures or other causes, or a reduction in student enrollment due to business closures or impacts in the local economy.*

(4) *Effective July 1, 2000, and thereafter, when the Office of Tourism, Trade, and Economic Development authorizes a school district to participate in the program, the Legislature may give priority to that district for*

a best financial management practices review in the school district, as authorized in s. 11.515, to the extent that funding is provided annually for such purpose in the General Appropriations Act. The scope of the review shall be as set forth in s. 11.515.

(5) *Effective July 1, 2000, and thereafter, the Department of Education may award the school district a stabilization grant intended to protect the district from continued financial reductions. The amount of the grant will be determined by the Department of Education and may be equivalent to the amount of the decline in revenues projected for the next fiscal year. In addition, the Office of Tourism, Trade, and Economic Development may implement a rural economic development initiative to identify the economic factors that are negatively impacting the community and may consult with Enterprise Florida, Inc., in developing a plan to assist the county with its economic transition. The grant will be available to the school district for a period of up to 5 years to the extent that funding is provided for such purpose in the General Appropriations Act.*

(6) *Based on the availability of funds the Office of Tourism, Trade, and Economic Development or the Department of Education may enter into contracts or issue grants necessary to implement the program.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 15, after the semicolon (;) insert: creating s. 230.23027, F.S.; establishing the Small School District Stabilization Program; providing for a best financial management practices review of certain small districts;

Senator King moved the following amendment which was adopted:

Amendment 28 (901654)(with title amendment)—On page 163, between lines 27 and 28, insert:

Section 63. Section 290.0069, Florida Statutes, is created to read:
 290.0069 *Designation of enterprise zone pilot project area.*—

(1) *The Office of Tourism, Trade, and Economic Development shall designate one pilot project area within one state enterprise zone. The Office of Tourism, Trade, and Economic Development shall select a pilot project area by July 1, 1999, which meets the following qualifications:*

(a) *The area is contained within an enterprise zone that is composed of one contiguous area and is placed in the category delineated in s. 290.0065(3)(a)1.*

(b) *The local government having jurisdiction over the enterprise zone grants economic development ad valorem tax exemptions in the enterprise zone pursuant to s. 196.1995, and electrical energy public service tax exemptions pursuant to s. 166.231(8).*

(c) *The local government having jurisdiction over the enterprise zone has developed a plan for revitalizing the pilot project area or for revitalizing an area within the enterprise zone that contains the pilot project area, and has committed at least \$5 million to redevelop an area including the pilot project area.*

(d) *The pilot project area is contiguous and is limited to no more than 70 acres, or equivalent square miles, to avoid a dilution of additional state assistance and effectively concentrate these additional resources on revitalizing the acute area of economic distress.*

(e) *The pilot project area contains a diverse cluster or grouping of facilities or space for a mix of retail, restaurant, or service related businesses necessary to an overall revitalization of surrounding neighborhoods through community involvement, investment, and enhancement of employment markets.*

(2)(a) *Beginning December 1, 1999, no more than four businesses located within the pilot project area are eligible for a credit against any tax due for a taxable year under chapters 212 and 220.*

(b) *The credit shall be computed as \$5,000 times the number of full-time employees of the business and \$2,500 times the number of part-time employees of the business. For purposes of this section, a person shall be deemed to be employed by such a business on a full-time basis if the person performs duties in connection with the operations of the*

business for an average of at least 36 hours per week each month, or on a part-time basis if the person is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in the pilot project area.

(c) The total amount of tax credits that may be granted under this section is \$1 million annually. In the event the Office of Tourism, Trade, and Economic Development receives applications that total more than \$1 million in any year, the director shall prorate the amount of tax credit each applicant is eligible to receive to ensure that all eligible applicants receive a tax credit.

(d) In order to be eligible to apply to the Office of Tourism, Trade, and Economic Development for tax credits under this section a business must:

1. Have entered into a contract with the developer of the diverse cluster or grouping of facilities or space located in the pilot project area, governing lease of commercial space in a facility.

2. Have commenced operations in the facility after July 1, 1999, and before July 1, 2000.

3. Be a business predominantly engaged in activities usually provided for consideration by firms classified under the Standard Industrial Classification Manual Industry Number 5311, Industry Number 5399, or Industry Number 7832.

(e) All applications for the granting of the tax credits allowed under this section shall require the prior approval of the director of the Office of Tourism, Trade, and Economic Development. The director shall establish one submittal date each year for the receipt of applications for such tax credits.

(f) Any business wishing to receive tax credits pursuant to this section must submit an application to the Office of Tourism, Trade, and Economic Development which sets forth the business name and address and the number of employees of the business.

(g) The decision of the director shall be in writing, and, if approved, the application shall state the maximum credits allowable to the business. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credits to the tax liabilities of the business firm.

(h) If any credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the business, the unused amount may be carried forward for a period not to exceed 5 years.

(4) The Office of Tourism, Trade, and Economic Development is authorized to adopt all rules necessary to administer this section, including rules for the approval or disapproval of applications for tax incentives by businesses.

(5) The Department of Revenue shall adopt any rules necessary to ensure the orderly implementation and administration of this section.

(6) For purposes of this section, "business" and "taxable year" shall have the same meaning as in s. 220.03.

(7) Prior to the 2004 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall review and evaluate the effectiveness and viability of the pilot project area created under this section, using the research design prescribed pursuant to s. 290.015. The office shall specifically evaluate whether relief from certain taxes induced new investment and development in the area, increased the number of jobs created or retained in the area, induced the renovation, rehabilitation, restoration, improvement, or new construction of businesses or housing within the area, and contributed to the economic viability and profitability of business and commerce located within the area. The office shall submit a report of its findings and recommendations to the Speaker of the House of Representatives and the President of the Senate no later than January 15, 2004.

(8) This section shall stand repealed on June 30, 2015, and any designation made pursuant to this section shall be revoked on that date.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 17, after the semicolon (;) insert: creating s. 290.0069, F.S.; directing the Office of Tourism, Trade, and Economic Development to designate a pilot project area within an enterprise zone; providing qualifications for such area; providing that certain businesses in such area are eligible for credits against the tax on sales, use, and other transactions and corporate income tax; providing for computation of such credits; providing application procedures and requirements; providing rulemaking authority; requiring a review and report by the Office of Program Policy Analysis and Government Accountability; providing for future repeal and revocation of such designation;

Senator Grant moved the following amendment which was adopted:

Amendment 29 (205012)(with title amendment)—On page 120, line 22 through page 124, line 16, delete those lines and insert:

Section 47. Subsection (6) is added to section 15.16, Florida Statutes, to read:

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.—

(6) The Secretary of State is authorized to issue apostilles. The Secretary of State shall have the sole authority to establish, in conformity with the laws of the United States, the requirements and procedures for the issuance of apostilles and may charge a fee for the issuance of an apostille not to exceed \$10 per apostille.

Section 48. Section 117.103, Florida Statutes, is amended to read:

117.103 Certification of notary's authority by Secretary of State.—A notary public is not required to record his or her notary public commission in an office of a clerk of the circuit court. If certification of the notary public's commission is required, it must be obtained from the Secretary of State. Upon the receipt of a written request, ~~the notarized document,~~ and a fee of \$10 payable to the Secretary of State, the Secretary of State shall provide a certified copy of the notary public's original certificate of commission which shall be legally sufficient to establish the notary public's authority to provide the services specifically authorized for a notary public by the Florida Statutes, and shall issue a certificate of notarial authority, the contents of which shall be determined by the Secretary of State and shall establish for third parties the extent of the legal authority of the notary public. ~~certificate of notarial authority. Documents destined for countries participating in an International Treaty called the Hague Convention require an Apostille, and that requirement shall be determined by the Secretary of State.~~

Section 49. Section 118.10, Florida Statutes, is amended to read:

118.10 Civil-law notary.—

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

(a) "Authentic act" means an instrument executed by a civil-law notary referencing this section, which includes the particulars and capacities to act of the transacting party or parties, a confirmation of the full text of the instrument, the signatures of the party or parties or legal equivalent thereof, and the signature and seal of a civil-law notary as prescribed by the Florida Secretary of State.

(b) "Civil-law notary" means a person who is a member in good standing of The Florida Bar, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a civil-law notary.

(c) "Protocol" means a registry maintained by a civil-law notary in which the acts of the civil-law notary are archived.

(2) The Secretary of State shall have the power to appoint civil-law notaries and administer this section.

(3) A civil-law notary is authorized to issue authentic acts and thereby may authenticate or certify any document, transaction, event, condition or occurrence. The contents of an authentic act and matters incorporated therein shall be presumed correct. A civil-law notary may also administer an oath and make a certificate thereof when it is necessary for execution of any writing or document to be attested, protested, or published under the seal of a notary public. A civil-law notary may

also take acknowledgements of deeds and other instruments of writing for record, and solemnize the rites of matrimony, as fully as other officers of this state. A civil-law notary is not authorized to issue authentic acts for use in a jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

(4) The authentic acts, oaths and acknowledgements, and solemnizations of a civil-law notary shall be recorded in the civil-law notary's protocol in a manner prescribed by the Secretary of State.

(5) The Secretary of State may adopt rules prescribing:

(a) The form and content of *authentic acts, oaths, acknowledgments, solemnizations and signatures and seals or their legal equivalents.* ~~for authentic acts;~~

(b) Procedures for the permanent archiving of authentic acts, maintaining records of acknowledgments, oaths and solemnizations, and procedures for the administration of oaths and taking of acknowledgments *and for solemnizations,*

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

(d) Educational requirements and procedures for testing applicants' knowledge of *all matters relevant to the appointment, authority, duties or legal or ethical responsibilities of a civil-law notary* ~~the effects and consequences associated with authentic acts;~~

(e) Procedures for the disciplining of civil-law notaries, including *but not limited to the suspension and revocation of appointments for failure to comply with the requirements of Chapter 118 or the rules of the Department of State,* for misrepresentation or fraud regarding the civil-law notary's authority, the effect of the civil-law notary's authentic acts, or the identities or acts of the parties to a transaction; ~~and~~

(f) *Bonding or errors and omissions insurance requirements, or both, for civil-law notaries.*

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

(6) The Secretary of State shall not regulate, discipline or attempt to discipline, ~~or establish any educational requirements for~~ any civil-law notary for, or with regard to, any action or conduct that would constitute the practice of law in this state, except by agreement with The Florida Bar. The Secretary of State shall not establish as a prerequisite to the appointment of a civil-law notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States, *unless such test is offered in connection with an educational program approved by the Florida Bar for continuing legal education credit* ~~except by agreement with The Florida Bar.~~

(7) The powers of civil-law notaries include, but are not limited to, all of the powers of a notary public under any law of this state.

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

Section 50. Section 118.42, Florida Statutes, is created to read:

118.12 Certification of civil-law notary's authority; apostilles.—If certification of a civil-law notary's authority is necessary for a particular document or transaction, it must be obtained from the Secretary of State. Upon the receipt of a written request from a civil-law notary, a copy of the document, and a fee of \$10 payable to the Secretary of State, the Secretary of State shall provide a certification of the civil-law notary's authority which may be used in support of the document submitted and any related transaction. Documents destined for countries participating in an International Treaty called the Hague Convention may require an Apostille and the Secretary of State shall upon receiving a written request from a civil-law notary, a copy of the document, and a fee of \$10 payable to the Secretary of State, provide an apostille conforming to the requirements of the Hague Convention and including such other matters as the Secretary of State may establish by rule.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 8, line 8, after the first semicolon (;) insert: amending s. 15.16, F.S.; authorizing the Secretary of State to issue apostilles; authorizing a fee;

Senator Latvala moved the following amendment which was adopted:

Amendment 30 (902332)—On page 93, delete lines 2-7 and insert: the certified investor.;

(d) *Is a subsidiary of the certified investor or 10 percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, whether through rights, options, convertible interests, or otherwise, by the certified investor; or*

(e) *Directly or indirectly controls, is controlled by, or is under the common control with the certified investor.*

Pursuant to Rule 4.19, **CS for CS for SB 1566** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for CS for SB 1560—A bill to be entitled An act relating to economic development; providing a short title; providing intent; amending s. 163.3177, F.S.; providing requirements for the future land use element of a local government comprehensive plan with respect to rural areas; amending s. 186.502, F.S.; providing that a regional planning council shall have a duty to assist local governments with economic development; amending s. 186.504, F.S.; providing that the ex officio, nonvoting membership of each regional planning council shall include a representative nominated by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 186.505, F.S.; authorizing the use of regional planning council personnel, consultants, or technical or professional assistants to help local governments with economic development activities; amending s. 212.098, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to recommend to the Legislature additions to or deletions from the list of standard industrial classifications used to determine an eligible business for purposes of the Rural Job Tax Credit Program; amending s. 288.018, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to approve regional rural development grants on an annual basis; increasing the maximum amount of each grant award; increasing the total amount that may be expended annually for such grants; amending s. 288.065, F.S.; prescribing conditions under which repayments of principal and interest under the Rural Community Development Revolving Loan Fund may be retained by a unit of local government; creating s. 288.0655, F.S.; creating the Rural Infrastructure Fund for infrastructure projects in rural communities; providing for an annual deposit in the Economic Development Trust Fund in support of such infrastructure fund; authorizing grants for infrastructure projects and related studies; requiring the development of guidelines; providing that funds appropriated for such infrastructure fund shall not be subject to reversion; amending s. 320.20, F.S.; requiring the deposit of a certain amount of motor vehicle registration funds in the Economic Development Trust Fund in support of the Rural Infrastructure Fund; prescribing the manner in which such funds may be used; prohibiting diversion of such funds; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; providing a definition; authorizing the Office of Tourism, Trade, and Economic Development to reduce certain employment requirements for an expanding business in a rural community or enterprise zone under certain conditions; creating the Rural Economic Development Initiative within the office and providing its duties and responsibilities; directing specified agencies to select a representative to work with the initiative; providing for the recommendation and designation of rural areas of critical economic concern; providing for the waiver of certain criteria and rules with respect to such areas; providing for the commitment of certain services, resources, benefits, and staffing with respect to such areas; requiring execution of a memorandum of agreement as a condition to designation as a rural area of critical economic concern; providing for an annual report; authorizing the Office of Tourism, Trade, and Economic Development to accept and administer moneys appropriated for grants to assist rural communities

to develop and implement strategic economic development plans; providing for review of grant applications; authorizing the Department of Community Affairs to establish a grant program to assist rural counties in financing studies regarding the establishment of municipal service taxing or benefit units; providing for rules; providing an appropriation; amending s. 236.081, F.S.; providing an exclusion under the computation of school district required local effort for certain nonpayment of property taxes in a rural area of critical economic concern; creating s. 311.20, F.S.; creating the Northwest Florida Seaport Transportation and Economic Development Council; providing for the membership of the council; requiring the council to develop a strategic regional development plan; prescribing powers of the council; providing for staffing of the council; amending s. 378.601, F.S.; exempting specified heavy mining operations from requirements for development-of-regional-impact review under certain circumstances; directing the Florida Fish and Wildlife Conservation Commission to provide assistance related to promotion and development of nature-based recreation; providing an appropriation; specifying a minimum percentage of funds to be allocated to economic development under the Florida Small Cities Community Development Block Grant Program; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1 (395922)(with title amendment)—On page 11, delete lines 20-22 and insert: governments within counties with populations of 75,000 or less ~~than 50,000~~, or any county that has a population of 100,000 or less and is contiguous to a county with a population of 75,000 or less ~~than 50,000~~, as

And the title is amended as follows:

On page 2, line 4, after the semicolon (;) insert: revising the population criteria for local government participation in the Rural Community Development Revolving Loan Fund;

Amendment 2 (612404)—On page 13, delete lines 10-16 and insert: *public-private partnership facilities; storm water systems; telecommunications facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly-owned self-powered nature-based tourism facilities and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater utility, which owns a gas or electric distribution system or a water or wastewater system in this state where:*

1. *A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water or wastewater utility as defined herein; and*

2. *Such utilities as defined herein are willing and able to provide such service.*

Amendment 3 (701444)—In title, on page 2, line 23, after the semicolon (;) insert: in support of bonds or other debt instruments; specifying that certain debts related to the Rural Infrastructure Fund shall not constitute a general obligation of the state;

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

Amendment 4 (905384)(with title amendment)—On page 31, between lines 27 and 28, insert:

Section 22. Section 230.23027, Florida Statutes, is created to read:

230.23027 *Small School District Stabilization Program.*—

(1) *There is created the Small School District Stabilization Program to assist school districts in rural communities that document economic conditions or other significant community influences that negatively impact the school district. The purpose of the program is to provide technical assistance and financial support to maintain the stability of the educational program in the school district. A rural community means a county*

with a population of 75,000 or less; or a county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.

(2) *In order to participate in this program, a school district must be located in a rural area of critical economic concern designated by the Executive Office of the Governor, and the school board must submit a resolution to the Office of Tourism, Trade, and Economic Development requesting participation in the program. A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development concern or opportunity of regional impact. The resolution must be accompanied with documentation of the economic conditions in the community, provide information indicating the negative impact of these conditions on the school district's financial stability, and the school district must participate in a best financial management practices review to determine potential efficiencies that could be implemented to reduce program costs in the district.*

(3) *The Office of Tourism, Trade, and Economic Development, in consultation with the Department of Education, shall review the resolution and other information required by subsection (2) and determine whether the school district is eligible to participate in the program. Factors influencing the office's determination may include, but are not limited to, reductions in the county tax roll resulting from business closures or other causes, or a reduction in student enrollment due to business closures or impacts in the local economy.*

(4) *Effective July 1, 2000, and thereafter, when the Office of Tourism, Trade, and Economic Development authorizes a school district to participate in the program, the Legislature may give priority to that district for a best financial management practices review in the school district, as authorized in s. 11.515, to the extent that funding is provided annually for such purpose in the General Appropriations Act. The scope of the review shall be as set forth in s. 11.515.*

(5) *Effective July 1, 2000, and thereafter, the Department of Education may award the school district a stabilization grant intended to protect the district from continued financial reductions. The amount of the grant will be determined by the Department of Education and may be equivalent to the amount of the decline in revenues projected for the next fiscal year. In addition, the Office of Tourism, Trade, and Economic Development may implement a rural economic development initiative to identify the economic factors that are negatively impacting the community and may consult with Enterprise Florida, Inc., in developing a plan to assist the county with its economic transition. The grant will be available to the school district for a period of up to 5 years to the extent that funding is provided for such purpose in the General Appropriations Act.*

(6) *Based on the availability of funds the Office of Tourism, Trade, and Economic Development or the Department of Education may enter into contracts or issue grants necessary to implement the program.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: creating s. 230.23027, F.S.; establishing the Small School District Stabilization Program; providing for a best financial management practices review of certain small districts;

Pursuant to Rule 4.19, **CS for CS for SB 1560** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

CS for CS for SB's 834, 1140 and 1612—A bill to be entitled An act relating to nursing home facilities; creating s. 400.0078, F.S.; requiring the Office of State Long-Term Care Ombudsman to establish a statewide toll-free telephone number; amending s. 400.022, F.S.; providing immediate access to residents for representatives of the Office of the Attorney General; creating s. 400.0225, F.S.; directing the Agency for Health Care

Administration to contract for consumer satisfaction surveys for nursing home residents; providing procedures and requirements for use of such surveys; amending s. 400.0255, F.S.; defining terms relating to facility decisions to transfer or discharge a resident; providing procedures, requirements, and limitations; requiring notice to the agency under certain circumstances; providing for review of a notice of discharge or transfer by the district long-term care ombudsman, upon request; specifying timeframes; amending s. 400.071, F.S.; providing additional requirements for licensure and renewal; providing a certificate-of-need preference for Gold Seal licensees; creating s. 400.118, F.S.; directing the agency to establish a quality assurance early warning system; providing for quality-of-care monitoring; providing duties of monitors; excluding certain information from discovery or introduction in evidence in civil or administrative actions; providing for rapid response teams; amending s. 400.121, F.S.; authorizing the agency to require certain facilities to increase staffing; authorizing such facilities to request an expedited interim rate increase; providing a penalty; amending s. 400.141, F.S.; providing requirements for appointment of a medical director; providing for resident use of a community pharmacy and for certain repackaging of prescription medication; providing for immunity from liability in the administration of repackaged medication; revising conditions for encouraging facilities to provide other needed services; requiring public display of certain assistance information; authorizing Gold Seal facilities to develop programs to provide certified nursing assistant training; amending s. 400.162, F.S.; revising procedures and policies regarding the safekeeping of residents' property; amending s. 400.19, F.S., relating to the agency's right of entry and inspection; providing a time period for investigation of certain complaints; amending s. 400.191, F.S.; revising requirements for provision of information to the public by the agency; amending s. 400.215, F.S.; providing for nursing home employees to work on a probationary basis upon meeting certain minimal screening requirements; authorizing certain employers direct access to databases for employment screening; requiring notification within a specified time of approval or denial of a request for an exemption from employment disqualification; amending s. 400.23, F.S.; abolishing the Nursing Home Advisory Committee; revising the system for evaluating facility compliance with licensure requirements; eliminating ratings and providing for standard or conditional licensure status; directing the agency to adopt rules to provide minimum staffing requirements for nursing homes and to allow certain staff to assist residents with eating; increasing the maximum penalty for all classes of deficiencies; creating s. 400.235, F.S.; providing for development of a Gold Seal Program for recognition of facilities demonstrating excellence in long-term care; establishing a Panel on Excellence in Long-Term Care under the Executive Office of the Governor; providing membership; providing program criteria; providing for duties of the panel and the Governor; providing for agency rules; providing for biennial relicensure of Gold Seal Program facilities, under certain conditions; amending s. 400.241, F.S.; making it unlawful to warn a nursing home of an unannounced inspection; amending s. 408.035, F.S.; providing certificate-of-need review criteria for Gold Seal facilities; creating s. 408.909, F.S.; requiring that the Agency for Health Care Administration implement a pilot project for establishing teaching nursing homes; specifying requirements for a nursing home facility to be designated as a teaching nursing home; requiring that the agency develop additional criteria; authorizing a teaching nursing home to be affiliated with a medical school within the State University System; providing for annual appropriations to a teaching nursing home; providing certain limitations on the expenditure of funds by a teaching nursing home; amending s. 468.1755, F.S.; providing for disciplinary action against a nursing home administrator who authorizes discharge or transfer of a resident for a reason other than provided by law; amending ss. 394.4625, 400.063, and 468.1756, F.S.; conforming cross-references; reenacting ss. 468.1695(3) and 468.1735, F.S.; incorporating the amendment to s. 468.1755, F.S., in references thereto; providing for funding for recruitment of qualified nursing facility staff; creating a panel on Medicaid reimbursement; providing membership and duties; requiring reports; providing for expiration; requiring a study of factors affecting recruitment, training, employment, and retention of qualified certified nursing assistants; requiring a report; repealing s. 400.29, F.S., relating to an agency annual report of nursing home facilities; amending s. 430.502, F.S.; establishing an additional Alzheimer's disease memory disorder clinic; providing an appropriation; requiring the act to comply with ss. 112.3189, 48.102, F.S.; providing effective dates.

—as amended April 21 was read the third time by title.

On motion by Senator Clary, **CS for CS for SB's 834, 1140 and 1612** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson-White	Jones	Rossin
Bronson	Diaz-Balart	King	Saunders
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Sebesta
Campbell	Geller	Kurth	Silver
Carlton	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Webster
Clary	Holzendorf	Mitchell	
Cowin	Horne	Myers	

Nays—None

Vote after roll call:

Yea—McKay, Meek

SB 1084—A bill to be entitled An act relating to children in need of services; amending s. 984.225, F.S., relating to powers of disposition; amending the requirements for placing a child in a staff-secure shelter; correcting cross-references; amending s. 984.226, F.S.; amending the judicial circuits included in a physically-secure-shelter pilot project; providing for waiver of the right to counsel in prescribed circumstances; amending the criteria for placement of a child in a physically secure shelter; providing time limits for placement in a physically secure shelter; providing for judicial review of the status of a child who is placed in a physically secure shelter; providing for referral of a child to the Department of Children and Family Services for dependency or mental health services; directing the Juvenile Justice Accountability Board to submit an implementation report and an evaluation report to the Legislature; requiring the Department of Juvenile Justice to submit proposed legislation and an implementation report; providing an effective date.

—as amended April 21 was read the third time by title.

On motions by Senator Burt, **SB 1084** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 1902—A bill to be entitled An act relating to the Department of Juvenile Justice and the Department of Children and Family Services; providing for waiver of specified provisions of law; directing the department to consult with the Executive Office of the Governor in implementing waiver authority; requiring a report and monthly status reports; requiring a comprehensive reorganization plan; requiring the Department of Children and Family Services and the Department of Juvenile Justice to develop and submit to the Legislature a proposed plan to realign the boundaries of the districts of those departments; specifying that other statutory responsibilities or related rules are not impaired; providing an effective date.

—as amended April 21 was read the third time by title.

On motions by Senator Clary, **CS for SB 1902** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for CS for SB 338—A bill to be entitled An act relating to the protection of children; creating the “Kayla McKean Child Protection Act”; providing legislative intent; amending s. 39.01, F.S.; redefining the term “harm” for purposes of ch. 39, F.S., to include the act of placing a child with another person to avoid or impede a protective investigation; redefining the term “participant” to include providers when designated by the court; amending s. 39.201, F.S.; requiring that a judge report known or suspected child abuse; requiring that the Department of Children and Family Services accept certain reports of child abuse for investigation; providing additional requirements for the department with respect to recording calls on the central abuse hotline; requiring that the department’s quality assurance program review reports made to the hotline which involve a specified number of reports on a single child; amending s. 39.202, F.S.; providing for certain persons who report child abuse to request a summary of the investigation; amending s. 39.205, F.S.; increasing the penalties imposed for failing to report child abuse or preventing the reporting of child abuse, unless the court finds the offender is a victim of domestic violence; amending s. 39.301, F.S.; requiring notification of the appropriate law enforcement agency of reports provided to the department’s district staff; requiring review; requiring criminal investigation, if warranted; requiring that the department maintain certain information on child abuse investigations; providing requirements for assigning multidisciplinary staff to an investigation; requiring that the department adopt rules governing the completion of investigatory activities; revising requirements for conducting risk assessments and onsite child protective investigations; authorizing the department to conduct unannounced visits and interviews; requiring that the department adopt rules specifying criteria under which a child is taken into custody, that a petition be filed with the court, or that an administrative review be held; requiring documentation; requiring that law enforcement agencies participating in an investigation take photographs of the child’s living environment which shall be part of the investigative file; requiring certain training; amending s. 39.302, F.S.; authorizing the department to conduct unannounced visits when conducting an investigation; requiring that the department conduct certain onsite visits; amending s. 39.303, F.S.; providing for a child protection team to include a representative of the school district; providing for medical evaluations in certain cases of child abuse, and neglect; specifying additional conditions that must be evaluated by the child protection team; amending s. 39.304, F.S.; requiring that photographs be taken of visible trauma on a child which shall be part of the investigative file; amending s. 39.306, F.S.; specifying local criminal history information that a law enforcement entity is authorized to share; amending s. 39.402, F.S.; authorizing the court to order that a child remain in the department’s custody for an additional period in order for the court to determine risk to the child; requiring that the department provide certain information to the court at the shelter hearing; creating s. 383.402, F.S.; creating the State Child Abuse Death Review Committee; providing for membership of the committee; specifying the duties of the committee; providing for terms of office; providing for members of the committee to be reimbursed for expenses; providing for counties to establish local child abuse death review committees; providing for membership and duties; authorizing the review committees to have access to information pertaining to the death of a child; authorizing providers to charge a specified fee; authorizing the State Child Abuse Death Review Committee to issue subpoenas; requiring the Department of Health to administer the funds appropriated to operate the review committees; requiring that the Department of Children and Family Services appoint a child abuse death review coordinator in each district; amending s. 409.1671, F.S.; requiring a case-transfer process; requiring that private providers furnish status reports to the Department of Children and Family Services; prohibiting

a provider from discontinuing services without the department’s written notification; requiring that contracts between the department and community-based agencies include provisions for dispute resolution; amending s. 777.03, F.S.; providing that certain actions to assist an offender who has committed child abuse, child neglect, or the manslaughter or murder of a child under a specified age constitute acting as an accessory after the fact; amending s. 827.03, F.S.; increasing the penalties imposed for the offense of aggravated child abuse; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; amending s. 934.03, F.S.; authorizing the central abuse hotline to record incoming wire communications; amending s. 39.823, F.S., relating to guardian advocates for newborns; conforming a cross-reference to changes made by the act; requiring the Department of Health to develop a plan for county child protection teams; requiring the Department of Children and Family Services to contract with an independent entity to evaluate the central abuse hotline; providing appropriations; providing that certain full-time positions within the Department of Children and Family Services are not subject to position-lapse adjustments in the General Appropriations Act or in agency operation budgets; providing for an analysis and report by the Office of Program Policy Analysis and Government Accountability; providing an effective date.

—was read the third time by title.

On motions by Senator Cowin, **CS for CS for SB 338** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

On motion by Senator Carlton, by two-thirds vote **HB 621** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs.

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

HB 621—A bill to be entitled An act relating to wireless emergency 911 telephone service; creating s. 365.172, F.S.; providing a short title; providing legislative findings, purposes, and intent; providing definitions; providing duties of the Department of Management Services; creating the Wireless 911 Board; providing duties and membership of the board; providing powers of the board; requiring the board to report to the Governor and the Legislature each year; requiring completion of a study for submission to the Governor and the Legislature; requiring the board to retain an independent accounting firm for certain purposes; providing a process for firm selection; imposing a monthly fee for certain 911 telephone service; providing a rate; providing for adjusting the rate; exempting the fee from state and local taxes; prohibiting local governments from imposing additional fees related to such service; providing procedures for collecting the fee and remitting the fee to the board; providing criteria for provision of certain services; prohibiting certain activities relating to wireless 911 telephone service; providing penalties; providing that the act does not preempt other laws that regulate providers of telecommunications service; providing for severability; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 178** as amended and by two-thirds vote read the second time by title.

Senator Carlton moved the following amendment which was adopted:

Amendment 1 (623440)—On page 10, delete lines 16-23 and insert:

3. Any other issues related to providing wireless E911

On motions by Senator Carlton, by two-thirds vote **HB 621** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	

Nays—1

Webster

SB 180—A bill to be entitled An act relating to public records; creating s. 365.174, F.S.; providing an exemption from public records requirements for certain proprietary confidential business information submitted to the Wireless 911 Board or the Department of Management Services by providers of wireless 911 services; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Carlton, **SB 180** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

SB 182—A bill to be entitled An act relating to trust funds; creating s. 365.173, F.S.; creating the Wireless Emergency Telephone System Fund within the Department of Management Services; providing criteria for the fund; providing for use of moneys in the fund; requiring the Auditor General to annually audit the fund; requiring a report; providing a contingent effective date.

—as amended April 22 was read the third time by title.

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

Amendment 1 (425062)(with title amendment)—On page 2, line 31, after the period (.) insert: *Beginning in State Fiscal Year 2000-2001, each provider shall submit to the board, by August 1 of each year, a detailed estimate of the capital and operating expenses for which it anticipates that it will seek reimbursement under this paragraph during the ensuing state fiscal year. By September 1 of each year, the board shall submit to the Legislature its legislative budget request for funds to be allocated to providers under this paragraph during the ensuing state fiscal year. The budget request shall be based on the information submitted by the providers and estimated surcharge revenues.*

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: requiring providers to submit budgets and supporting information to the board; requiring the board to submit a legislative budget request to the Legislature;

On motions by Senator Carlton, **SB 182** as amended was passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 1614—A bill to be entitled An act relating to sentencing; amending s. 893.135, F.S.; redefining the offense of trafficking in cannabis; defining the term “cannabis plant”; providing mandatory minimum prison terms and mandatory fine amounts for trafficking in cannabis, cocaine, illegal drugs, phencyclidine, methaqualone, amphetamine, or flunitrazepam; providing for sentencing pursuant to the Criminal Punishment Code of offenders convicted of trafficking in specified quantities of cannabis; removing weight caps for various trafficking offenses; providing that an offender who is sentenced to a mandatory minimum term upon conviction of trafficking in specified quantities of cannabis, cocaine, illegal drugs, phencyclidine, methaqualone, amphetamine, or flunitrazepam is not eligible for gain time or certain discretionary early-release mechanisms prior to serving the mandatory minimum sentence; providing exceptions; providing penalties; amending s. 921.0024, F.S., relating to the worksheet computations for the Criminal Punishment Code; revising requirements for the court in applying a sentencing multiplier for drug-trafficking offenses; authorizing state attorneys to reduce or suspend any trafficking offense if substantial assistance is provided; reenacting s. 397.451(7), F.S., relating to the prohibition against dissemination of state funds to service providers convicted of certain offenses, s. 782.04(4)(a), F.S., relating to murder, s. 893.1351(1), F.S., relating to lease or rent for the purpose of trafficking in a controlled substance, s. 903.133, F.S., relating to the prohibition against bail on appeal for certain felony convictions, s. 907.041(4)(b), F.S., relating to pretrial detention and release, s. 921.0022(3)(g), (h), and (i), F.S., relating to the Criminal Punishment Code offense severity ranking chart, s. 921.142(2), F.S., relating to sentencing for capital drug trafficking felonies, s. 943.0585, F.S., relating to court-ordered expunction of criminal history records, and s. 943.059, F.S., relating to court-ordered sealing of criminal history records, to incorporate the amendment in references; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 1614** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Gutman	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson-White	Holzendorf	Laurent
Burt	Diaz-Balart	Horne	Lee
Campbell	Dyer	Jones	McKay
Carlton	Forman	King	Meek
Casas	Geller	Kirkpatrick	Mitchell
Childers	Grant	Klein	Myers

Rossin	Scott	Silver	Thomas
Saunders	Sebesta	Sullivan	Webster
Nays—None			

CS for SB 1848—A bill to be entitled An act relating to educational facilities; amending s. 235.056, F.S.; requiring certain plans to be prepared by an appropriate design professional; amending s. 235.0155, F.S.; revising the fee for prototype plans usage; amending s. 235.15, F.S.; requiring validation of certain surveys; amending s. 235.175, F.S.; deleting formula for School Infrastructure Thrift awards and effort index grants; amending s. 235.186, F.S.; allocating certain funds for effort index grants; revising the eligibility criteria and allocation formula for effort index grants; amending s. 235.2155, F.S.; revising School Infrastructure Thrift awards and related uses; amending s. 235.216, F.S. authorizing enhanced School Infrastructure Thrift Awards; specifying eligibility criteria; amending ss. 235.217, 235.218, F.S.; conforming provisions; deleting obsolete provisions; amending s. 235.211, F.S.; revising plan review requirements; amending s. 235.212, F.S.; specifying areas exempt from operable glazing; amending s. 235.31, F.S.; revising review authority of contracts; amending s. 235.061, F.S.; providing for the adoption of standards for relocatable classrooms; amending s. 404.056, F.S.; revising requirements related to radon testing; amending s. 46 of ch. 97-384, Laws of Florida, relating to appropriations for School Infrastructure Thrift Program awards and effort index grants; specifying the amount authorized for effort index grants; amending s. 235.26, F.S.; requiring district school boards to comply with certain standards for construction materials and systems based on life-cycle costs; providing an exception; requiring a public hearing; repealing s. 235.4355, F.S., relating to SMART Schools Small County Assistance Program for Fiscal Year 1998-1999; providing an effective date.

—as amended April 22 was read the third time by title.

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

Amendment 1 (274520)—On page 15, lines 25 and 26, delete “during the 1996-1997, 1997-1998, and 1998-1999 school years”

On motions by Senator Clary, **CS for SB 1848** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 2280—A bill to be entitled An act relating to governmental reorganization; repealing s. 20.37(3), F.S., which provides for the location of the headquarters of the Department of Veterans’ Affairs; amending s. 20.22, F.S.; transferring functions of the Divisions of State Group Insurance and Retirement to the department; abolishing the Florida State Group Insurance Council; amending ss. 110.1227, 110.123, 110.12315, 110.1232, 110.1234, 110.161, 112.05, 112.3173, 112.352, 112.354, 112.356, 112.358, 112.361, 112.362, 112.363, 112.63, 112.64, 112.658, 112.665, 121.025, 121.027, 121.027, 121.031, 121.051, 121.0511, 121.0515, 121.052, 121.055, 121.071, 121.081, 121.091, 121.101, 121.111, 121.133, 121.135, 121.136, 121.1815, 121.1905, 121.192, 121.193, 121.22, 121.23, 121.24, 121.30, 121.35, 121.40, 121.45, 122.02, 122.03, 122.05, 122.06, 122.07, 122.08, 122.10, 122.12, 122.13, 122.15, 122.16, 122.23, 122.30, 122.34, 122.351, 189.412, 215.20, 215.28, 215.50, 238.01, 238.02, 238.03, 238.05, 238.07, 238.08, 238.09, 238.10, 238.11, 238.12, 238.14, 238.15, 238.171, 238.181, 238.32, 240.3195, 250.22, 321.17, 321.19, 321.191, 321.202, 321.203, 321.2205, 413.051, 633.382,

650.02, F.S., to conform to the restructuring of the department by this act; revising the Florida Employee Long-Term-Care Plan Act; requiring the Department of Management Services and the Department of Elderly Affairs to provide for long-term-care insurance through payroll deduction; requiring the Department of Management Services to review proposals; authorizing the department to award a contract; amending s. 230.23162, F.S.; directing the department to seek proposals for the use or transfer of a specified state facility; requiring the department to take steps to preserve the facility; requiring executive departments to report information on boards, commissions, and similar entities to the department, along with recommendations for continuance, abolition, or revision; requiring the department to report that information to the Governor and the Legislature; amending s. 110.12315, F.S.; substantially revising the state employees’ prescription drug program; prohibiting the Department of Management Services from restricting access to prescription drugs for certain enrollees under the state employees’ prescription drug program; providing effective dates.

—as amended April 22 was read the third time by title.

On motions by Senator Campbell, **CS for SB 2280** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson-White	King	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Saunders
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Sebesta
Campbell	Geller	Latvala	Silver
Carlton	Grant	Laurent	Sullivan
Casas	Gutman	Lee	Thomas
Childers	Hargrett	McKay	Webster
Clary	Horne	Mitchell	
Cowin	Jones	Myers	

Nays—None

CS for CS for SB 2426—A bill to be entitled An act relating to legislative oversight of governmental programs; amending s. 11.13, F.S.; revising requirements for setting the allowance for intradistrict expenses for members of the Legislature; amending ss. 11.42, 11.45, F.S.; defining the term “operational audit”; revising the duties of the Auditor General; requiring district school boards to conduct certain financial audits; transferring the Division of Public Assistance Fraud from the Auditor General to the Department of Law Enforcement; transferring, renumbering, and amending s. 11.50, F.S.; conforming provisions to the transfer of the Division of Public Assistance Fraud; amending ss. 402.3015, 414.33, 414.34, 414.39, 414.40, 951.28, F.S.; conforming provisions to the transfer of the Division of Public Assistance Fraud; amending ss. 373.589, 195.096, 232.44, 946.516, 283.31, F.S.; revising the duties of the Auditor General; providing for audits by independent certified public accountants; amending s. 944.719, F.S.; transferring duties from the Auditor General to the Office of Program Policy Analysis and Government Accountability; amending ss. 11.511, 11.513, F.S.; revising the duties of the Office of Program Policy Analysis and Government Accountability; amending ss. 112.3187, 112.3188, 112.31895, F.S.; eliminating the Public Counsel’s responsibilities associated with the Whistleblower’s Act; transferring such responsibilities to the Florida Commission on Human Relations; amending s. 985.401, F.S.; providing for the composition of the Juvenile Justice Accountability Board; reassigning the board from the Joint Legislative Auditing Committee to the Department of Juvenile Justice; amending s. 218.502, F.S.; redefining the term “local governmental entity”; repealing s. 284.50(4), F.S., which provides for the Auditor General to audit state agency loss-prevention programs; repealing s. 475.045(1)(f), F.S., which provides for the Auditor General to audit the financial transactions of the Florida Real Estate Commission Education and Research Foundation; repealing s. 985.07, F.S., which provides for the Auditor General to examine some information-sharing efforts; amending s. 760.06, F.S.; authorizing the Florida Commission on Human Relations to receive and coordinate whistle-blowers’ complaints; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Rossin, **CS for CS for SB 2426** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

HB 1877—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; amending s. 35.06, F.S.; increasing the number of judges in specified district courts of appeal; requiring the judicial nominating commission to make nominations to fill specified vacancies by a certain date; providing effective dates.

—was read the third time by title.

On motions by Senator Grant, **HB 1877** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Hargrett	McKay	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	

Nays—None

CS for CS for SB 1270—A bill to be entitled An act relating to motor vehicles and highway safety; amending s. 233.063, F.S.; revising the distribution of driver's license fee revenues for driver education programs; amending s. 316.063, F.S.; revising provisions to refer to a "traffic crash" rather than an "accident"; providing a noncriminal traffic infraction for obstructing traffic under certain circumstances; amending s. 316.1958, F.S.; restricting the issuance of disabled parking citations under certain circumstances; amending s. 316.1975, F.S.; revising provisions with respect to unattended motor vehicles; amending s. 316.211, F.S.; providing for compliance with certain federal safety standards with respect to equipment for motorcycle and moped riders; amending s. 316.520, F.S.; providing that it is a noncriminal traffic infraction punishable as a moving violation to violate load limits on vehicles; amending s. 316.640, F.S.; authorizing the Florida Highway Patrol to employ certain persons as traffic accident investigation officers; providing for certain powers and duties; providing for the employment of parking enforcement specialists by airport authorities; amending s. 318.14, F.S.; conforming cross-references to changes made by the act; amending s. 318.15, F.S.; including reference to the tax collector with respect to the collection of certain service fees for reinstatement of a suspended driver's license; amending s. 318.36, F.S.; providing judicial immunity for civil traffic infraction hearing officers; amending s. 319.14, F.S.; including reference to short-term and long-term lease vehicles; providing definitions; providing penalties; amending s. 319.23, F.S.; revising application requirements for a certificate of title; deleting references to collectible vehicles; amending s. 319.30, F.S.; revising provisions with respect to dismantling, destroying, or changing the identity of a motor vehicle or mobile home; amending s. 320.01, F.S.; defining the term "agricultural products" for purposes of ch. 320, F.S.; amending s. 320.023, F.S.;

revising audit requirements with respect to voluntary contributions on the application form for a motor vehicle registration; amending s. 320.03, F.S.; revising the distribution formula with respect to a fee charged for the Florida Real Time Vehicle Information System; amending s. 320.04, F.S.; authorizing a service charge on vessel decals issued from an automated vending facility or printer dispenser machine; amending s. 320.055, F.S.; revising provisions with respect to registration periods; amending s. 320.06, F.S.; authorizing the department to issue manufacturer license plates; repealing s. 320.065, F.S., relating to the registration of certain rental trailers for hire and semitrailers used to haul agricultural products; amending s. 320.0657, F.S.; revising provisions with respect to fleet license plates; providing fees; amending s. 320.08, F.S., relating to license fees; deleting references to certain collectible vehicles; providing a fee for manufacturer license plates; amending s. 320.08056, F.S.; revising the license plate annual use fee for the Challenger license plate; repealing s. 320.08058(2)(f), F.S., which provides for the repeal of the Challenger license plate; amending s. 320.08058, F.S.; revising provisions relating to the design of the Florida Salutes Veterans license plate; authorizing the Department of Veterans' Affairs to use moneys from the license plate fee to promote and market the plate; amending s. 320.084, F.S.; deleting obsolete provisions; amending s. 320.086, F.S.; revising provisions governing the issuance of license plates for certain historical motor vehicles; reenacting s. 320.072(2)(g), F.S., relating to the fee imposed on motor vehicle registrations, to incorporate the amendment to s. 320.086, F.S., in references thereto; amending s. 320.13, F.S.; providing an alternative method of registration for manufacturer license plates; prohibiting the use of dealer license plates for specified purposes; amending s. 320.131, F.S.; authorizing agents or Florida licensed dealers to issue temporary license tags when such tags are not specifically authorized; providing penalties with respect to certain violations concerning temporary tags; amending s. 320.1325, F.S.; revising provisions with respect to registration for the temporarily employed; amending s. 320.27, F.S.; revising provisions governing the denial, suspension, or revocation of motor vehicle dealer licenses; amending s. 320.30, F.S.; providing for the forfeiture of a motor vehicle; providing for confiscation and sale of such vehicles; repealing s. 320.8249(11), F.S., which provides for an exemption from installer licensing; amending s. 320.8325, F.S.; providing for uniform standards; amending s. 321.06, F.S.; authorizing the department to employ certain traffic accident investigation officers; amending s. 322.08, F.S.; deleting provisions with respect to certain applications made by persons who hold an out-of-state driver license; amending s. 322.081, F.S.; revising audit requirements with respect to voluntary contributions on the driver's license application; amending s. 322.1615, F.S.; revising provisions with respect to a learner's driver's license; amending s. 322.2615, F.S.; revising provisions with respect to suspension of a license; amending s. 322.28, F.S.; revising requirements for the period of suspension or revocation of a driver's license; amending s. 322.34, F.S.; conforming a cross-reference to changes made by the act; amending s. 325.2135, F.S.; directing the Department of Highway Safety and Motor Vehicles to enter into a contract for a motor vehicle inspection program; amending s. 325.214, F.S.; changing the motor vehicle inspection fee; amending s. 327.031, F.S.; providing for the denial or cancellation of a vessel registration when payment for registration is made by a dishonored check; amending s. 327.11, F.S.; providing for a replacement vessel registration; amending s. 327.23, F.S.; providing for a temporary certificate of registration for a vessel by certain out-of-state residents; amending s. 327.25, F.S.; revising provisions with respect to transfer of ownership and registration of vessels; creating s. 327.255, F.S.; providing for the duties of tax collectors with respect to vessel registration; providing fees; creating s. 327.256, F.S.; providing procedures for advanced vessel registration renewal; amending s. 328.01, F.S.; revising provisions with respect to application for a certificate of title for a vessel; amending s. 328.11, F.S.; increasing the time period for application for a reissuance of a certificate of title; amending s. 328.15, F.S.; providing requirements with respect to certain second liens on vessels; increasing the fee for recording a notice of lien; providing requirements with respect to satisfaction of a lien on a vessel; providing penalties for failure to comply; amending s. 328.16, F.S.; providing requirements with respect to liens; creating s. 328.165, F.S.; providing for cancellation of certificates; amending s. 713.78, F.S.; revising requirements relating to liens for recovering, towing, or storing vehicles and undocumented vessels; providing an exemption from the requirement of an inventory of personal property found in a motor vehicle to be removed from the scene of an accident under certain circumstances; amending ss. 732.9215, 732.9216, F.S.; conforming cross-references to changes made by the act; amending s. 812.014, F.S.; providing prohibition on a theft of gasoline while in a motor vehicle; amending s. 832.06, F.S.; revising provisions with respect to prosecution

for worthless checks given to the tax collector for certain licenses or taxes; amending s. 932.701, F.S.; redefining the term "contraband article," and reenacting ss. 705.101(6), 932.704(4), F.S., relating to forfeiture of contraband article, to incorporate said amendment in references; amending s. 324.201, F.S.; deleting the requirement that recovery agents notify law enforcement of a license plate seizure; amending s. 324.202, F.S.; expanding into additional counties a pilot project that authorizes a recovery agent or recovery agency to seize the license plate of a motor vehicle following suspension of the vehicle's registration or suspension of the driver's license of the owner or operator of the vehicle for failing to maintain personal injury protection; requiring that the department provide procedures for paying fees; amending s. 627.733, F.S.; deleting payment of a fee to recovery agents; amending s. 318.18, F.S.; changing the date by which electronic transmission of certain data must be commenced; amending s. 322.245, F.S.; changing the time within which the failure of a person to pay child support must be reported; repealing s. 14 of ch. 98-223, Laws of Florida, relating to required security for the operation of a motor vehicle; providing an effective date.

—as amended April 22 was read the third time by title.

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

Amendment 1 (422742)(with title amendment)—On page 8, between lines 8 and 9, insert:

Section 2. Paragraph (c) is added to subsection (3) of section 234.021, Florida Statutes, to read:

234.021 Hazardous walking conditions.—

(3) CRITERIA FOR DETERMINING HAZARDOUS WALKING CONDITIONS.—

(c) *Walking on an overpass which crosses over an interstate highway.—It shall be considered hazardous walking conditions with respect to any vehicle overpass which crosses over an interstate highway which students must walk in order to travel to and from school.*

1. *This provision shall apply regardless of the existence of a walkway, unless a concrete barrier separates the walkway from parallel traffic; and*

2. *Students do not have to cross at an interstate on or off-ramp.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 234.021, F.S.; revising hazardous walking conditions for students;

Senators Forman and Casas offered the following amendment which was moved by Senator Forman and adopted by two-thirds vote:

Amendment 2 (605436)(with title amendment)—On page 7, line 21, after the semicolon (;) insert:

Section 1. Section 15.01, Florida Statutes, is amended to read:

15.01 ~~Residence, Office, and duties.~~—The Secretary of State shall ~~reside at the seat of government and~~ shall have her or his office in the Capitol and perform the duties prescribed by the State Constitution. The Department of State shall have the custody of the Constitution and Great Seal of this state, and of the original statutes thereof, and of the resolutions of the Legislature, and of all the official correspondence of the Governor. The department shall keep in its office a register and an index of all official letters, orders, communications, messages, documents, and other official acts issued or received by the Governor or the Secretary of State, and record these in a book numbered in chronological order. The Governor, before issuing any order or transmission of any official letter, communication, or document from the executive office or promulgation of any official act or proceeding, except military orders, shall deliver the same or a copy thereof to the Department of State to be recorded.

Section 2. Section 16.01, Florida Statutes, is amended to read:

16.01 ~~Residence, Office, and duties of Attorney General.~~—The Attorney General:

(1) ~~Shall reside at the seat of government and shall keep his or her office in the capitol.~~

(2) Shall perform the duties prescribed by the Constitution of this state and also perform such other duties appropriate to his or her office as may from time to time be required of the Attorney General by law or by resolution of the Legislature.

(3) Notwithstanding any other provision of law, shall, on the written requisition of the Governor, a member of the Cabinet, the head of a department in the executive branch of state government, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, or the Minority Leader of the Senate, and may, upon the written requisition of a member of the Legislature, other state officer, or officer of a county, municipality, other unit of local government, or political subdivision, give an official opinion and legal advice in writing on any question of law relating to the official duties of the requesting officer.

(4) Shall appear in and attend to, in behalf of the state, all suits or prosecutions, civil or criminal or in equity, in which the state may be a party, or in anywise interested, in the Supreme Court and district courts of appeal of this state.

(5) Shall appear in and attend to such suits or prosecutions in any other of the courts of this state or in any courts of any other state or of the United States.

(6) Shall act as co-counsel of record in capital collateral proceedings.

(7) Shall have and perform all powers and duties incident or usual to such office.

(8) Shall make and keep in his or her office a record of all his or her official acts and proceedings, containing copies of all official opinions, reports, and correspondence, and also keep and preserve in the office all official letters and communications to him or her and cause a registry and index thereof to be made and kept, all of which official papers and records shall be subject to the inspection of the Governor of the state and to the disposition of the Legislature by act or resolution thereof.

(9) May periodically publish a report of his or her official opinions and may prepare and publish an index or consolidated index or indexes of opinions.

Section 3. Section 17.02, Florida Statutes, is amended to read:

17.02 ~~Place of residence and Office.~~—The Comptroller shall ~~reside at the seat of government of this state, and shall hold office in a room in the capitol.~~

Section 4. Section 18.03, Florida Statutes, is amended to read:

18.03 ~~Residence and Office.~~—The Treasurer shall ~~reside at the seat of government of this state, and shall keep his or her office in a room in the capitol.~~ Said office shall be open every day, Sundays, holidays, and public festivals excepted, from 8 a.m. to 5 p.m. Monday through Friday of every week.

Section 5. Section 19.23, Florida Statutes, is amended to read:

19.23 ~~Residence and Office.~~—The Commissioner of Agriculture shall ~~reside at the seat of government in this state, and shall keep his or her office in a room in the capitol.~~

Section 6. Section 114.03, Florida Statutes, is amended to read:

114.03 Certain executive officers not to absent themselves from the state.—~~The Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, and Commissioner of Agriculture shall reside at the capital, and~~ No member of the Cabinet shall absent himself or herself from the state for a period of 60 consecutive days or more without the consent of the Governor and a majority of the Cabinet. If a Cabinet officer should refuse or fail to comply with and observe the requirements of this section, his or her office may be deemed vacant pursuant to paragraph (f) or paragraph (g) of s. 114.01(1), as appropriate.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, insert: amending ss. 15.01, 16.02, 17.02, 18.03, 19.23, and 114.03, F.S.; deleting residence requirements for the Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, and Commissioner of Agriculture;

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which Amendment 2 was adopted. Amendment 2 was withdrawn.

On motions by Senator Casas, CS for CS for SB 1270 as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Name, Dawson-White, Jones, Myers. Rows include Madam President, Bronson, Brown-Waite, Burt, Campbell, Carlton, Casas, Childers, Clary, Cowin.

Nays—None

On motion by Senator Saunders, by two-thirds vote HB 463 was withdrawn from the Committee on Health, Aging and Long-Term Care.

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

HB 463—A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by endorsement and providing requirements therefor, including a fee; providing an effective date.

—a companion measure, was substituted for SB 1036 as amended and by two-thirds vote read the second time by title.

MOTION

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

Senator Saunders moved the following amendment:

Amendment 1 (223698)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 465.0075, Florida Statutes, is created to read:

465.0075 Licensure by endorsement; requirements; fee.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a nonrefundable fee not to exceed \$100 set by the board, the board certifies:

(a) Has met the qualifications for licensure in s. 465.007(1)(b)-(c);

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the National Association of Boards of Pharmacy (NABPLEX) or a similar national organization, provided the board certifies as eligible for licensure by endorsement any applicant who took the required examination not more than 15 years prior to application;

(c)1. Has submitted evidence of the active licensed practice of pharmacy in another jurisdiction for at least 2 of the immediately preceding 5 years or evidence of successful completion of either board-approved postgraduate training or a board-approved clinical competency examination within the year preceding the filing of an application for licensure. For purposes of this paragraph, "active licensed practice of pharmacy" means that practice of pharmacy by pharmacists, including those em-

ployed by any governmental entity in community or public health, as defined by this chapter; or

2. Has completed an internship meeting the requirements of s. 465.007(1)(c) within the two years immediately preceding application; and

(d) Has obtained a passing score on the pharmacy jurisprudence portions of the licensure examination as required by board rule.

(2) Upon certification by the board, the department shall impose conditions, limitations, or restrictions on a license by endorsement if the applicant is on probation in another jurisdiction for an act that would constitute a violation of this chapter.

(3) The department shall not issue a license by endorsement to any applicant who is under investigation in any jurisdiction for an act or offense that would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 465.016 shall apply.

(4) The department shall not issue a license by endorsement to any applicant whose license to practice pharmacy has been suspended or revoked in another state or to any applicant who is currently the subject of any disciplinary proceeding in another state.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything after the enacting clause and insert: A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by endorsement and providing requirements therefor, including a fee; providing an effective date.

Senator Campbell moved the following amendment to Amendment 1 which failed:

Amendment 1A (780804)(with title amendment)—On page 3, between lines 3 and 4, insert:

Section 2. Paragraph (i) is added to subsection (1) of section 465.022, Florida Statutes, 1998 Supplement, to read:

465.022 Pharmacies; general requirements; fees.—

(1) The board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Such rules shall include, but shall not be limited to, rules relating to:

(i) Duties of a pharmacist and responsibilities of a pharmacy, consistent with the size, scope, and type of the pharmacy in order to assure the highest level of patient care and safety.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 17, after the semicolon (;) insert: amending s. 465.022, F.S.; providing for rules governing the duties of a pharmacist and responsibilities of a pharmacy;

The question recurred on Amendment 1 which was adopted.

On motions by Senator Saunders, by two-thirds vote HB 463 as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—34

Table with 4 columns: Name, Forman, Kirkpatrick, Rossin. Rows include Madam President, Bronson, Brown-Waite, Carlton, Childers, Clary, Cowin, Dawson-White, Dyer.

Nays—5

Campbell	Diaz-Balart	Meek	Silver
Casas			

CS for CS for SB 802—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; providing for payment into pretax annuities for accumulated sick leave to certain employees of district school systems; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; providing for community college district boards of trustees to adopt rules allowing payment for unused sick leave into pretax retirement accounts; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator McKay, **CS for CS for SB 802** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	King	Myers
Bronson	Dawson-White	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Sebesta
Carlton	Gutman	Laurent	Sullivan
Casas	Hargrett	Lee	Thomas
Childers	Holzendorf	McKay	Webster
Clary	Horne	Mitchell	

Nays—4

Forman	Jones	Meek	Silver
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On motion by Senator Diaz-Balart, by two-thirds vote **HB 295** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Diaz-Balart, by two-thirds vote—

HB 295—A bill to be entitled An act relating to insurance; amending s. 627.739, F.S.; relating to personal injury protection; authorizing insured certain multiple deductible elections; requiring certain premium reductions; providing requirements for offers of certain limitations; providing for unenforceability against certain persons or entities of charges for certain services under certain circumstances; providing a definition; providing a limitation; providing an exception; providing an effective date.

—a companion measure, was substituted for **CS for SB 1978** as amended and read the second time by title.

Senator Diaz-Balart moved the following amendment:

Amendment 1 (163744)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 627.739, Florida Statutes, is amended to read:

627.739 Personal injury protection; optional limitations; deductibles.—

(1) The named insured may elect a deductible *or modified coverage or combination thereof* to apply to the named insured alone or to the named insured and dependent relatives residing in the same household, but may not elect a deductible *or modified coverage* to apply to any other person covered under the policy. Any person electing a deductible or modified coverage, *or a combination thereof*, or subject to such deductible or modified coverage as a result of the named insured's election, shall have no right to claim or to recover any amount so deducted from any owner, registrant, operator, or occupant of a vehicle or any person or

organization legally responsible for any such person's acts or omissions who is made exempt from tort liability by ss. 627.730-627.7405.

(2) Insurers shall offer to each applicant and to each policyholder, upon the renewal of an existing policy, deductibles, in amounts of \$250, \$500, \$1,000, and \$2,000, such amount to be deducted from the benefits otherwise due each person subject to the deduction. However, this subsection shall not be applied to reduce the amount of any benefits received in accordance with s. 627.736(1)(c).

~~(3) Insurers shall offer coverage wherein, at the election of the named insured, all benefits payable under 42 U.S.C. s. 1395, the federal "Medicare" program, or to active or retired military personnel and their dependent relatives shall be deducted from those benefits otherwise payable pursuant to s. 627.736(1).~~

(3)(4) Insurers shall offer coverage wherein, at the election of the named insured, the benefits for loss of gross income and loss of earning capacity described in s. 627.736(1)(b) shall be excluded.

(4) *The named insured shall not be prevented from electing a deductible under subsection (2) and modified coverage under subsection (3). Each election made by the named insured under this section shall result in an appropriate reduction of premium associated with that election.*

(5) *All such offers shall be made in clear and unambiguous language at the time the initial application is taken and prior to each annual renewal and shall indicate that a premium reduction will result from each election. At the option of the insurer, the requirements of the preceding sentence are met by using forms of notice approved by the department, or by providing the following notice in 10-point type in the insurer's application for initial issuance of a policy of motor vehicle insurance and the insurer's annual notice of renewal premium:*

"For personal injury protection insurance, the named insured may elect a deductible and to exclude coverage for loss of gross income and loss of earning capacity ("lost wages"). These elections apply to the named insured alone, or to the named insured and all dependent resident relatives. A premium reduction will result from these elections. The named insured is hereby advised not to elect the lost wage exclusion if the named insured or dependent resident relatives are employed, since lost wages will not be payable in the event of an accident."

Section 2. Section 627.7277, Florida Statutes, is created to read:

627.7277 Notice of renewal premium.—

(1) *As used in this section, the terms "policy" and "renewal" have the meaning ascribed in s. 627.728.*

(2) *An insurer shall mail or deliver to its policyholder at least 30 days' advance written notice of the renewal premium for the policy.*

(3) *If the insurer fails to provide the 30 days' notice of a renewal premium that results in a premium increase, the coverage under the policy remains in effect at the existing rates until 30 days after the notice is given or until the effective date of replacement coverage obtained by the insured, whichever occurs first.*

Section 3. Subsection (7) of section 627.7295, Florida Statutes, 1998 Supplement, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if the insurer or agent has collected from the insured an amount equal to 2 months' premium. An insurer, agent, or premium finance company may not directly or indirectly take any action resulting in the insured having paid from the insured's own funds an amount less than the 2 months' premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. This subsection does not apply if an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. This subsection does not apply to an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. This subsection does not apply

if all the policy payments are paid pursuant to a payroll deduction plan or an automatic electronic funds transfer payment plan from the policyholder, provided that the first policy payment is made by cash, cashier's check, check, or a money order. This subsection and subsection (4) do not apply if all policy payment to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent or a managing general agent and if the policy includes, at a minimum, personal injury protection pursuant to ss. 627.730-627.7405; motor vehicle property damage liability pursuant to s. 627.7275; and bodily injury liability in at least the amount of \$10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one accident. This subsection and subsection (4) do not apply if an insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

Section 4. This act shall take effect July 1, 1999, and shall apply to policies issued or renewed on or after July 1, 2000.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to automobile insurance; amending s. 627.739, F.S.; allowing insureds to elect multiple personal injury protection policy limitations; deleting requirement that insurers offer certain limitations; allowing insureds to receive appropriate premium reductions; requiring notice; creating s. 627.7277, F.S.; requiring insurers to give the policyholders notice of the renewal premium; providing for continuation of policy coverage at existing rates if the insurer fails to comply; amending s. 627.7295, F.S.; providing inapplicability of the section in specified circumstances; providing an effective date.

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

Amendment 1A (881906)—On page 5, line 10, delete "and" and insert: except that sections 1 and 2

Amendment 1 as amended was adopted.

On motions by Senator Diaz-Balart, by two-thirds vote HB 295 as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Madam President, Dawson-White, King, Myers, Bronson, Diaz-Balart, Kirkpatrick, Rossin, Brown-Waite, Forman, Klein, Saunders, Burt, Geller, Kurth, Scott, Campbell, Grant, Latvala, Sebesta, Carlton, Gutman, Laurent, Silver, Casas, Hargrett, Lee, Sullivan, Childers, Holzendorf, McKay, Thomas, Clary, Horne, Meek, Webster, Cowin, Jones, Mitchell

Nays—None

CS for SB 2100—A bill to be entitled An act relating to juveniles; amending s. 39.013, F.S.; providing for circuit court jurisdiction in dependency proceedings until the child reaches a specified age; providing for an annual review during the time a child remains in the custody of or under the supervision of the Department of Children and Family Services; amending s. 409.145, F.S.; deleting a requirement that foster care services be terminated upon a child's leaving an educational program; providing an effective date.

—was read the third time by title.

On motions by Senator Jones, CS for SB 2100 was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Madam President, Brown-Waite, Campbell, Casas, Bronson, Burt, Carlton, Childers

Table with 4 columns: Clary, Hargrett, Latvala, Saunders, Cowin, Holzendorf, Laurent, Scott, Dawson-White, Horne, Lee, Sebesta, Diaz-Balart, Jones, McKay, Silver, Forman, King, Meek, Sullivan, Geller, Kirkpatrick, Mitchell, Thomas, Grant, Klein, Myers, Webster, Gutman, Kurth, Rossin

Nays—None

CS for SB 284—A bill to be entitled An act relating to children and families; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents visitation rights; amending ss. 39.801 and 63.0425, F.S.; providing for a great-grandparent's right to adopt; amending s. 61.13, F.S.; providing for great-grandparents visitation rights and standing with regard to evaluating custody arrangements; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

—was read the third time by title.

On motions by Senator Carlton, CS for SB 284 was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Madam President, Dawson-White, Jones, Myers, Bronson, Diaz-Balart, King, Rossin, Brown-Waite, Dyer, Kirkpatrick, Saunders, Burt, Forman, Klein, Scott, Campbell, Geller, Kurth, Sebesta, Carlton, Grant, Latvala, Silver, Casas, Gutman, Laurent, Sullivan, Childers, Hargrett, Lee, Thomas, Clary, Holzendorf, McKay, Webster, Cowin, Horne, Mitchell

Nays—None

Vote after roll call:

Yea—Meek

SB 750—A bill to be entitled An act relating to child care facilities; creating the "Jeremy Fiedelholz Safe Day Care Act"; amending s. 402.319, F.S.; providing a penalty for making misrepresentations to certain persons regarding licensure or operation of a child care facility or family day care home; providing a penalty for negligence or intentional act and the parent or guardian relied on a misrepresentation; amending s. 921.0022, F.S.; providing for ranking of violations on the offense severity ranking chart; amending s. 110.151, F.S.; providing duties for state agencies sponsoring child care programs for children and dependents of state officers and employees; providing effective dates.

—as amended April 22 was read the third time by title.

On motions by Senator Forman, SB 750 as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Madam President, Clary, Gutman, Kurth, Bronson, Cowin, Hargrett, Latvala, Brown-Waite, Dawson-White, Holzendorf, Laurent, Burt, Diaz-Balart, Horne, Lee, Campbell, Dyer, Jones, McKay, Carlton, Forman, King, Meek, Casas, Geller, Kirkpatrick, Mitchell, Childers, Grant, Klein, Myers

Rossin	Scott	Silver	Thomas
Saunders	Sebesta	Sullivan	Webster

Nays—None

SB 242—A bill to be entitled An act relating to mental health; directing the Department of Children and Family Services to develop cooperative agreements with local agencies for diverting from the criminal justice system to the civil mental health system persons with mental illness arrested for a misdemeanor; directing the Louis de la Parte Florida Mental Health Institute at the University of South Florida to report to the Legislature on cost-effective diversion strategies; directing the Department of Law Enforcement and the Department of Children and Family Services to jointly review training curricula for law enforcement officers and to recommend improvements to the Legislature; directing the Department of Children and Family Services to contract with the Louis de la Parte Florida Mental Health Institute to review court jurisdiction over persons with mental illness who are arrested for or convicted of a misdemeanor and to recommend policy changes to the Legislature; directing the district forensic coordinators in the Department of Children and Family Services to assess the provision of in-jail mental health services and report to the Legislature; directing the Louis de la Parte Florida Mental Health Institute to evaluate the specialized mental health court in Broward County and report findings and recommendations to the Legislature; directing the Department of Children and Family Services to prepare a single report by a specified date; providing an appropriation; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Diaz-Balart, **SB 242** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for CS for SB 660—A bill to be entitled An act relating to foster care and related services; amending s. 216.136, F.S.; requiring the Child Welfare System Estimating Conference to include forecasts of child welfare caseloads within the information it generates; providing for inclusion of additional classes of children in need of care among estimates; amending s. 409.1671, F.S.; providing that the Legislature does not intend to require local governments to fund foster care and related services previously funded by the state; providing for distribution of documented federal funds in excess of amounts appropriated by the Legislature; providing uses for such funds; providing for a review of the distribution program and a report; designating Broward County for either the state attorney or Attorney General to provide child welfare legal services; requiring community-based providers and their subcontractors to obtain certain liability insurance; prescribing limits on liability; prescribing immunity of employees of providers and their subcontractors; defining the term “culpable negligence”; declaring legislative intent with respect to inflationary increases in liability amounts; providing for hiring preference for state employees; prescribing requirements for preschool foster homes; changing the date for privatization of foster care and related services in district 5; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to establish a targeted case-management pilot project within certain counties; providing for the pilot project to determine the impact of targeted case-management services; providing for eligibility for coverage under the pilot project; providing certain limitations on funding; providing for severability; amending s. 39.013, F.S.; providing for circuit court jurisdiction in dependency proceedings until the child reaches a specified age; providing for an annual

review during the time a child remains in the custody of or under the supervision of the Department of Children and Family Services; amending s. 409.145, F.S.; deleting a requirement that foster care services be terminated upon a child's leaving an educational program; creating s. 39.4085, F.S.; providing legislative intent; specifying goals in support of a “Bill of Rights,” specifying the rights of dependent children in shelter or foster care; clarifying that the establishment of goals does not create rights; prohibiting certain causes of action; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Brown-Waite, **CS for CS for SB 660** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Diaz-Balart	Jones	Myers
Bronson	Dyer	King	Rossin
Burt	Forman	Kirkpatrick	Saunders
Campbell	Geller	Klein	Scott
Carlton	Grant	Kurth	Sebesta
Casas	Gutman	Lee	Silver
Clary	Hargrett	McKay	Sullivan
Cowin	Holzendorf	Meek	Thomas
Dawson-White	Horne	Mitchell	Webster

Nays—None

Vote after roll call:

Yea—Brown-Waite, Latvala

SB 1642—A bill to be entitled An act relating to the Medikids program; amending s. 409.8132, F.S.; eliminating restrictions on MediPass participation in the Medikids program; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **SB 1642** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for SB 232—A bill to be entitled An act relating to health care; amending s. 641.3903, F.S.; providing that certain actions by a health maintenance organization against a provider based on the provider's communication of certain information to a patient are unfair or deceptive practices; amending s. 641.315, F.S.; requiring certain written notice in order to terminate certain provider contracts; providing limitations on the use of such notice; amending s. 641.51, F.S.; providing for continued care of subscribers when certain provider contracts are terminated; amending s. 110.123, F.S.; requiring the state-contracted health maintenance organization to provide an enrollee with continued access to a treating health care provider who loses provider status under the program; providing limitations; providing applicability; amending s. 641.31, F.S.; revising the procedures and standards for rate changes made by an organization; deleting current provisions that allow rate changes to be implemented immediately upon filing with the Department of Insurance, subject to disapproval; requiring rate changes to be filed with the department a specified time period prior to use; providing that a filing is deemed approved after a certain time period absent affirmative approval or disapproval by the department; making con-

forming changes; providing for applicability of the act; providing an effective date.

—as amended April 22 was read the third time by title.

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

Amendment 1 (924948)—On page 8, line 7, delete “g” and insert: 6

On motions by Senator Latvala, **CS for SB 232** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

Vote after roll call:

Yea—Holzendorf

SB 976—A bill to be entitled An act relating to autism; providing for clinical trials to be conducted on the use of the drug Secretin by a nonprofit provider; requiring a report; providing an appropriation; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Myers, **SB 976** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

Consideration of **SB 148** was deferred.

HB 79—A bill to be entitled An act relating to motor vehicle airbags; providing a short title; providing definitions; requiring any person engaged in the business of purchasing, selling, or installing salvaged airbags to maintain a record of any purchase, sale, or installation of a salvaged airbag; specifying required information; providing for inspection and disclosure of such records; requiring any person who sells or installs a salvaged airbag to disclose to the purchaser that the airbag is salvaged; prohibiting certain activities; providing penalties; providing an effective date.

—was read the third time by title.

On motions by Senator Campbell, **HB 79** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

Consideration of **CS for HB's 421 and 485** was deferred.

CS for HB 49—A bill to be entitled An act relating to criminal use of personal identification information; creating s. 817.568, F.S.; providing definitions; providing that a person who willfully and without authorization uses, or possesses with intent to use, personal identification information concerning an individual without previously obtaining the individual's consent commits either the offense of fraudulent use of personal identification information or the offense of harassment by use of personal identification information, depending on specified circumstances; providing penalties; providing for nonapplicability of the new provisions to specified law enforcement activities; providing for restitution, including attorney's fees and costs, to the victim; providing for prosecution by the state attorney or the statewide prosecutor; reenacting s. 464.018(1)(d), F.S., relating to disciplinary actions for violations of the Nurse Practice Act, s. 772.102(1)(a), F.S., relating to definition of "criminal activity" with respect to the Civil Remedies for Criminal Practices Act, and s. 895.02(1)(a), F.S., relating to definition of "racketeering activity," to provide for incorporation of said new section in references to ch. 817, F.S.; providing an effective date.

—was read the third time by title.

On motions by Senator Campbell, **CS for HB 49** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

HB 391—A bill to be entitled An act relating to criminal justice information; amending s. 943.053, F.S.; providing each office of the Public Defender on-line access to criminal records which are not exempt from disclosure and not confidential under law; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Meek, **HB 391** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Campbell	Clary	Forman
Bronson	Carlton	Cowin	Geller
Brown-Waite	Casas	Dawson-White	Grant
Burt	Childers	Diaz-Balart	Gutman

Hargrett	Klein	Mitchell	Sullivan
Holzendorf	Kurth	Myers	Thomas
Horne	Latvala	Rossin	Webster
Jones	Laurent	Saunders	
King	Lee	Scott	
Kirkpatrick	Meek	Silver	

Nays—None

CS for HB 11—A bill to be entitled An act relating to arrests; amending s. 901.02, F.S., relating to issuance of arrest warrants; providing that a warrant is issued at the time it is signed by the magistrate; providing that the court may issue a warrant for the defendant's arrest under specified circumstances when a complaint has been filed charging the commission of a misdemeanor only and the summons issued to the defendant is returned unserved; creating s. 901.36, F.S.; prohibiting a person who has been arrested or lawfully detained by a law enforcement officer from giving a false name or otherwise falsely identifying himself or herself to the law enforcement officer or county jail personnel; providing penalties; providing for an increased penalty if a person is adversely affected by the unlawful use of the person's name or other identification; permitting the adversely affected person to obtain court orders to correct public records under specified circumstances; authorizing issuance of such court orders by the sentencing court; providing for restitution orders; providing an effective date.

—was read the third time by title.

On motions by Senator Campbell, **CS for HB 11** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for HB 183—A bill to be entitled An act relating to sentencing; amending s. 775.085, F.S.; reclassifying penalties relating to offenses evidencing prejudice; amending s. 794.023, F.S.; reclassifying offenses involving multiple perpetrators of sexual battery; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for HB 183** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

SB 1178—A bill to be entitled An act relating to the juvenile justice continuum; creating s. 985.3065, F.S.; authorizing a law enforcement agency or school district to establish a prearrest diversion program in cooperation with the state attorney; providing that a child may be required to surrender his or her driver's license under the program; authorizing the state attorney to notify the Department of Highway Safety and Motor Vehicles to suspend the driver's license of a child who fails to comply with the requirements of the prearrest diversion program; providing an effective date.

—was read the third time by title.

On motions by Senator Silver, **SB 1178** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 748—A bill to be entitled An act relating to pretrial detention; providing a short title; amending s. 907.041, F.S.; revising criteria for pretrial detention; permitting the court to order pretrial detention under specified circumstances when it finds a substantial probability that a defendant committed the charged crime of DUI manslaughter as defined by s. 316.193, F.S., relating to driving under the influence, and that the defendant poses the threat of harm to the community; specifying certain conditions that would support a finding that the defendant poses the threat of harm to the community; deleting requirement for additional court findings for pretrial detention; permitting pretrial detention for any violation of conditions of pretrial release or bond which, in the discretion of the court, supports a finding that no condition of release can reasonably protect the community from physical harm, assure the presence of the accused at trial, or assure the integrity of the judicial process; deleting limitation upon detention period when detention is based on threat of harm to the community; authorizing a court to detain a defendant at a bail hearing without separate hearing or motion for pretrial detention; authorizing the state to orally move for pretrial detention any time the defendant is before the court for a bail hearing; providing for construction; reenacting s. 790.065(2)(c), F.S., relating to sale and delivery of firearms, s. 943.0585, F.S., relating to court-ordered expunction of criminal history records, and s. 943.059, F.S., relating to court-ordered sealing of criminal history records, to incorporate said amendment in references; repealing Rules 3.131 and 3.132, Florida Rules of Criminal Procedure, relating to pretrial release and pretrial detention, to the extent of inconsistency with the act; amending s. 903.31, F.S.; providing for cancellation of bond under certain circumstances; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Diaz-Balart, **CS for SB 748** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Gutman	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson-White	Holzendorf	Laurent
Burt	Diaz-Balart	Horne	Lee
Campbell	Dyer	Jones	McKay
Carlton	Forman	King	Meek
Casas	Geller	Kirkpatrick	Mitchell
Childers	Grant	Klein	Myers

Rossin	Scott	Silver	Thomas
Saunders	Sebesta	Sullivan	Webster
Nays—None			

CS for SB 370—A bill to be entitled An act relating to domestic violence; amending s. 741.31, F.S.; providing that it is unlawful for a person subject to an injunction for protection against domestic violence to refuse to surrender any firearm or ammunition in his or her custody, or to interfere with or obstruct a law enforcement officer enforcing the injunction; providing a penalty; amending s. 787.04, F.S.; providing that it is unlawful for any noncustodial parent or respondent subject to an injunction for protection against domestic violence to lead, take, entice, or remove a minor from the custodial parent or any child care provider or other person entrusted by the custodial parent with the care of the minor or to conceal the location of the minor, in violation of the injunction; providing a penalty; reenacting s. 901.15(6), F.S., relating to when an arrest is made by a law enforcement officer without a warrant to incorporate said amendment in a reference; creating s. 938.14, F.S.; providing for imposition of an additional mandatory court cost upon a person found to have committed an act of domestic violence; providing for waiver of the court cost; providing for collection by the clerk of the court; providing for deposit of such court costs in the Domestic Violence Trust Fund; providing for certain disbursements in accordance with specified provisions relating to funding of domestic violence centers; providing an effective date.

—as amended April 22 was read the third time by title.

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

Amendment 1 (351906)(with title amendment)—On page 2, line 6 through page 5, line 21, delete those lines and insert:

Section 1. Paragraph (a) of subsection (2) and paragraph (a) of subsection (4) of section 784.046, Florida Statutes, are amended to read:

784.046 Action by victim of repeat violence for protective injunction; powers and duties of court and clerk of court; filing and form of petition; notice and hearing; temporary injunction; issuance; statewide verification system; enforcement.—

(2) There is created a cause of action for an injunction for protection in cases of repeat violence.

(a) Any person who is the victim of repeat violence or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against repeat violence on behalf of the minor child has standing in the circuit court to file a sworn petition for an injunction for protection against repeat violence.

(4)(a) The sworn petition shall allege the incidents of repeat violence and shall include the specific facts and circumstances which form the basis upon which relief is sought. *With respect to a minor child who is living at home, the parent or legal guardian of the minor child must have been an eye-witness to, or have direct physical evidence or affidavits from eye-witnesses of, the specific facts and circumstances which form the basis upon which relief is sought.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete lines 2-22 and insert: An act relating to domestic violence; amending s. 784.046, F.S.; providing that the parent or legal guardian of a minor child living at home has standing in circuit court to petition for an injunction against repeat violence;

On motions by Senator Meek, **CS for SB 370** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Burt	Casas	Cowin
Bronson	Campbell	Childers	Dawson-White
Brown-Waite	Carlton	Clary	Diaz-Balart

Dyer	Horne	Laurent	Saunders
Forman	Jones	Lee	Scott
Geller	King	McKay	Sebesta
Grant	Kirkpatrick	Meek	Silver
Gutman	Klein	Mitchell	Sullivan
Hargrett	Kurth	Myers	Thomas
Holzendorf	Latvala	Rossin	Webster
Nays—None			

SB 1182—A bill to be entitled An act relating to medical treatment of violent wounds; amending s. 790.24, F.S.; requiring medical personnel to report life-threatening injuries to the sheriff; providing penalties; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Silver, **SB 1182** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

Pursuant to the motion by Senator McKay, the hour of 4:00 p.m. having arrived, the Senate proceeded to consideration of—

CONSENT CALENDAR

CS for CS for SB 1790—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; clarifying legislative findings; revising definitions; revising reimbursement contract provisions relating to equalization charges, reimbursable loss reporting, auditing of insurers, and confidentiality of certain audit information; revising reimbursement premium provisions relating to collection of interest; revising revenue bond provisions relating to emergency assessments against insurers, legislative findings as to the Florida Hurricane Catastrophe Fund Finance Corporation, and protections for bondholders; authorizing the State Board of Administration to enforce reimbursement contracts; providing severability; providing an effective date.

—was read the second time by title. On motions by Senator Holzendorf, by two-thirds vote **CS for CS for SB 1790** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	Klein	Saunders
Bronson	Dyer	Kurth	Scott
Brown-Waite	Geller	Latvala	Sebesta
Burt	Grant	Laurent	Silver
Campbell	Hargrett	Lee	Sullivan
Carlton	Holzendorf	McKay	Thomas
Casas	Horne	Meek	Webster
Childers	Jones	Mitchell	
Clary	King	Myers	
Cowin	Kirkpatrick	Rossin	

Nays—None

Vote after roll call:

Yea—Dawson-White, Gutman

CS for CS for SB 890—A bill to be entitled An act relating to rural hospital capital improvement; creating s. 395.6061, F.S.; providing a mechanism for the disbursement of funds to rural hospitals; providing application requirements; prescribing uses of the fund; providing duties of the Department of Health; providing rulemaking authority for the establishment of criteria for the disbursement of grant funds; amending s. 395.602, F.S.; redefining the term "rural hospital"; amending s. 409.9116, F.S.; providing for the date of applicability; providing an effective date.

—was read the second time by title.

Senator Mitchell moved the following amendment which was adopted:

Amendment 1 (661876)—On page 3, line 10, following the period (.) insert: The total grants awarded pursuant to this section shall not exceed the amount appropriated for this program.

On motions by Senator Mitchell, by two-thirds vote CS for CS for SB 890 as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Madam President, Dawson-White, Jones, Mitchell, Bronson, Diaz-Balart, King, Myers, Brown-Waite, Dyer, Kirkpatrick, Rossin, Burt, Forman, Klein, Saunders, Campbell, Geller, Kurth, Scott, Carlton, Grant, Latvala, Sebesta, Casas, Gutman, Laurent, Silver, Childers, Hargrett, Lee, Sullivan, Clary, Holzendorf, McKay, Thomas, Cowin, Horne, Meek, Webster

Nays—None

SB 1136—A bill to be entitled An act relating to military affairs; amending s. 250.10, F.S.; requiring the Adjutant General of the state to establish a specified post exchange store; providing for location of the post exchange store; providing purpose; providing for deposit of specified moneys in the Camp Blanding Management Trust Fund; providing for use of funds; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform SB 1136 to HB 573.

Pending further consideration of SB 1136 as amended, on motion by Senator Kirkpatrick, by two-thirds vote HB 573 was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

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

HB 573—A bill to be entitled An act relating to military affairs; amending s. 250.10, F.S.; requiring the Adjutant General of the state to establish a specified post exchange store; providing for location of the post exchange store; providing purpose; providing for deposit of specified moneys in the Camp Blanding Management Trust Fund; providing for use of funds; providing an effective date.

—a companion measure, was substituted for SB 1136 as amended and by two-thirds vote read the second time by title. On motions by Senator Kirkpatrick, by two-thirds vote HB 573 was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Madam President, Carlton, Dawson-White, Grant, Bronson, Casas, Diaz-Balart, Gutman, Brown-Waite, Childers, Dyer, Hargrett, Burt, Clary, Forman, Holzendorf, Campbell, Cowin, Geller, Horne

Table with 4 columns: Jones, Latvala, Mitchell, Sebesta, King, Laurent, Myers, Silver, Kirkpatrick, Lee, Rossin, Sullivan, Klein, McKay, Saunders, Thomas, Kurth, Meek, Scott, Webster

Nays—None

CS for SB 1664—A bill to be entitled An act relating to training centers; establishing training school consolidation pilot projects; providing for transfer of responsibility for the operation of existing programs; providing for the transfer of facilities and equipment; providing program requirements; providing for staffing; requiring the Department of Education to shift all FTE and other funding from a school district to a receiving community college; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

Amendment 1 (933172)—On page 4, line 30, after "cost of the course" insert: , and state funding shall not under any circumstances exceed 50 percent of the cost of the course

On motions by Senator Horne, by two-thirds vote CS for SB 1664 as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Bronson, Diaz-Balart, King, Myers, Brown-Waite, Dyer, Kirkpatrick, Rossin, Burt, Forman, Klein, Saunders, Campbell, Geller, Kurth, Scott, Carlton, Grant, Latvala, Sebesta, Casas, Gutman, Laurent, Silver, Childers, Hargrett, Lee, Sullivan, Clary, Holzendorf, McKay, Thomas, Cowin, Horne, Meek, Webster, Dawson-White, Jones, Mitchell

Nays—None

CS for SB 1870—A bill to be entitled An act relating to presentence investigation reports; creating the "Blair Benson Act"; amending s. 945.10, F.S.; authorizing the limited review of certain confidential investigative records of the Department of Corrections; amending s. 960.001, F.S.; requiring the state attorney to permit the victim, the victim's parent or guardian, or the victim's next of kin to review a copy of the presentence investigation report; requiring that confidential information be redacted from the report; requiring any person who reviews the presentence investigation report to maintain the confidentiality of the report; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote CS for SB 1870 was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Madam President, Dawson-White, Jones, Mitchell, Bronson, Diaz-Balart, King, Myers, Brown-Waite, Dyer, Kirkpatrick, Rossin, Burt, Forman, Klein, Saunders, Campbell, Geller, Kurth, Scott, Carlton, Grant, Latvala, Sebesta, Casas, Gutman, Laurent, Silver, Childers, Hargrett, Lee, Sullivan, Clary, Holzendorf, McKay, Thomas, Cowin, Horne, Meek, Webster

Nays—None

SB 128—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; increasing the disability retirement benefit for members of the special risk class; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1 (460158)(with title amendment)—On page 2, delete line 15 and insert:

Section 2. *Effective July 1, 1999, in order to fund the benefits provided under section 1 of this act:*

(1) *The contribution rates that apply to the Special Risk Class of the Florida Retirement System shall be increased by 0.13 percentage points; and*

(2) *The contribution rates that apply to the Special Risk Administrative Support Class of the Florida Retirement System shall be increased by 0.21 percentage points.*

These increases shall be in addition to all other changes to such contribution rates which may be enacted into law to take effect on that date. The Division of Statutory Revision is directed to adjust accordingly the contribution rates set forth in section 121.071, Florida Statutes.

Section 3. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits that are managed, administered, and funded in an actuarially sound manner, as required by Section 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 4. Except for this section and section 2 of this act, which shall take effect July 1, 1999, this act shall take effect January 1, 2000.

And the title is amended as follows:

On page 1, delete lines 5 and 6 and insert: of the special risk class; providing for contribution-rate increases to fund this act; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.071, F.S.; declaring that this act fulfills an important state interest; providing an effective date.

On motions by Senator Brown-Waite, by two-thirds vote **SB 128** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for CS for SB 1924—A bill to be entitled An act relating to postsecondary education; amending s. 110.1099, F.S.; revising provisions relating to tuition waivers for state employees; amending s. 121.35, F.S.; revising eligibility for participation in the optional retirement program for the system; amending ss. 239.117, 240.235, 240.35, F.S.; providing a fee exemption for certain postsecondary students; amending s. 240.156, F.S.; allowing the use of moneys in the State University System Concurrence Trust Fund to be used to defray the costs of updating campus master plans; amending s. 240.209, F.S.; providing requirements for certain tuition waivers; providing for naming an entity within a state university for a living person; amending s. 240.2093, F.S.; providing a restriction on the issuance of bonds by a direct-support organization; amending s. 240.227, F.S.; defining the term “continuing contract”

for purposes of a university president’s contracting authority; amending s. 240.233, F.S.; providing for the recalculation of grade-point averages; amending s. 240.2605, F.S.; modifying the Board of Regent’s authority relating to the Trust Fund for Major Gifts; amending s. 240.271, F.S.; providing for funding for students enrolled at a state university using an employee fee waiver; amending s. 240.289, F.S.; authorizing institutions in the system to accept credit cards and debit cards; authorizing those institutions to absorb the costs of using such cards; amending s. 240.299, F.S.; providing a restriction on financing agreements by direct-support organizations; amending s. 240.409, F.S.; amending restrictions on the Florida Student Assistance Grant; amending s. 240.4097, F.S.; amending restrictions on the Florida Student Assistance Grant; amending s. 240.421, F.S.; expanding the membership of the Florida Council of Student Financial Aid Advisors; amending s. 243.19, F.S.; providing findings for institutions for higher education; amending s. 243.20, F.S.; redefining the terms “project” and “cost”; defining the term “loan in anticipation of tuition revenues”; amending s. 243.22, F.S.; authorizing loans in anticipation of tuition revenues; amending s. 378.101, F.S.; revising financial restrictions on the Florida Institute of Phosphate Research and the Phosphate Research Trust Fund; amending s. 413.613, F.S.; requiring reports by institutions receiving funds from the Brain and Spinal Cord Injury Rehabilitation Trust Fund; repealing provisions relating to the program review process; providing an exemption from registration as an engineer for certain teachers; repealing s. 240.5335, F.S., relating to the Women’s Athletics Trust Fund; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1 (711720)(with title amendment)—On page 15, between lines 6 and 7, insert:

Section 16. *Effective July 1, 1999, paragraph (a) of subsection (2) of section 240.4095, Florida Statutes, as amended by section 47 of chapter 98-421, Laws of Florida, is amended to read:*

240.4095 Florida Private Student Assistance Grant Program; eligibility for grants.—

(2)(a) Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average matriculation and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent non-profit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and which is located in and chartered as a domestic corporation by the state. *No student shall receive the Florida Private Student Assistance Grant beyond 110 percent of the number of credit hours required to complete the program. Eligibility for the renewal of the Florida Student Assistance Grant shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall meet the institution’s established standards of academic progress for financial aid purposes. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 240.404(3).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 7, following the semicolon (;) insert: amending s. 240.4095, F.S.; revising restrictions on the Florida Private Student Assistance Grant Program;

Amendment 2 (855696)—On page 20, delete line 15 and insert: *a loan to a private institution for higher education under*

Amendment 3 (973814)—On page 19, delete line 13 and insert: *loan in anticipation of tuition revenues by a private institution for*

Amendment 4 (062942)(with title amendment)—On page 23, between lines 4 and 5, insert:

Section 25. Subsection (1) of section 240.207, Florida Statutes, 1998 Supplement, is amended to read:

240.207 Board of Regents; appointment of members; qualifications and terms of office.—

(1) The Board of Regents shall consist of the Commissioner of Education and 13 citizens of this state who shall be selected from the state at large, representative of the geographical areas of the state; who shall have been residents and citizens thereof for a period of at least 10 years prior to their appointment (one of whom shall be a member registered as a full-time student in the State University System and who shall have been a resident of this state for at least 5 years prior to appointment in lieu of the 10 years required of other members); and who shall be appointed by the Governor, approved by three members of the Cabinet, and confirmed by the Senate. However, no appointee shall take office until after his or her appointment has been approved by three members of the Cabinet. The State Board of Education shall develop rules and procedures for review and approval of the appointees. Except for the Commissioner of Education and except for the full-time student member, who shall serve for 1 year, the terms of office for the members of the Board of Regents appointed after the effective date of this act shall be 6 4 years and until their successors are appointed and qualified, except in case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as in this section otherwise provided. No member shall be selected from any county to serve with any other member from the same county, except that not more than two members may be selected from a county which has a population in excess of 900,000, and with the exceptions of the student member, who shall be selected at large, and the Commissioner of Education. The Governor shall fill all vacancies, subject to the above approval and confirmation, that may at any time occur on the board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 29, after the semicolon (;) insert: amending s. 240.207, F.S.; revising the terms of office of members of the Board of Regents;

Amendment 5 (251764)(with title amendment)—On page 8, delete lines 5-20 and redesignate subsequent sections.

And the title is amended as follows:

On page 1, line 17, delete everything after the semicolon (;) through line 19

Senator Grant moved the following amendment:

Amendment 6 (181114)—On page 16, line 9, delete "150" and insert: 110

Senator Grant moved the following substitute amendment which was adopted:

Amendment 7 (453356)—On page 16, line 9; and on page 14, line 28, delete "150" and insert: 110

On motions by Senator Grant, by two-thirds vote **CS for CS for SB 1924** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Holzendorf	McKay
Bronson	Dawson-White	Horne	Mitchell
Brown-Waite	Diaz-Balart	King	Myers
Burt	Dyer	Kirkpatrick	Rossin
Campbell	Forman	Klein	Saunders
Carlton	Geller	Kurth	Scott
Casas	Grant	Latvala	Sebesta
Childers	Gutman	Laurent	Thomas
Clary	Hargrett	Lee	Webster

Nays—None

SB 1984—A bill to be entitled An act relating to postsecondary education; creating s. 240.553, F.S.; establishing the Florida College Savings Program; providing legislative intent; providing definitions; providing for establishment of the program; providing for deposits in the program and earnings to be exempt from taxation; providing for the program to be administered by the Florida Prepaid College Board; providing duties and powers of the board; providing for the program to be a qualified state tuition program for federal tax purposes; providing requirements for participation agreements; providing for duration of participation agreements; providing for distributions from an account for qualified higher education expenses; providing for refunds; providing a penalty for making a material misrepresentation in an application for a participation agreement; providing for priorities for expending assets; providing an exemption for moneys in a program account from claims of creditors; providing for payroll deduction; providing a disclaimer regarding guarantee of postsecondary admission; providing for program termination; providing for nonlimitation or alteration of rights under the program; requiring an annual report to the Governor and the Legislature; providing restrictions for program implementation; amending s. 222.22, F.S.; exempting moneys in a program account from legal process; amending s. 732.402, F.S.; designating program accounts as exempt property for purposes of probate; providing severability; providing an effective date.

—was read the second time by title.

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

Amendment 1 (895630)—On page 2, line 13, delete "is" and insert: are

On motions by Senator Dyer, by two-thirds vote **SB 1984** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dyer	Kirkpatrick	Rossin
Bronson	Forman	Klein	Saunders
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster
Dawson-White	Jones	Mitchell	
Diaz-Balart	King	Myers	

Nays—None

On motion by Senator Kurth, by two-thirds vote **CS for HB 401** was withdrawn from the Committee on Commerce and Economic Opportunities.

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

CS for HB 401—A bill to be entitled An act relating to bond financing; amending s. 159.804, F.S.; establishing an additional region for purposes of the allocation of private activity bonds issued in the state; amending s. 159.8075, F.S.; providing for applicability of certain bond conversion restrictions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1252** and by two-thirds vote read the second time by title. On motions by Senator Kurth, by two-thirds vote **CS for HB 401** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Childers	Gutman	Klein
Bronson	Clary	Hargrett	Kurth
Brown-Waite	Dawson-White	Holzendorf	Latvala
Burt	Diaz-Balart	Horne	Laurent
Campbell	Dyer	Jones	Lee
Carlton	Forman	King	McKay
Casas	Geller	Kirkpatrick	Meek

Mitchell	Saunders	Silver	Thomas	Saunders	Sebesta	Sullivan	Webster
Myers	Scott	Sullivan	Webster	Scott	Silver	Thomas	
Rossin	Sebesta			Nays—None			

Nays—None

CS for SB 2326—A bill to be entitled An act relating to annuities; amending s. 627.481, F.S.; prescribing conditions under which a subunit of an organized domestic or foreign nonstock corporation or an unincorporated charitable trust may enter into annuity agreements; providing an effective date.

—was read the second time by title. On motions by Senator Laurent, by two-thirds vote **CS for SB 2326** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

Vote after roll call:

Yea—King

SB 1212—A bill to be entitled An act relating to public swimming and bathing facilities; amending s. 514.011, F.S.; redefining the term “public swimming pool” or “public pool”; amending s. 514.0115, F.S.; exempting from supervision or regulation as a public pool any pool serving a residential child care facility if the pool is for the exclusive use of the facility’s residents and not open to the public; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1212** to **HB 931**.

Pending further consideration of **SB 1212** as amended, on motion by Senator Bronson, by two-thirds vote **HB 931** was withdrawn from the Committee on Health, Aging and Long-Term Care.

On motion by Senator Bronson, the rules were waived and by two-thirds vote—

HB 931—A bill to be entitled An act related to public swimming pool construction standards for certain residential child care facilities; amending s. 514.0115, F.S.; exempting from supervision or regulation related to construction standards any residential child care facility registered and exempt from licensure pursuant to s. 409.176, F.S.; providing an effective date.

—a companion measure, was substituted for **SB 1212** as amended and by two-thirds vote read the second time by title. On motions by Senator Bronson, by two-thirds vote **HB 931** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Gutman	Latvala
Bronson	Cowin	Hargrett	Laurent
Brown-Waite	Dawson-White	Holzendorf	Lee
Burt	Diaz-Balart	Horne	McKay
Campbell	Dyer	Jones	Meek
Carlton	Forman	Kirkpatrick	Mitchell
Casas	Geller	Klein	Myers
Childers	Grant	Kurth	Rossin

SB 1330—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; defining the term “advertising agency”; exempting the sale of advertising services by an advertising agency and certain items sold to, produced by, or sold by advertising agencies and related services from the tax; providing for administration; providing for retroactive applicability in certain circumstances; providing an effective date.

—was read the second time by title. On motions by Senator Latvala, by two-thirds vote **SB 1330** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

On motion by Senator Sebesta, by two-thirds vote **HB 867** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Fiscal Policy.

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

HB 867—A bill to be entitled An act relating to public construction; amending s. 255.20, F.S.; lowering the threshold amount required for competitive awards of local bids and contracts for public electrical work; providing the certain qualified contractors or vendors shall have standing to challenge the propriety of a local government’s action under certain circumstances; providing for the award of reasonable attorney’s fees under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1906** and by two-thirds vote read the second time by title. On motions by Senator Sebesta, by two-thirds vote **HB 867** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—1

Silver

CS for SB 1434—A bill to be entitled An act relating to solid waste management; authorizing the Department of Environmental Protection to use trust fund moneys as grants to Florida-based businesses that recycle lead-acid batteries and other lead-containing materials; directing the department to work with the Department of Management Ser-

vices to implement a pilot program to collect lead-containing products; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (354006)—On page 2, line 11, delete “*The sum of*” and insert: *Subject to the availability of funds, up to*

Senator Hargrett moved the following amendment which was adopted:

Amendment 2 (643848)(with title amendment)—On page 2, between lines 16 and 17, insert:

Section 5. Subsections (1) and (5) of section 403.717, Florida Statutes, are amended to read:

403.717 Waste tire and lead-acid battery requirements.—

(1) For purposes of this section and ss. 403.718, 403.7185, and 403.719:

(a) “Department” means the Department of Environmental Protection.

(b) “Motor vehicle” means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated in this state, used to transport persons or property and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, mopeds, or farm tractors and trailers.

(c) “Tire” means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

(d) “Waste tire” means a tire that has been removed from a motor vehicle and has not been retreaded or regrooved. “Waste tire” includes, but is not limited to, used tires and processed tires.

(e) “Waste tire collection center” means a site where waste tires are collected from the public prior to being offered for recycling and where fewer than 1,500 ~~1,000~~ tires are kept on the site on any given day.

(f) “Waste tire processing facility” means a site where equipment is used to recapture reusable byproducts from waste tires or to cut, burn, or otherwise alter waste tires so that they are no longer whole. The term includes mobile waste tire processing equipment.

(g) “Waste tire site” means a site at which 1,500 ~~1,000~~ or more waste tires are accumulated.

(h) “Lead-acid battery” means those lead-acid batteries designed for use in motor vehicles, vessels, and aircraft, and includes such batteries when sold as a component part of a motor vehicle, vessel, or aircraft, but not when sold to recycle components.

(i) “Indoor” means within a structure which excludes rain and public access and would control air flows in the event of a fire.

(j) “Processed tire” means a tire that has been treated mechanically, chemically, or thermally so that the resulting material is a marketable product or is suitable for proper disposal.

(k) “Used tire” means a waste tire which has a minimum tread depth of $\frac{3}{32}$ inch or greater and is suitable for use on a motor vehicle.

(5) A permit is not required for tire storage at:

(a) A tire retreading business where fewer than 1,500 ~~1,000~~ waste tires are kept on the business premises;

(b) A business that, in the ordinary course of business, removes tires from motor vehicles if fewer than 1,500 ~~1,000~~ of these tires are kept on the business premises; or

(c) A retail tire-selling business which is serving as a waste tire collection center if fewer than 1,500 ~~1,000~~ waste tires are kept on the business premises.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: amending s. 403.717, F.S.; amending definitions;

On motions by Senator Hargrett, by two-thirds vote **CS for SB 1434** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for SB 2186—A bill to be entitled An act relating to education; amending s. 228.0565, F.S.; extending the duration of pilot programs for deregulated public schools; authorizing additional pilot programs; providing an effective date.

—was read the second time by title. On motions by Senator Sullivan, by two-thirds vote **CS for SB 2186** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

On motion by Senator Lee, by two-thirds vote **HB 605** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

On motion by Senator Lee—

HB 605—A bill to be entitled An act relating to bond financing; amending s. 159.612, F.S.; authorizing housing finance authorities under the Florida Housing Finance Authority Law to issue refunding bonds for certain purposes; providing an effective date.

—a companion measure, was substituted for **SB 1744** and read the second time by title. On motions by Senator Lee, by two-thirds vote **HB 605** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Clary	Grant	Kirkpatrick
Bronson	Cowin	Gutman	Kurth
Burt	Dawson-White	Hargrett	Latvala
Campbell	Diaz-Balart	Holzendorf	Laurent
Carlton	Dyer	Horne	Lee
Casas	Forman	Jones	Meek
Childers	Geller	King	Mitchell

Myers Saunders Sebesta Thomas
 Rossin Scott Silver Webster
 Nays—None

Scott Silver Thomas Webster
 Sebesta Sullivan
 Nays—None

CS for SB 2038—A bill to be entitled An act relating to red tide research and mitigation; establishing a Harmful-Algal-Bloom Task Force; providing for task force membership and duties; providing legislative intent; providing program goals; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendments which were moved by Senator Carlton and adopted:

Amendment 1 (903816)—On page 1, lines 19 and 20, delete “*Fish and Wildlife Conservation Commission*” and insert: *Florida Marine Research Institute*

Amendment 2 (831354)—On page 2, line 3, delete “*department*” and insert: *Florida Marine Research Institute*

Amendment 3 (845454)—On page 3, line 23, delete “*1999-2000*” and insert: *1998-1999*

On motions by Senator Carlton, by two-thirds vote **CS for SB 2038** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson-White	Kirkpatrick	Rossin
Bronson	Diaz-Balart	Klein	Saunders
Brown-Waite	Dyer	Kurth	Scott
Burt	Forman	Latvala	Sebesta
Campbell	Geller	Laurent	Silver
Carlton	Grant	Lee	Sullivan
Casas	Gutman	McKay	Thomas
Childers	Holzendorf	Meek	Webster
Clary	Horne	Mitchell	
Cowin	King	Myers	

Nays—None

On motion by Senator Saunders, by two-thirds vote **HB 981** was withdrawn from the Committee on Health, Aging and Long-Term Care.

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

HB 981—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; revising qualifications for membership on the Board of Dentistry; providing applicability; amending s. 466.021, F.S.; revising requirements relating to dental work orders; amending s. 466.0282, F.S.; revising requirements relating to the recognition and advertising of dental specialties; requiring certain consumer notice; providing an effective date.

—a companion measure, was substituted for **SB 1378** and by two-thirds vote read the second time by title. On motions by Senator Saunders, by two-thirds vote **HB 981** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Gutman	Latvala
Bronson	Cowin	Hargrett	Laurent
Brown-Waite	Dawson-White	Horne	Lee
Burt	Diaz-Balart	Jones	McKay
Campbell	Dyer	King	Meek
Carlton	Forman	Kirkpatrick	Mitchell
Casas	Geller	Klein	Rossin
Childers	Grant	Kurth	Saunders

The Senate resumed consideration of—

HB 105—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing that the exemptions for machinery and equipment used to increase productive output shall apply to machinery and equipment used in phosphate or other solid mineral severance, mining, or processing as a credit against taxes due under ch. 211, F.S., relating to tax on the severance and production of minerals; providing requirements for new and expanding businesses to qualify for such exemption and credit; providing an effective date.

—which was previously considered this day.

On motions by Senator McKay, by two-thirds vote **HB 105** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 1356—A bill to be entitled An act relating to school health services; providing a short title; amending s. 381.0056, F.S.; defining the term “entity” or “health care entity”; requiring that certain services be documented in a local school health services plan; specifying that certain persons be considered agents of the state for purposes of sovereign immunity when rendering specified services; creating s. 381.0058, F.S., relating to public-private partnerships for the provision of school nurse services; providing legislative intent and purpose; providing departmental duties; providing a proposal submission and review process; providing for the scope of services to be provided; providing for review and selection criteria; creating s. 381.0059, F.S., relating to background screening requirements for school health services providers; specifying the persons who must submit to such screening; specifying payment for screening services; providing grounds for disqualification; requiring certain attestation to screening requirements; amending s. 409.9071, F.S.; deleting reference to billing agent consulting services; amending s. 768.28, F.S.; providing for certain health care providers to be considered agents of the state for purposes of sovereign immunity; directing the Department of Health to determine a means by which certain units of local government may receive a designation for purposes of federal Title V programs; requiring a study of training requirements for school health nurses; providing legislative intent relating to funding of the act; providing appropriations; providing an effective date.

—was read the second time by title.

The Committee on Health, Aging and Long-Term Care recommended the following amendments which were moved by Senator Klein and adopted:

Amendment 1 (073132)—On page 2, line 25, after “in” insert: *or for purposes of*

Amendment 2 (985270)(with title amendment)—On page 7, delete lines 7-13 and insert:

(10) *Any health care entity that provides school health services under contract with the department pursuant to a school health services plan developed under this section, and as part of a school nurse services public-private partnership, is deemed to be a corporation acting primarily as*

an instrumentality of the state solely for the purpose of limiting liability pursuant to s. 768.28(5). The limitations on tort actions contained in s. 768.28(5) shall apply to any action against the entity with respect to the provision of school health services, if the entity is acting within the scope of and pursuant to guidelines established in the contract or by rule of the department. The contract must require the entity, or the partnership on behalf of the entity, to obtain general liability insurance coverage, with any additional endorsement necessary to insure the entity for liability assumed by its contract with the department. The Legislature intends that insurance be purchased by entities, or by partnerships on behalf of the entity, to cover all liability claims, and under no circumstances shall the state or the department be responsible for payment of any claims or defense costs for claims brought against the entity or its subcontractor for services performed under the contract with the department. This subsection does not preclude consideration by the Legislature for payment by the state of any claims bill involving an entity contracting with the department pursuant to this section.

And the title is amended as follows:

On page 1, delete lines 7-10 and insert: plan; providing that certain entities providing school health services under contract with the Department of Health are instrumentalities of the state for certain purposes; providing limitations on tort actions; requiring such contractor to require providers to obtain certain liability insurance coverage; creating s. 381.0058, F.S., relating

Amendment 3 (111696)(with title amendment)—On page 13, line 16 through page 14, line 12, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, delete lines 26-29 and insert: billing agent consulting services; directing

The Committee on Fiscal Policy recommended the following amendments which were moved by Senator Klein and adopted:

Amendment 4 (201262)—On page 7, line 30 through page 8, line 4, delete those lines, and insert: *be available, subject to appropriation, specifically for implementation of programs as described in ss. 381.0056, 381.0057, and 402.3026, and that are designed to meet the particular needs of the community.*

Amendment 5 (303598)—On page 15, delete lines 27 and 28 and insert: *intent of the Legislature that resources be made available, subject to appropriation, to fund a nurse in every public school in the state,*

Amendment 6 (305848)—On page 16, delete lines 13-16 and insert: *public-private partnerships as created by this act.*

Amendment 7 (512542)—On page 16, line 19, after *“summit”* insert: *by January 31, 2000,*

On motions by Senator Klein, by two-thirds vote **CS for SB 1356** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson-White	King	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Saunders
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Sebesta
Campbell	Geller	Latvala	Silver
Carlton	Grant	Lee	Sullivan
Casas	Gutman	McKay	Thomas
Childers	Holzendorf	Meek	
Clary	Horne	Mitchell	
Cowin	Jones	Myers	

Nays—None

CS for CS for SB 1242—A bill to be entitled An act relating to the regulation of insurance and investments in insurance products industry; amending s. 626.9911, F.S.; defining viatical settlement purchaser, viatical settlement purchase agreement, and viatical settlement sales

agent; redefining the terms “viatical settlement broker,” “viatical settlement contract,” “viatical settlement provider,” and “viator”; creating s. 626.99181, F.S.; adding viatical settlement broker fees; amending s. 626.9919, F.S.; requiring viatical settlement sales agents to give notice of change of address; amending s. 626.992, F.S.; requiring viatical settlement sales agents to be licensed; amending s. 626.9922, F.S.; revising requirements for examination; amending s. 626.99235, F.S.; revising disclosure requirements for viatical settlement purchasers and creating additional disclosure requirements; amending s. 626.9924, F.S.; requiring notice to be given to insurers of viaticated policies; amending s. 626.9925; providing for rulemaking; amending s. 626.9926, F.S.; providing that viatical settlement purchase agreement rates are not regulated; amending s. 626.9927, F.S.; including viatical settlement purchase agreements; creating s. 626.99272, F.S.; providing for cease-and-desist orders; creating s. 626.99275, F.S.; prohibiting certain practices; creating s. 626.99277, F.S.; prohibiting false representations; amending s. 626.9929, F.S.; establishing a grace period for viatical settlement sales agents transacting business in this state; creating part XII, ch. 626, F.S.; establishing regulation of persons issuing and brokering life settlement contracts; creating s. 626.994, F.S.; providing a short title; creating s. 626.9941, F.S.; providing for definitions; creating s. 626.9942, F.S.; providing for licensure of life settlement providers; creating s. 626.99421, F.S.; providing for annual reports, fees, and conditions of continued licensure; creating s. 626.99422, F.S.; providing grounds for nonrenewal, suspension, revocation, and fines for life settlement providers; creating s. 626.99423, F.S.; providing the term of a suspension of the license and provisions for reinstatement; creating s. 626.9943, F.S.; providing for licensure of life settlement brokers; creating s. 626.99431, F.S.; providing grounds for denial, suspension, revocation, nonrenewal, or administrative fines for life settlement brokers; creating s. 626.99432, F.S.; providing for effect of a suspension or revocation and procedures for reinstatement; creating s. 626.9944, F.S.; requiring life settlement sales agents to be licensed as life insurance agents; creating s. 626.9945, F.S.; requiring notice of change of address and other information; creating s. 626.9946, F.S.; requiring use of licensed persons for life settlement transactions; creating s. 626.9947, F.S.; providing for approval of contract forms and related forms; creating s. 626.9948, F.S.; requiring procedures for examination of licensees; creating s. 626.9949, F.S.; providing for required disclosures to owners; creating s. 626.99495, F.S.; providing required disclosures to life settlement purchasers; creating s. 626.995, F.S.; requiring certain provisions to be in a life settlement contract and a right to rescission; creating s. 626.9952, F.S.; authorizing the adoption of rules to implement provisions of this act; creating s. 626.9954, F.S.; providing that rate regulation is not authorized; creating s. 626.996, F.S.; prohibiting unfair trade practices and providing a civil remedy and authorizing injunctions and cease-and-desist orders; creating s. 626.9965, F.S.; prohibiting life settlement contracts during contestable period or on policies obtained through false, deceptive, or misleading applications; creating s. 626.997, F.S.; prohibiting false representations and deceptive words; creating s. 626.9975, F.S.; adding life settlement broker fees; creating s. 626.998, F.S.; providing for a grace period for compliance; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (160286)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 626.9911, Florida Statutes, 1998 Supplement, is amended to read:

626.9911 Definitions.—As used in this act, the term:

- (1) “Department” means the Department of Insurance.
- (2) “Independent third-party trustee or escrow agent” means an attorney, certified public accountant, financial institution, or other person providing escrow services under the authority of a regulatory body. The term does not include any person associated, affiliated, or under common control with a viatical settlement provider or viatical settlement broker.
- (3) “Person” has the meaning specified in s. 1.01.
- (4) “Viatical settlement broker” means a person who, *on behalf of a viator and for a fee, commission, or other valuable consideration*, offers or attempts to negotiate viatical settlement contracts between a viator resident in this state and one or more viatical settlement providers.

Notwithstanding the manner in which the viatical settlement broker is compensated, a viatical settlement broker is deemed to represent only the viator and owes a fiduciary duty to the viator to act according to the viator's instructions and in the best interest of the viator. The term does not include an attorney, licensed Certified Public Accountant, or investment adviser lawfully registered with the Department of Banking and Finance under chapter 517 financial planner, or person acting under a power of attorney from the viator, who is retained to represent the viator and whose compensation is paid directly solely by or at the direction and on behalf of the viator without regard to whether a viatical settlement contract is effected.

(5) "Viatical settlement contract" means a written agreement ~~settle-~~ entered into between a viatical settlement provider, or its related provider trust, and a viator. The agreement must establish the terms under which the viatical settlement provider will pay compensation or anything of value, *which compensation or value is less than the expected death benefit of the insurance policy or certificate, in return for the viator's assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the viatical settlement provider.* A viatical settlement contract also includes a contract for a loan or other financial transaction secured primarily by an individual or group life insurance policy, other than a loan by a life insurance company pursuant to the terms of the life insurance contract, or a loan secured by the cash value of a policy.

(6) "Viatical settlement provider" means a person who, in this state, ~~or from this state, or with a resident of this state, effectuates enters into~~ a viatical settlement contract with a viator. The term does not include:

(a) Any bank, savings bank, savings and loan association, credit union, or other licensed lending institution that takes an assignment of a life insurance policy as collateral for a loan;

(b) A life and health insurer that has lawfully issued a life insurance policy that provides accelerated benefits to terminally ill policyholders or certificate holders; or

(c) Any natural person who enters into no more than one viatical settlement contract with a viator in 1 calendar year, unless such natural person has previously been licensed under this act or is currently licensed under this act.

(d) A trust that meets the definition of a "related provider trust."

(e) A viatical settlement provider, who from this state, enters into a viatical settlement purchase agreement with a purchaser who is resident of a state, other than Florida, which has enacted statutes or promulgated regulations governing viatical settlement purchase agreements. Such viatical settlement purchase agreements shall be governed in the effectuation of that viatical settlement purchase agreement, under the statutes and regulations governing viatical settlement purchase agreements in the purchaser's state of residence.

(f) A viatical settlement provider who, from this state, enters into a viatical settlement contract with a viator who is resident of a state, other than Florida, which has enacted statutes or promulgated regulations governing viatical settlement contracts. Such viatical settlement contracts shall be governed in the effectuation of that viatical settlement contract, under the statutes and regulations governing viatical settlement contracts in the viator's state of residence.

(g) A viator in this state.

(h) A viatical settlement purchaser.

(7) "Viator" means the owner of a life insurance policy or a certificateholder under a group policy insuring the life of an individual with a natural person who has a catastrophic or life-threatening illness or condition and who enters or seeks to enter into a viatical settlement contract has the right to assign, transfer, sell, devise, or bequeath the benefits of his or her life insurance policy. This term does not include a viatical settlement purchaser or a viatical settlement provider or any person acquiring a policy or interest in a policy from a viatical settlement provider, nor does it include an independent third-party trustee or escrow agent.

(8) "Related provider trust" means a trust established by a viatical settlement provider for the sole purpose of entering into or owning viatical settlement contracts. This term does not include an independent

third-party trustee or escrow agent or a trust that does not enter into agreements with a viatical settlement purchaser. A related provider trust shall be subject to all provisions of this act that apply to the viatical settlement provider who established the related provider trust, except s. 626.9912, which shall not be applicable. A viatical settlement provider may establish no more than one related provider trust, and the sole trustee of such related provider trust shall be the viatical settlement provider licensed under s. 626.9912. The name of the licensed viatical settlement provider shall be included within the name of the related provider trust.

(9) "Viatical settlement purchase agreement" means a contract or agreement, entered into by a viatical settlement purchaser, to which the viator is not a party, to purchase a life insurance policy or an interest in a life insurance policy, which is entered into for the purpose of deriving an economic benefit.

(10) "Viatical settlement purchaser" means a person, other than a licensee under this part, an accredited investor as defined in Rule 501, Regulation D of the Securities Act Rules, or a qualified institutional buyer as defined by Rule 144(a) of the Federal Securities Act, or a special purpose entity which is created solely to act as a financing source for the viatical settlement provider, who gives a sum of money as consideration for a life insurance policy or an interest in the death benefits of a life insurance policy which has been or will be the subject of a viatical settlement contract, for the purpose of deriving an economic benefit. The above reference to Rule 501, Regulation D and Rule 144(a) of the Federal Securities Act are used strictly for defining purposes and shall not be interpreted in any other manner.

(11) "Viatical settlement sales agent" means a person other than a licensed viatical settlement provider who arranges the purchase through a viatical settlement purchase agreement of a life insurance policy or an interest in a life insurance policy.

Section 2. Section 626.99181, Florida Statutes, is created to read:

626.99181 Viatical settlement broker's compensation.—A viatical settlement broker shall disclose to a prospective viator the amount and method of calculating the broker's compensation. The term "compensation" includes anything of value paid or given to a viatical settlement broker for the placement of a policy.

Section 3. Section 626.9919, Florida Statutes, is amended to read:

626.9919 Notice of change of address or name; viatical settlement provider licensees, and broker licensees, and viatical settlement sales agent licensees.—Each viatical settlement provider licensee, and each viatical settlement broker licensee, and viatical settlement sales agent licensee must provide the department at least 30 days' advance notice of any change in the licensee's name, residence address, principal business address, or mailing address.

Section 4. Section 626.992, Florida Statutes, is amended to read:

626.992 Use of viatical settlement licensed brokers, and providers, and viatical settlement sales agents required.—

(1) A licensed viatical settlement provider may not use any person to perform the functions of a viatical settlement broker as defined in this act unless such person holds a current, valid license as a viatical settlement broker. Salaried individuals employed by viatical settlement providers shall engage in viatical settlement broker activities only when accompanied by a viatical settlement broker who holds a current valid license issued under this act. A viatical settlement provider may not use any person to perform the functions of a viatical settlement sales agent unless the person holds a current, valid license as provided in subsection (4).

(2) A licensed viatical settlement broker may not use any person to perform the functions of a viatical settlement provider as defined in this act unless such person holds a current, valid license as a viatical settlement provider.

(3) A viatical settlement sales agent may not use any person to perform the functions of a viatical settlement broker unless such person holds a current, valid license as a viatical settlement broker.

(4) A person may not perform the functions of a viatical settlement sales agent unless licensed as a life agent as defined in s. 626.051 and as provided in this chapter.

Section 5. Section 626.9922, Florida Statutes, is amended to read:

626.9922 Examination.—

(1) The department may examine the business and affairs of any licensee or applicant for a license. The department may order any licensee or applicant to produce any records, books, files, *advertising and solicitation materials*, or other information and may take statements under oath to determine whether the licensee or applicant is in violation of the law or is acting contrary to the public interest. The expenses incurred in conducting any examination or investigation must be paid by the licensee or applicant. Examinations and investigations must be conducted as provided in chapter 624, and licensees are subject to all applicable provisions of the insurance code.

(2) All accounts, records, documents, files, and other information relating to all transactions of viatical settlement contracts or *viatical settlement purchase agreements* must be maintained by the licensee for a period of at least 3 years after the death of the *insured viator* and must be available to the department for inspection during reasonable business hours.

Section 6. Section 626.99235, Florida Statutes, 1998 Settlement, is amended to read:

626.99235 Disclosures to *viatical settlement purchasers 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 *and the viatical settlement sales agent, themselves* or through another person, shall provide in writing the following disclosures to any *viatical settlement purchaser investor* or *purchaser investor* prospect:

(a) That the return *represented as being* available under the viatical settlement purchase agreement *investment* is directly tied to the projected life span *or date of death* of one or more *insureds viators*;

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

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

(d) The amount of any trust fees, *commissions, deductions*, or other expenses, if any, to be charged to the *viatical settlement purchaser investor*.

(e) *The name and address of the person responsible for tracking the insured.*

(f) *That group policies may contain limitations or caps in the conversion rights, that additional premiums may have to be paid if the policy is converted, and that the party responsible for the payment of such additional premiums shall be identified.*

(g) *That the life expectancy and rate of return are only estimates and cannot be guaranteed.*

(h) *That the purchase of a viatical settlement contract should not be considered a liquid purchase, since it is impossible to predict the exact timing of its maturity and the funds may not be available until the death of the insured.*

(i) *The name and address of the person with the responsibility for paying the premium until the death of the insured.*

The written disclosure required under this subsection shall be conspicuously displayed in any *viatical settlement purchase investment* agreement, and in any solicitation material furnished to the *viatical settlement purchaser investor* by such *viatical settlement provider, related*

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. *The department is authorized to adopt by rule the disclosure form to be used. The disclosures need not be furnished in an invitation to inquire, the objective of which is to create a desire to inquire further about entering into a viatical settlement purchase agreement. The invitation to inquire may not quote rates of return, may not include material attendant to the execution of any specific viatical settlement purchase agreement, and may not relate to any specific viator.*

Section 7. Section 626.9925, Florida Statutes, is amended to read:

626.9925 Rules.—The department may adopt rules to implement this act, including rules establishing standards for evaluating advertising by licensees and rules providing for the collection of data *and record-keeping requirements* relating to executed viatical settlement contracts *and viatical settlement purchase agreements*.

Section 8. Section 626.9926, Florida Statutes, is amended to read:

626.9926 Rate regulation not authorized.—Nothing in this act shall be construed to authorize the department to directly or indirectly regulate the amount paid as consideration for entry into a viatical settlement contract *or viatical settlement purchase agreement*.

Section 9. Subsection (1) of section 626.9927, Florida Statutes, is amended to read:

626.9927 Unfair trade practices; cease and desist; injunctions; civil remedy.—

(1) A violation of this act is an unfair trade practice under ss. 626.9521 and 626.9541 and is subject to the penalties provided in the insurance code. Part X of this chapter applies to a licensee under this act or a transaction subject to this act as if a viatical settlement contract *and a viatical settlement purchase agreement* were an insurance policy.

Section 10. Section 626.99272, Florida Statutes, is created to read:

626.99272 Cease and desist orders and fines.—

(1) *The department may issue a cease and desist order upon a person that violates any provision of this part, any rule or order adopted by the department, or any written agreement entered into with the department.*

(2) *When the department finds that such an action presents an immediate danger to the public which requires an immediate final order, it may issue an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective immediately upon service of a copy of the order on the respondent and remains effective for 90 days. If the department begins nonemergency cease and desist proceedings under subsection (1), the emergency cease and desist order remains effective, absent an order by an appellate court of competent jurisdiction pursuant to ss. 120.68, until the conclusion of proceedings under ss. 120.569 and 120.57.*

(3) *The department may impose and collect an administrative fine not to exceed \$10,000 for each nonwillful violation and \$25,000 for each willful violation of any provision of this part.*

Section 11. Section 626.99275, Florida Statutes, is created to read:

626.99275 Prohibited practices.—It is unlawful for any person:

(1) *To knowingly enter into a viatical settlement contract the subject of which is a life insurance policy that was obtained by means of a false, deceptive, or misleading application for the life insurance policy.*

(2) *In the solicitation or sale of a viatical settlement purchase agreement:*

(a) *To employ any device, scheme, or artifice to defraud;*

(b) *To obtain money or property by means of an untrue statement of a material fact or by any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or*

(c) *To engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a person.*

Section 12. Section 626.99277, Florida Statutes, is created to read:
626.99277 *False representations; deceptive words.*—

(1) *It is unlawful for a person in the advertisement, offer, or sale of a viatical settlement purchase agreement to misrepresent that such an agreement has been guaranteed, sponsored, recommended, or approved by the state, or any agency or officer of the state or by the United States or any agency or officer of the United States.*

(2) *It is unlawful for a person in conjunction with the sale of a viatical settlement purchase agreement to directly or indirectly misrepresent that the person has been sponsored, recommended, or approved, or that his or her abilities or qualifications have in any respect been passed upon, by this state or any other state, or any agency or officer thereof, or by the United States or any agency or officer thereof.*

(3) *It is unlawful for a person in the offer or sale of a viatical settlement purchase agreement to obtain money or property by:*

(a) *A misrepresentation that the viatical settlement purchase agreement purchased, offered, or sold is guaranteed, sponsored, recommended, or approved by this state or any other state, or any agency or officer thereof, or by the United States or any agency or officer thereof.*

(b) *A misrepresentation that the person is sponsored, recommended, or approved, or that the person's abilities or qualifications have in any respect been passed upon, by this state or any other state, or any agency or officer thereof, or by the United States or any agency or officer thereof.*

(4) *Neither subsection (1) nor subsection (2) may be construed to prohibit a statement that the person is licensed or appointed under this part if such a statement is required by this part or rules adopted under this part, if the statement is true in fact, and if the effect of the statement is not misrepresented.*

(5) *A person may not represent that a viatical settlement purchase agreement is guaranteed by any insurance guaranty fund.*

(6) *A person may not represent that the investment in a viatical settlement purchase agreement is "guaranteed," that the principal is "safe," or that the investment is free of risk.*

Section 13. Section 626.9929, Florida Statutes, is amended to read:

626.9929 *Grace period.*—A viatical settlement sales agent provider or viatical settlement broker that was transacting business in this state on June 30, 1999 ~~1996~~, may continue to transact such business, in the absence of any orders by the department to the contrary, until the department approves or disapproves the sales agent's provider's or broker's application for licensure if the sales agent provider or broker files with the department no later than November 1, 1999, an application for licensure and all forms currently in use no later than November 1, 1996, and if the sales agent provider or broker complies with all other provisions of this act.

Section 14. Section 626.993, Florida Statutes, is amended to read:

626.993 *Viators with dependent children.*—

(1) Before a viatical settlement provider may enter into a viatical settlement with a viator, the viatical settlement provider must ascertain if the viator has any dependent children. If the viator has any dependent children, the viator may not viaticate more than 50 percent of the face value of the policy.

(2) *A contract entered into with a viator who is a resident of a state other than Florida which has not enacted statutes or promulgated regulations governing viatical settlement contracts is not subject to this section.*

Section 15. *Section 626.993, Florida Statutes, as amended by this act, is repealed June 1, 2000.*

Section 16. 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 the regulation of insurance and investments

in insurance products industry; amending s. 626.9911, F.S.; defining "viatical settlement purchaser," "viatical settlement purchase agreement," and "viatical settlement sales agent"; revising definitions of the terms "viatical settlement broker," "viatical settlement contract," "viatical settlement provider," "related provider trust," and "viator"; creating s. 626.99181, F.S.; requiring disclosure of certain information regarding viatical settlement broker fees; amending s. 626.9919, F.S.; requiring viatical settlement sales agents to give notice of change of certain information; amending s. 626.992, F.S.; requiring viatical settlement sales agents to be licensed by the Department of Insurance; amending s. 626.9922, F.S.; revising requirements for examination; amending s. 626.99235, F.S.; revising requirements for disclosure to viatical settlement purchasers and providing for disclosure forms to be adopted by the department; amending s. 626.9925; revising rulemaking authority of the department; amending s. 626.9926, F.S.; providing that viatical settlement purchase agreement rates are not regulated; amending s. 626.9927, F.S.; including viatical settlement purchase agreements; creating s. 626.99272, F.S.; providing for cease and desist orders; providing for administrative fines; creating s. 626.99275, F.S.; prohibiting certain practices; creating s. 626.99277, F.S.; prohibiting false representations; amending s. 626.9929, F.S.; establishing a grace period for viatical settlement sales agents transacting business in this state; amending s. 626.993, F.S.; providing an exemption for nonresident viators with dependent children; providing for future repeal of s. 626.993, F.S.; providing an effective date.

On motions by Senator Geller, by two-thirds vote **CS for CS for SB 1242** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for SB's 1414 and 2520—A bill to be entitled An act relating to children's health; amending s. 409.8132, F.S.; revising enrollment procedures in the Medikids program; amending s. 409.814, F.S.; revising eligibility for certain children under the Florida Kidcare program; allowing coverage of certain children ineligible for federal funding; amending 409.815, F.S.; providing a limited Kidcare dental program; amending s. 409.904, F.S.; providing for presumptive eligibility for the Medicaid program under certain circumstances; amending s. 409.906, F.S.; establishing a certified match program for Healthy Start services; amending s. 624.91, F.S.; providing for waiver or reduction of local match requirements; authorizing automated processing; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendments which were moved by Senator Clary and adopted:

Amendment 1 (680426)—On page 1, delete line 22 and insert:

Section 1. Paragraph (a) of subsection (6) and subsections (7) and (8) of section 409.8132, Florida

Amendment 2 (683736)(with title amendment)—On page 1, between lines 24 and 25, insert:

(6) **ELIGIBILITY.**—

(a) A child who *has attained the age of 1, but who* is under the age of 5 years is eligible to enroll in the Medikids program component of the Florida Kidcare program, if the child is a member of a family that has a family income which exceeds the Medicaid applicable income level as

specified in s. 409.903, but which is equal to or below 200 percent of the current federal poverty level. In determining the eligibility of such a child, an assets test is not required. A child who is eligible for Medikids may elect to enroll in Florida Healthy Kids coverage or employer-sponsored group coverage. However, a child who is eligible for Medikids may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: revising eligibility requirements;

Amendment 3 (590914)(with title amendment)—On page 2, between lines 22 and 23, insert:

(8) SPECIAL ENROLLMENT PERIODS.—The agency shall establish a special enrollment period of 30 days' duration for ~~any newborn child who is eligible for Medikids, or for any child who is enrolled in Medicaid if such child loses Medicaid eligibility and becomes eligible for Medikids, or for any child who is enrolled in Medikids if such child moves to another county that is not within the coverage area of the child's Medikids managed care plan or MediPass provider.~~

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: revising enrollment criteria;

Amendment 4 (200470)—On page 3, delete line 27 and insert: *funds only, subject to an annual appropriation for this specific purpose.*

Amendment 5 (611502)—On page 4, delete line 28 and insert:

Section 4. Subsections (8), (9), and (10) are added to section 409.904,

Amendment 6 (114610)(with title amendment)—On page 5, between lines 11 and 12, insert:

(9) *A child who has not attained the age of 1, living in a family that has an income which is above 185 percent of the most recently published federal poverty level, but which is at or below 200 percent of such poverty level. In determining eligibility of such a child, an assets test is not required.*

(10) *The ongoing eligibility of families and children who are eligible for Medicaid shall periodically be redetermined as follows:*

(a) *For families and children who are also receiving temporary cash assistance under the WAGES program or food stamp benefits shall have their eligibility for Medicaid redetermined in conjunction with the redetermination of temporary cash assistance or food stamp eligibility.*

(b) *For families and children who are eligible for Medicaid and who do not receive temporary cash assistance of food stamps, redetermination of eligibility must be accomplished at least every 12 months, with respect to circumstances that may change. The Department of Children and Family Services shall develop procedures for redetermining eligibility that minimize administrative barriers to participation in Medicaid. The procedures may include providing families with simplified methods to update changes in family circumstances without imposing requirements beyond the requirements of federal law.*

(c) *For children, eligibility shall not be for a period of time shorter than the periods specified in s. 409.904.*

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: providing eligibility for specified children; providing for redetermination of eligibility;

Amendment 7 (424532)(with title amendment)—On page 9, between lines 21 and 22, insert:

Section 8. *There is appropriated to the Agency for Health Care Administration \$142,511, from the General Revenue Fund and \$184,800, from the Medical Care Trust Fund for Fiscal Year 1999-2000, to implement Medicaid presumptive eligibility.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the second semicolon (;) insert: providing an appropriation;

Senator Dawson-White moved the following amendment which was adopted:

Amendment 8 (954202)—On page 9, line 20, delete "XXI" and insert: *XIX*

On motions by Senator Clary, by two-thirds vote **CS for SB's 1414 and 2520** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

SB 1830—A bill to be entitled An act relating to filings with the Department of State; amending s. 606.03, F.S.; providing definitions; amending s. 606.04, F.S.; specifying purposes and use of a master business index; providing requirements for participating agencies; authorizing the department to create a directory of business activity for certain purposes; creating s. 606.06, F.S.; authorizing the department to use a uniform business report for certain purposes; amending ss. 495.071, 607.0121, 607.1622, 608.4511, 617.0121, 617.1622, 865.09, F.S.; authorizing the department to prescribe forms; providing for use of the uniform business report as a substitute for certain reporting and renewal requirements; amending s. 620.177, F.S.; providing additional requirements for annual reports; authorizing use of the uniform business report; amending ss. 15.16, 607.0120, 607.0123, 607.0124, 607.0125, 607.0127, 607.0141, F.S.; providing for electronic filing of documents; revising certain filing requirements; amending s. 607.01401, F.S.; providing definitions relating to electronic filing; amending s. 339.12, F.S.; conforming a cross-reference; repealing s. 15.09(1)(d); repealing s. 15.091(2), F.S., relating to filing or copying fees; repealing s. 607.1622(1)(g), (h), F.S., relating to information in required corporate annual reports describing intangible tax liability and contributions into the Election Campaign Financing Trust Fund; providing an effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Scott and adopted:

Amendment 1 (240738)—On page 13, line 7, delete "te" and insert: *be*

Senator Scott moved the following amendment which was adopted:

Amendment 2 (772160)(with title amendment)—On page 19, delete lines 25-27 and insert: *section 15.091, Florida Statutes, are repealed.*

And the title is amended as follows:

On page 1, line 29 through page 2, line 4, delete those lines and insert: filing or copying fees; providing an effective date.

On motions by Senator Scott, by two-thirds vote **SB 1830** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz-Balart	King	Myers
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Saunders
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster
Dawson-White	Jones	Mitchell	

Nays—None

On motion by Senator Forman, by two-thirds vote **CS for HB 645** was withdrawn from the Committees on Children and Families; and Fiscal Policy.

On motion by Senator Forman by two-thirds vote—

CS for HB 645—A bill to be entitled An act relating to assisted living facilities; amending s. 400.408, F.S.; revising penalties relating to unlicensed ownership, operation, or maintenance of such a facility; amending s. 400.419, F.S.; revising timeframes for application of penalties for operation of an unlicensed facility; amending ss. 400.621 and 633.022, F.S.; providing for uniform firesafety standards for adult family-care homes; directing the Agency for Health Care Administration and the Department of Elderly Affairs to establish a work group on the problem of unlicensed assisted living facilities; requiring reports; providing an effective date.

—a companion measure, was substituted for **CS for SB 2354** and by two-thirds vote read the second time by title. On motions by Senator Forman, by two-thirds vote **CS for HB 645** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 1476—A bill to be entitled An act relating to emergency medical services; amending s. 401.25, F.S.; revising qualifications for licensure as basic or advanced life support service; amending s. 401.27, F.S.; requiring applications to be made under oath by emergency medical technicians or paramedics; amending s. 401.30, F.S.; providing the department with rule authority for patient care records of licensed ambulance services; amending s. 401.35, F.S.; authorizing the department to prescribe by rule requirements for storage, and security of medications maintained by licensed support services; creating s. 401.49, F.S.; authorizing the department's approval of emergency medical technician and paramedic programs; creating s. 401.50, F.S.; providing recertification requirements for paramedics and emergency medical technicians; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (410440)—On page 2, between lines 17 and 18, insert:

(c) Each advanced-life-support-permitted nontransport vehicle of a licensee not specifically exempted from this part must be occupied by at least two persons: one patient attendant who is a certified paramedic or licensed physician and one who is a certified emergency medical technician, certified paramedic, or licensed physician. An advanced-life-support-permitted nontransport vehicle may operate as a basic-life-support nontransport vehicle if the paramedic is temporarily providing patient care on another vehicle for a maximum of 4 hours in a 24-hour period when deemed by the licensee to be necessary to the operation of the service as a result of unplanned events. This action may only be taken in lieu of placing the unit completely out of service. The licensee will ensure that the advanced life support service level is not routinely, intentionally, or repeatedly compromised as the result of this type of action. The licensee will ensure that the closest available advanced-life-support-permitted unit is dispatched to the incident with the basic life support nontransport unit.

Amendment 2 (235596)—On page 6, line 21, after “application” insert: *under*

Amendment 3 (930994)—On page 8, line 11, after “a certified” insert: *emergency*

On motions by Senator Campbell, by two-thirds vote **CS for SB 1476** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for SB 1030—A bill to be entitled An act relating to commerce; amending s. 212.13, F.S.; requiring freight forwarders to provide warehouse receipts or copies of airway bills or bills of lading for certain purposes; providing receipt requirements; requiring freight forwarders to maintain certain records for a time certain; providing for effect of such documentation; providing a penalty for failing to provide such documentation or maintain certain records; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (342692)—On page 3, line 6, delete “first” and insert: *second*

On motions by Senator Gutman, by two-thirds vote **CS for SB 1030** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Dawson-White	King	Rossin
Bronson	Dyer	Kirkpatrick	Saunders
Brown-Waite	Forman	Klein	Scott
Burt	Geller	Kurth	Sebesta
Campbell	Grant	Laurent	Silver
Carlton	Gutman	Lee	Sullivan
Casas	Holzendorf	Meek	Thomas
Childers	Horne	Mitchell	Webster
Cowin	Jones	Myers	

Nays—None

CS for SB 1992—A bill to be entitled An act relating to investment of public funds; amending s. 218.415, F.S.; prescribing guidelines for investments by units of local government; providing for authorized investments; prohibiting investments not authorized by local investment policy; providing for continuing education for local officials responsible for making investments; prescribing a list of authorized investments; providing alternative investment guidelines for entities not adopting a written investment policy; providing for safeguarding securities; authorizing the sale of investments; providing for investment of funds when made pursuant to agreement or contract; providing for preemption of state requirements; prescribing duties of accountants and the Auditor General; amending s. 112.625, F.S.; revising definitions and defining terms; creating s. 112.661, F.S.; prescribing guidelines for investments by retirement systems or plans; providing for authorized investments; prohibiting investments not authorized by investment policy; providing for continuing education for officials responsible for making investments; providing for the filing of the investment policy with the Division of Retirement, the plan's sponsor, and the consulting actuary; providing for the valuation of illiquid investments; amending s. 28.33, F.S.; prescribing requirements for investment of county funds; amending s. 159.416, F.S.; prescribing requirements for investment of bond proceeds and moneys held for payment of debt service on bonds; amending s. 219.075, F.S.; prescribing requirements for investment of surplus funds by county officers; amending s. 230.23, F.S.; prescribing requirements for investment of school funds not needed for immediate expenditure; amending s. 236.24, F.S.; deleting provisions relating to authorized investment of district school fund moneys; repealing s. 237.161(5), F.S., relating to investment of cash assets by school boards; repealing s. 230.23(10)(k), F.S., relating to investment policies of district school boards; repealing s. 125.31, F.S., relating to investment of surplus public funds by counties; repealing s. 166.261, F.S., relating to investments by municipalities; repealing s. 218.345, F.S., relating to investments by special districts; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1 (934098)—On page 15, line 27, after the period (.) insert: *The Division of Retirement shall use this determination only to notify the board, the plan's sponsor, and consulting actuary of material differences between the total expected annual rate of return and the actuarial assumed rate of return.*

Amendment 2 (802990)(with title amendment)—On page 25, between lines 12 and 13, insert:

Section 8. Paragraph (d) of subsection (7) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7) (d) Notwithstanding the provisions of paragraph (c), any separate legal entity created pursuant to this section and controlled by the municipalities or counties of this state or by one or more municipality and one or more county of this state, the membership of which consists or is to consist of municipalities only, counties only, or one or more municipality and one or more county, may, for the purpose of financing or refinancing any capital projects, exercise all powers in connection with the authorization, issuance, and sale of bonds. Notwithstanding any limitations provided in this section, all of the privileges, benefits, powers, and terms of part I of chapter 125, part II of chapter 166, and part I of chapter 159 shall be fully applicable to such entity. Bonds issued by such entity shall be deemed issued on behalf of the counties or municipalities which enter into loan agreements with such entity as provided in this paragraph. Any loan agreement executed pursuant to a program of such entity shall be governed by the provisions of part I of chapter 159 or, in the case of counties, part I of chapter 125, or in the case of municipalities and charter counties, part II of chapter 166. Proceeds of bonds issued by such entity may be loaned to counties or municipalities of this state or a combination of municipalities and counties, whether or not such counties or municipalities are also members of the entity issuing the bonds. The issuance of bonds by such entity to fund a loan program to make loans to municipalities or counties or a combination of municipalities and counties with one another for capital projects to be identified subsequent to the issuance of the bonds to fund such loan programs is deemed to be a paramount public purpose. Any entity so created may also issue bond anticipation notes, as provided by s. 215.431, in connection with the

authorization, issuance, and sale of such bonds. In addition, the governing body of such legal entity may also authorize bonds to be issued and sold from time to time and may delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of such legal entity. However, the amounts and maturities of such bonds and the interest rate or rates of such bonds shall be within the limits prescribed by the governing body of such legal entity and its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. *A local government self-insurance fund established under this section may financially guarantee bonds or bond anticipation notes issued or loans made under this subsection.* Bonds issued pursuant to this paragraph may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06 in Leon County and in each county where the public agencies which were initially a party to the agreement are located. Obligations of any county or municipality pursuant to a loan agreement as described in this paragraph may be validated as provided in chapter 75.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 12, after the semicolon (;) insert: amending s. 163.01, F.S.; authorizing a local government self-insurance fund to guarantee bonds;

On motions by Senator Rossin, by two-thirds vote **CS for SB 1992** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for SB 1706—A bill to be entitled An act relating to privacy; prohibiting merchants from directly observing or using video cameras or other surveillance equipment to observe customers in dressing rooms, fitting rooms, changing rooms, or rest rooms; defining the term "merchant"; providing penalties; providing an effective date.

—was read the second time by title.

Senator Meek moved the following amendment which was adopted:

Amendment 1 (884720)(with title amendment)—On page 1, line 13, after "other" insert: *visual*

And the title is amended as follows:

On page 1, line 4, after "other" insert: *visual*

On motions by Senator Meek, by two-thirds vote **CS for SB 1706** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

SB 1974—A bill to be entitled An act relating to building designation; designating the courthouse of the District Court of Appeal for the Third District as the “Thomas H. Barkdull, Jr., District Courthouse”; authorizing the Third District Court of Appeal to erect suitable markers; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1974** to **HB 85**.

Pending further consideration of **SB 1974** as amended, on motion by Senator Diaz-Balart, by two-thirds vote **HB 85** was withdrawn from the Committees on Judiciary; and Governmental Oversight and Productivity.

On motion by Senator Diaz-Balart—

HB 85—A bill to be entitled An act relating to official state designations; creating s. 15.0465, F.S.; designating an official flagship of the State of Florida; designating the courthouse of the District Court of Appeal for the Third District as the “Thomas H. Barkdull, Jr., District Courthouse”; authorizing the Third District Court of Appeal to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **SB 1974** as amended and read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **HB 85** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Saunders
Brown-Waite	Forman	Kurth	Scott
Burt	Geller	Latvala	Sebesta
Campbell	Grant	Laurent	Silver
Carlton	Gutman	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	
Dawson-White	King	Myers	

Nays—None

CS for SB’s 1604 and 1618—A bill to be entitled An act relating to corrections; amending s. 944.801, F.S.; requiring the Department of Corrections to reevaluate vocational education programs; requiring the department to develop a plan to provide academic and vocational classes more frequently; authorizing certain minors to receive and participate in educational services without parental consent; amending s. 946.002, F.S.; amending labor requirements pertaining to inmates; amending ss. 946.31, 946.32, 946.33, F.S.; conforming funding provisions; amending s. 946.504, F.S.; providing for the Board of Trustees of the Internal Improvement Trust Fund to enter into leases with the corporation set up under this section to operate correctional work programs; providing authority for the corporation to use tax-exempt financing for constructing facilities for work programs; requiring the state to retain a secured interest equal to the pro rata portion of the state’s investment; amending s. 946.515, F.S.; amending provisions specifying which commodities may

be produced and sold by the corporation; creating s. 946.205, F.S.; providing for responsibilities of the Department of Corrections for cultivating and selling food items and for supervising certain work activities of inmates; creating s. 946.523, F.S.; providing for prison industry enhancement (PIE) programs; providing purposes and objectives of the programs; requiring workers’ compensation coverage to be provided to inmates who participate in the programs; providing that inmates are not entitled to unemployment compensation; providing that this section is inapplicable to correctional work programs operated under ss. 946.502-946.517, F.S.; creating s. 946.524, F.S.; providing for the corporation to establish work camps; providing for the corporation to designate certain lands as the sites for such work camps; providing that the corporation may use certain inmates as workers in the work camps and may enter into contracts, as specified, to operate the work camps; amending s. 320.06, F.S.; amending provisions relating to manufacturing certain tags and decals for the Department of Highway Safety and Motor Vehicles; repealing ss. 946.006, 946.0061, 946.007, 946.008, 946.21, 946.519, F.S., relating to correctional work programs, the inapplicability of s. 946.006(4), F.S., to those programs, correctional work program objectives, financing correctional work programs, penalties for selling goods made by prisoners, and the use of goods and services produced in correctional work programs; providing an effective date.

—was read the second time by title. On motions by Senator Silver, by two-thirds vote **CS for SB’s 1604 and 1618** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson-White	King	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Saunders
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Sebesta
Campbell	Geller	Latvala	Silver
Carlton	Grant	Laurent	Sullivan
Casas	Gutman	Lee	Thomas
Childers	Holzendorf	Meek	Webster
Clary	Horne	Mitchell	
Cowin	Jones	Myers	

Nays—None

CS for CS for SB 1056—A bill to be entitled An act relating to driving under the influence; amending ss. 316.192, 316.193, 322.271, 322.291, F.S.; providing that any person convicted of driving under the influence must, in addition to any other penalties provided by law, complete a substance abuse education course conducted by a licensed DUI program, including a psychosocial evaluation, and, if referred, substance abuse treatment; providing criteria for temporary reinstatement of driving privileges by the Department of Highway Safety and Motor Vehicles; amending s. 322.292, F.S.; providing criteria for the granting of DUI program licenses and deleting obsolete provisions; providing an effective date.

—was read the second time by title.

Senator Casas moved the following amendments which were adopted:

Amendment 1 (411800)—On page 3, delete lines 5 and 6 and insert:

Section 2. Subsections (5) and (6) of section 316.193, Florida Statutes, 1998 Florida Supplement, are amended to read:

Amendment 2 (095452)(with title amendment)—On page 5, between lines 5 and 6, insert:

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(d) The court must at the time of sentencing the defendant issue an order for the impoundment or immobilization of a vehicle. Within 7 business days after the date that the court issues the order of impoundment or immobilization, ~~and once again 30 business days before the actual impoundment or immobilization of the vehicle,~~ the clerk of the

court must send notice by certified mail, return receipt requested, to the registered owner of each vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.

And the title is amended as follows:

On page 1, line 13, after the first semicolon (;) insert: deleting the requirement that the clerk send a second notice of impoundment or immobilization of a vehicle to the registered owner;

Amendment 3 (702542)—On page 10, line 28 through page 11, line 22, delete those lines and insert:

2. *In considering an application for approval of a DUI program, the department shall determine whether improvements in service may be derived from the operation of the DUI program and the number of clients currently served in the circuit. The department shall apply the following criteria:*

(a) *The increased frequency of classes and availability of locations of services offered by the applicant DUI program.*

(b) *Services and fees offered by the applicant DUI program and any existing DUI program.*

(c) *The number of DUI clients currently served and historical trends in the number of clients served in the circuit.*

(d) *The availability, accessibility, and service history of any existing DUI program services.*

(e) *The applicant DUI program's service history.*

(f) *The availability of resources, including personnel, demonstrated management capability, and capital and operating expenditures of the applicant DUI program.*

(g) *Improved services to minority and special needs clients.*

Amendment 4 (385356)—On page 10, line 21, after "fee" insert: *not to exceed \$1,000 but*

Amendment 5 (970014)—On page 13, delete lines 8-11 and insert:

h. Submit documentation of compliance with all applicable federal, state, and local laws, including, but not limited to, the Americans with Disabilities Act.

On motions by Senator Casas, by two-thirds vote **CS for CS for SB 1056** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36

Madam President	Dawson-White	Horne	Meek
Bronson	Diaz-Balart	Jones	Mitchell
Brown-Waite	Dyer	King	Myers
Burt	Forman	Klein	Rossin
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Clary	Hargrett	Lee	Sullivan
Cowin	Holzendorf	McKay	Webster

Nays—None

SB 1446—A bill to be entitled An act relating to transportation; amending s. 334.044, F.S.; providing for the allocation of a certain percentage of each project for roadside beautification by the Department of Transportation; providing an effective date.

—was read the second time by title.

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

Amendment 1 (092640)—On page 1, delete lines 17-19 and insert: *this, the department shall annually spend for roadside beautification an amount equal to no less than one percent of the amount contracted for construction projects.* To accomplish these

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Jones and adopted:

Amendment 2 (734240)(with title amendment)—On page 1, between lines 22 and 23, insert:

Section 2. Subsection (1) of section 335.0415, Florida Statutes, is amended to read:

335.0415 Public road jurisdiction and transfer process.—

(1) The jurisdiction of public roads and the responsibility for operation and maintenance within the right-of-way of any road within the state, county, and municipal road system shall be that which *existed exists* on June 10 July 1, 1995.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, following the semicolon (;) insert: amending s. 335.0415, F.S.; modifying the date on which jurisdiction and responsibility for public roads is determined;

Senator Jones moved the following amendment:

Amendment 3 (302460)—On page 1, lines 16-19, delete the underlined language and following the period (.) on line 16, insert: *To accomplish this, the department shall allocate to beautification no less than 1.5 percent of the amount contracted for construction projects. To the extent practical large plant materials purchased from Florida-based nurseries stock on a uniform competitive-bid basis will be used. Up to 0.5 percent may be used for small to medium plant material.*

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

Amendment 3A (402620)—On page 1, line 18, delete "1.5" and insert: *1*

Amendment 3 as amended was adopted.

On motions by Senator Jones, by two-thirds vote **SB 1446** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	King	Rossin
Bronson	Dyer	Kirkpatrick	Saunders
Brown-Waite	Forman	Klein	Sebesta
Burt	Geller	Kurth	Silver
Carlton	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Webster
Clary	Holzendorf	Meek	
Cowin	Horne	Mitchell	
Dawson-White	Jones	Myers	

Nays—None

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

SB 898—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing fees; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties;

providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

—which was previously considered and amended this day.

Senator Childers moved the following amendment:

Amendment 10 (934004)—On page 18, between lines 2 and 3, insert:

(6) *The lender is responsible for informing the military legal officer of the loan and recision agreement.*

On motion by Senator Childers, further consideration of **SB 898** with pending **Amendment 10** was deferred.

On motion by Senator Latvala—

CS for SB's 2422 and 1952—A bill to be entitled An act relating to trust funds; creating s. 215.5601, F.S.; creating the Lawton Chiles Endowment Fund for Health and Human Services; providing definitions; providing legislative intent; specifying the purposes and uses of endowment funds; providing for administration of the endowment by the State Board of Administration; providing for the availability of endowment funds; providing appropriations; creating s. 215.5602, F.S.; establishing the Connie Mack Biomedical Research Program within the Lawton Chiles Endowment Fund; providing the goals of the program; specifying the use of funds appropriated under the program; creating the Biomedical Research Advisory Council within the Department of Health; providing for membership of the council; providing reimbursement for travel and other expenses for council members; providing duties of the council; providing for applications for funding under the program; requiring the Secretary of Health to award grants and fellowships, in consultation with the council; providing for the appointment of a peer review council to review proposals for funding; requiring the Department of Health to contract with an entity to administer the program; providing rulemaking authority; requiring the council to submit an annual report to the Governor, the Secretary of Health, and the Legislature; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Latvala moved the following amendment:

Amendment 1 (383072)—On page 5, between lines 2 and 3, insert:

(d) *Notwithstanding the provisions of paragraph (c), moneys in the endowment may be managed as an annuity. Under this option, the investment objective shall be long-term preservation of the real value of the original principal and a specified regular annual cash outflow for appropriation. The schedule of annual cash outflow shall be included within the investment plan adopted pursuant to paragraph (a).*

(Redesignate subsequent paragraphs.)

Senators King and Dyer offered the following substitute amendment which was moved by Senator King and adopted:

Amendment 2 (610748)—On page 4, delete lines 21-27 and insert:

(b) *The endowment shall be managed as an annuity. The investment objective shall be long-term preservation of the real value of the principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. The schedule of annual cash outflow shall be included within the investment plan adopted pursuant to paragraph (a).*

Senator Burt moved the following amendment which was adopted:

Amendment 3 (654260)—On page 6, delete lines 5-8 and insert:

1. *For fiscal year 1999-2000, \$750 million;*
2. *For fiscal year 2000-2001, \$200 million;*
3. *For fiscal year 2001-2002, \$350 million; and*
4. *For fiscal year 2002-2003, \$200 million.*

Senators King and Dyer offered the following amendment which was moved by Senator King and adopted:

Amendment 4 (401422)(with title amendment)—On page 6, lines 18 and 20; and on page 7, lines 11 and 13, delete "*Connie Mack*" and insert: *Florida*

And the title is amended as follows:

On page 1, line 12, delete "*Connie Mack*" and insert: *Florida*

Senator King moved the following amendment which was adopted:

Amendment 5 (744570)—On page 6, line 20 through page 7, line 8, delete those lines and insert: *endowment. The funds shall be distributed on a competitive project basis as provided herein.*

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

Amendment 6 (262466)—On page 5, delete lines 22-25

Amendment 7 (643184)—On page 6, delete lines 9-16 and redesignate subsequent paragraphs.

Pursuant to Rule 4.19, **CS for SB's 2422 and 1952** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

CS for HB's 421 and 485—A bill to be entitled An act relating to evidence; providing that evidence of voluntary intoxication is not admissible for certain purposes; providing an exception; providing an effective date.

—was read the third time by title. On motions by Senator Lee, **CS for HB's 421 and 485** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

CS for HB 425—A bill to be entitled An act relating to robbery by sudden snatching; creating s. 812.131, F.S.; defining the offense of robbery by sudden snatching; providing penalties for robbery by sudden snatching; providing construction; amending s. 921.0022, F.S.; providing for ranking robbery by sudden snatching within levels 5 and 7 categories of the offense severity ranking chart; providing an effective date.

—was read the third time by title. On motions by Senator Rossin, **CS for HB 425** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson-White	King	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Saunders
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Sebesta
Campbell	Geller	Latvala	Silver
Carlton	Grant	Lee	Sullivan
Casas	Gutman	McKay	Thomas
Childers	Hargrett	Meek	Webster
Clary	Horne	Mitchell	
Cowin	Jones	Myers	

Nays—None

SB 936—A bill to be entitled An act relating to court-imposed financial obligations in criminal cases; amending s. 938.30, F.S.; providing for conversion of court-ordered obligations to pay court costs into obligations to perform community service, under specified circumstances; providing for assessments against a person for reimbursements for the costs of processing bench warrants and pickup orders; providing for penalties; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **SB 936** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

Consideration of **SB 1866** and **HB 699** was deferred.

HB 489—A bill to be entitled An act relating to public health; creating s. 381.0075, F.S.; providing for regulation of body-piercing salons by the Department of Health; providing definitions; providing exemptions; requiring a license to operate a body-piercing salon and a temporary license to operate a temporary establishment; providing licensing procedures and fees; providing requirements with respect to body piercing of minors; prohibiting certain acts; providing penalties; providing for injunction; providing for enforcement; providing rulemaking authority; providing specific requirements for operation of body-piercing salons; providing an effective date.

—was read the third time by title.

On motions by Senator Lee, **HB 489** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Gutman	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson-White	Holzendorf	Laurent
Burt	Diaz-Balart	Horne	Lee
Campbell	Dyer	Jones	McKay
Carlton	Forman	King	Meek
Casas	Geller	Kirkpatrick	Mitchell
Childers	Grant	Klein	Myers

Rossin	Scott	Silver	Thomas
Saunders	Sebesta	Sullivan	Webster
Nays—None			

CS for SB 276—A bill to be entitled An act relating to home medical equipment providers; creating part X of chapter 400, F.S.; providing for regulation of home medical equipment providers by the Agency for Health Care Administration; providing legislative intent; providing definitions; providing for licensure and exemptions; providing unlawful acts; providing penalties; providing for license applications; providing for fees; providing for background screening; providing for provisional licenses and temporary permits; providing for administrative penalties; providing for injunctions, emergency orders, and moratoriums; providing for licensure inspections and investigations; providing minimum standards; providing for agency rules; providing for patient records; providing for notice of toll-free telephone number for the central abuse registry; providing for background screening of home medical equipment provider licensees and personnel; providing penalties; providing screening procedures; providing for agency injunctions; prohibiting patient referrals and rebates; providing for application of the act to existing providers; providing an appropriation; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 276** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 1238—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.31, F.S.; revising the procedures and standards for rate changes made by an organization; deleting current provisions that allow rate changes to be implemented immediately upon filing with the Department of Insurance, subject to disapproval; requiring rate changes to be filed with the department a specified time period prior to use; providing that a filing is deemed approved after a certain time period absent affirmative approval or disapproval by the department; making conforming changes; providing an effective date.

—was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 1238** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

Consideration of **CS for HB 1749** and **CS for CS for HB 9** was deferred.

CS for SB 336—A bill to be entitled An act relating to education; amending s. 240.1163, F.S.; requiring certain courses to receive weighted grades; authorizing certain courses to be designated as both dual enrollment and advanced placement courses; providing an effective date.

—was read the third time by title.

On motions by Senator Cowin, **CS for SB 336** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for HB 1549—A bill to be entitled An act relating to the state lotteries; creating s. 24.1153, F.S.; authorizing the assignment of certain prizes pursuant to a court order and providing requirements therefor; providing for the securing of funds offset for child-support payments or debts owed to a state agency; exempting the Department of the Lottery from liability upon payment of an assigned prize; authorizing a fee to defray the administrative expenses associated with such assignments; providing circumstances under which such court orders may no longer be issued; amending s. 24.115, F.S., relating to payment of prizes, to conform; requiring the department to seek a declaration concerning the tax consequences of the right of assignment for those who do not assign their prizes; providing effective dates.

—was read the third time by title.

On motions by Senator Thomas, **CS for HB 1549** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

HB 805—A bill to be entitled An act relating to the college reach-out program; reviving and readopting s. 240.61, F.S., relating to the college reach-out program; providing an effective date.

—was read the third time by title.

On motions by Senator Cowin, **HB 805** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Gutman	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

SB 1472—A bill to be entitled An act relating to insurance; amending s. 627.4035, F.S.; providing for payment of insurance claims by debit card or other form of electronic funds transfer; amending s. 624.426, F.S.; providing an exemption to the countersignature law; amending s. 627.7015, F.S.; defining the term “claim” for purposes of property claim mediation; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Mitchell, **SB 1472** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Gutman	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

SB 148—A bill to be entitled An act relating to school-entry health and vision examinations; amending s. 232.0315, F.S.; requiring children who enter public or nonpublic schools in this state to present evidence of having passed a vision screening or having received a comprehensive vision examination; providing an exemption; deleting provisions relating to rulemaking authority with respect to medical examinations; providing an effective date.

—as amended April 22 was read the third time by title.

Senator Silver moved the following amendment:

Amendment 1 (631924)(with title amendment)—On page 1, line 24 through page 2, line 5, delete those lines and insert: examination, *which must include a vision screening or examination*, performed within 1 year prior to enrollment in school. The school board of each district, and the governing authority of each nonpublic school, may establish a policy which permits a student up to 30 school days to present a certification of a school-entry health examination. Any school board ~~that which~~ establishes such a

And the title is amended as follows:

On page 1, delete lines 6-8 and insert: evidence of having passed a vision screening or examination; deleting

On motion by Senator Cowin, further consideration of **SB 148** with pending **Amendment 1** was deferred.

MOTION

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Monday, April 26.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 23, 1999: CS for SB 1734, CS for SB 1954, CS for SB 1960, CS for SB 1962, CS for SB 1964, CS for SB 1966, CS for SB 1968, CS for SB's 2422 and 1952, CS for CS for SB 356, SB 2530, CS for CS for SB 1566, CS for CS for SB 1560, CS for CS for SB 1206, SB 898, CS for SB 62, CS for CS for SB 206, CS for SB 110, CS for SB 1308, CS for SB 1510, CS for SB 952, CS for SB 1444, SB 1400, CS for SB 780, CS for SB 204, SB 86, CS for CS for SB 2054, CS for CS for SB 230, SB 664, CS for SB 1430, SB 2240, CS for CS for SB 2238, CS for SB 1072, CS for CS for SB 1672, CS for SB 2068, CS for SB 184, CS for SB 2470, CS for SB 1474, CS for SB 1696, CS for SB 2214, CS for CS for SB 2410, CS for SB 1314, SB 674, CS for SB 2522, CS for SB 746, CS for SB 1118, SB 142, CS for SB 698, CS for CS for CS for SB 2192, CS for SB 1846, CS for SB 672, CS for SB's 240 and 810, SB 132, CS for SB 822, SB 872, CS for SB 1148, CS for SB 1626, CS for SB 974, CS for SB 2066, CS for CS for SB 2146, CS for SB 2380, CS for SB 2268, CS for CS for SB 1294, CS for CS for SB 972, CS for SB 2536, CS for SB 1352, CS for SB's 1078 and 1438, CS for SB 1742, CS for CS for SB 1666, CS for SB 2000, CS for SB 702, CS for SB 704, CS for SB 2438, CS for SB 2220, CS for CS for SB 1516, CS for CS for SB 1760 and SB 924, CS for SB 2296, CS for SB 2496, CS for SB 202, SB 1388, CS for SB 268, SB 700, SB 928, CS for SB 1406, CS for SB 1408, CS for SB 1502, CS for SB 1944, SB 1500, CS for CS for SB 88, SB 290, CS for SB 1498, SB 1108, CS for SB 1012, CS for SB 1818, CS for SB 2360, SB 2350, CS for SB 2300, SB 2374, CS for CS for SB 2402, SB 966, CS for SB 984, CS for SB 1200, SB 1296, SB 1534, CS for SB 1898, CS for SB 1982, CS for SB 2028, SB 2244, SB 120, CS for SB 228, CS for SB 264, CS for SB 682, CS for SB 2282, CS for SB 1286, CS for SB 1316, SB 1446, CS for SB 1556, CS for SB 1746, CS for SB 74, SB 1172, SB 16

Respectfully submitted,
John McKay, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Friday, April 23, 1999: CS for CS for SB 1790, CS for CS for SB 890, SB 1136, CS for SB 1664, CS for SB 1870, SB 128, CS for CS for SB 1924, SB 1984, CS for SB 1252, CS for SB 2326, SB 1212, SB 1330, CS for SB 1906, CS for SB 1434, CS for SB 2186, SB 1744, CS for SB 2038, SB 1378, CS for SB 1356, CS for CS for SB 1242, CS for SB 1414, SB 1830, CS for SB 2354, CS for SB 1476, CS for SB 1030, CS for SB 1992, CS for SB 1706, SB 1974, CS for SB 1604, CS for CS for SB 1056, SB 1446

Respectfully submitted,
John McKay, Chairman

The Committee on Transportation recommends the following not pass: SB 2518

The bill was laid on the table.

The Committee on Transportation recommends a committee substitute for the following: SB 266

The bill with committee substitute attached was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 1048

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

The Committee on Transportation recommends a committee substitute for the following: SB 1656

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

COMMITTEE SUBSTITUTES**FIRST READING**

By the Committee on Transportation and Senators Forman and Kurth—

CS for SB 266—A bill to be entitled An act relating to traffic control; amending s. 316.003, F.S.; defining the term "traffic-infraction detector"; amending s. 316.008, F.S.; authorizing a county or municipality to enact an ordinance that provides for the use of a traffic-infraction detector to enforce traffic laws that require the driver of a vehicle to stop when facing a steady red traffic signal; providing for authorization of a traffic-infraction detector officer; requiring the Department of Transportation to develop standards for traffic-infraction detector officers; requiring public notice prior to the use of a traffic-infraction detector; providing for fines; requiring that a person be required to attend a driver improvement course following a second violation of the ordinance; providing that an emergency medical transportation vehicle is exempt from the ordinance; providing for a portion of the proceeds of the fines imposed under the ordinance to be deposited into the Highway Safety Operating Trust Fund of the Department of Highway Safety and Motor Vehicles; providing for the remainder of the proceeds to be used to fund positions for law enforcement officers and correctional officers; amending s. 316.0745, F.S.; requiring that a traffic-infraction detector meet requirements established by the Department of Highway Safety and Motor Vehicles; providing for testing such detectors; creating s. 316.1971, F.S.; providing procedures for imposing a fine for violations of an ordinance that provides for the use of a traffic-infraction detector; providing a procedure under which the operator of a vehicle may establish that the vehicle was in the care, custody, or control of another person at the time of the violation; providing for the violation to be contested; providing a penalty; providing that an image produced by a traffic-infraction detector is prima facie evidence that the violation occurred; amending s. 320.03, F.S.; requiring the tax collector to withhold issuing a license plate or revalidation sticker if a person's name appears on a list of outstanding fines; requiring that a county or municipality that operates a traffic-infraction detector report to the Department of Highway Safety and Motor Vehicles; providing for a summary of such reports to be submitted to the Governor and the Legislature; providing an effective date.

By the Committee on Transportation and Senator Geller—

CS for SB 1048—A bill to be entitled An act relating to teenage driver education; amending s. 322.05, F.S.; providing certain persons may not be issued a driver's license; authorizing a board of county commissioners to require by ordinance that a specified amount be withheld from each civil fine to be used to fund traffic education and awareness programs; providing an effective date.

By the Committee on Transportation and Senator Casas—

CS for SB 1656—A bill to be entitled An act relating to driving schools; amending s. 318.14, F.S.; increasing the number of times a person may elect to take a driver improvement course; amending s. 318.1451, F.S.; revising language with respect to driver improvement schools; amending s. 322.0261, F.S.; providing for mandatory basic driver improvement courses; providing reference to crashes rather than accidents; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses; amending s. 322.095, F.S.; revising provisions with respect to traffic law and substance abuse education program for driver's license applicants; amending s. 322.271, F.S.; conforming to the act; amending s. 322.291, F.S.; revising provisions with respect to driver improvement schools; amending s. 627.06501, F.S.; conforming a cross-reference; providing an appropriation; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 289, CS for HB 309, CS for HB 319, CS for HB 363, CS for HB 401, CS for HB 839, HB 981, CS for HB 1003, HB 1025, HB 1439, HB 1747, CS for HB 2075, HB 2163, HB 2175, HB 2177, HB 2179; has passed as amended HB 105, HB 145, CS for HB 213, CS for HB 377, HB 463, HB 573, HB 621, HB 643, CS for HB 645, CS for HB 681, HB 867, HB 931, CS for HB 1535; has passed by the required Constitutional three-fifths vote of the membership HB 1861; has adopted HM 1483 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative K. Smith and others—

HB 289—A bill to be entitled An act relating to the local government infrastructure surtax; amending s. 212.055, F.S.; revising provisions which authorize certain counties to use tax proceeds to retire or service indebtedness for bonds issued before July 1, 1987, for infrastructure purposes; including charter counties within such authorization; authorizing use of interest accrued on tax proceeds for such purpose; extending such authorization to bonds subsequently issued to refund such bonds; ratifying prior use of tax proceeds and interest for such refunding bonds; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

By the Committee on Education/K-12 and Representative Diaz de la Portilla—

CS for HB 309—A bill to be entitled An act relating to courses of study; amending s. 233.061, F.S.; authorizing certain exemptions from required reproductive health or HIV/AIDS instructional activities; conforming terminology; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Health Care Licensing and Regulation; and Representative Gay—

CS for HB 319—A bill to be entitled An act relating to pharmacy practice; amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy"; amending s. 465.016, F.S.; authorizing the redispensing of unused or returned unit-dose medication by correctional facilities under certain conditions; amending s. 499.012, F.S.; redefining the term "wholesale distribution," relating to the distribution of prescription drugs, to provide for the exclusion of certain activities; providing effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By the Committee on Crime and Punishment; and Representative Stafford and others—

CS for HB 363—A bill to be entitled An act relating to local governments; amending s. 893.138, F.S.; authorizing local governments to take local administrative action to declare certain buildings and premises a public nuisance when the building or premises is used on more than two occasions in a certain time period to deal in stolen property; providing an effective date.

—was referred to the Committee on Comprehensive Planning, Local and Military Affairs.

By the Committee on Community Affairs and Representative Ball—

CS for HB 401—A bill to be entitled An act relating to bond financing; amending s. 159.804, F.S.; establishing an additional region for purposes of the allocation of private activity bonds issued in the state; amending s. 159.8075, F.S.; providing for applicability of certain bond conversion restrictions; providing an effective date.

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

By the Committees on Governmental Operations, Tourism and Representative Starks and others—

CS for HB 839—A bill to be entitled An act relating to public records; amending s. 288.1251, F.S.; providing an exemption from public records requirements for information held by the Office of Film Commissioner relating to specified information with respect to the business activities or applications for tax exemptions of private persons, partnerships, or corporations in the entertainment industry, when such confidentiality is requested; providing a penalty for violation of the act; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Rules and Calendar.

By Representative Morroni—

HB 981—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; revising qualifications for membership on the Board of Dentistry; providing applicability; amending s. 466.021, F.S.; revising requirements relating to dental work orders; amending s. 466.0282, F.S.; revising requirements relating to the recognition and advertising of dental specialties; requiring certain consumer notice; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By the Committee on Business Development and International Trade; and Representative Wiles—

CS for HB 1003—A bill to be entitled An act relating to insurance agencies; amending s. 626.094, F.S.; excluding certain corporations from the definition of insurance agency under certain circumstances for purposes of sharing commissions; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce and Economic Opportunities.

By Representative Rojas and others—

HB 1025—A bill to be entitled An act relating to voter registration; amending s. 97.052, F.S.; eliminating information and notice requirements relating to homestead exemption from the uniform statewide voter registration application; repealing s. 98.015(11), F.S.; eliminating the requirement that a supervisor of elections must forward to the property appraiser the names and homestead addresses of persons registering to vote at an address other than that at which they claim a homestead exemption; amending s. 196.141, F.S.; eliminating the requirement that the property appraiser examine such forwarded information to determine whether to initiate procedures to terminate a person's homestead exemption and assess back taxes; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Representative Pruitt—

HB 1439—A bill to be entitled An act relating to capital felony sentencing; amending s. 921.141, F.S.; providing as an additional aggravating circumstance for purposes of sentencing that the capital felony was committed while the defendant was violating an injunction for protection against domestic violence or repeat violence, a foreign protection order, or any other court-imposed prohibition of conduct toward the victim; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Bullard and others—

HB 1747—A bill to be entitled An act relating to the South Broward Hospital District; providing for the relief of Clarice Holland, individually as surviving spouse of Sidney Holland, Jr., deceased, and as Personal Representative of the Estate of Sidney Holland, Jr., deceased; providing for an appropriation to compensate them for losses sustained as a result of the negligence of South Broward Hospital District, d.b.a. Memorial Regional Hospital, which resulted in the death of Sidney Holland, Jr.; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Health, Aging and Long-Term Care; and Fiscal Resource.

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

CS for HB 2075—A bill to be entitled An act relating to insurance; amending s. 626.022, F.S.; providing an exception from certain insurance licensing requirements for certified public accountants acting within the scope of their profession; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Policy.

By the Committee on Election Reform and Representative Flanagan—

HB 2163—A bill to be entitled An act relating to judicial selection; amending s. 34.021, F.S.; authorizing retention of county court judges; amending s. 105.031, F.S.; providing requirements to qualify for election or retention to judicial office; amending s. 105.041, F.S.; providing form of ballot for retention votes on county and circuit court judges; amending s. 105.051, F.S.; providing for determination of retention for county and circuit court judges; amending s. 105.061, F.S.; authorizing electors to vote for retention of circuit and county court judges; amending s. 105.08, F.S.; providing for campaign contribution and expense reporting for circuit and county court judges subject to vote of retention; amending s. 106.011, F.S.; redefining the term "unopposed candidate"; amending s. 106.08, F.S.; providing contribution limits for election and retention of circuit and county court judges; providing penalties; providing for petitions and certification of ballot position; establishing deadlines; amending s. 101.161, F.S.; placing the issue of the method of selection of judges on the general election ballot in the year 2000; establishing manner for placing judicial selection initiatives on subsequent general election ballots; providing ballot language; providing for impact on sitting judges; repealing s. 25.021, F.S.; deleting terms of elected Supreme Court justices; amending s. 35.06, F.S.; deleting terms of elected district court of appeal judges; amending s. 101.151, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Judiciary; Ethics and Elections; and Fiscal Policy.

By the Committee on Claims and Representative Rayson and others—

HB 2175—A bill to be entitled An act relating to St. Johns County; providing for the relief of William D. Mock and Susan G. Mock; providing

for an appropriation to compensate them for injuries sustained as a result of the negligence of St. Johns County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

By the Committee on Claims and Representative Rayson and others—

HB 2177—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Elizabeth Menendez; providing for an appropriation to compensate Elizabeth Menendez for injuries and damages sustained as a result of the negligence of the Palm Beach County Sheriff's Department; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

By the Committee on Claims and Representative Cantens and others—

HB 2179—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Frank J. Ruck, Jr., and Marlene G. Ruck, individually and as Personal Representatives of the Estate of Christopher F. Ruck; providing for an appropriation to compensate them for the death of Christopher F. Ruck as a result of the negligence of Miami-Dade County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

By Representative Putnam and others—

HB 105—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing that the exemptions for machinery and equipment used to increase productive output shall apply to machinery and equipment used in phosphate or other solid mineral severance, mining, or processing as a credit against taxes due under ch. 211, F.S., relating to tax on the severance and production of minerals; providing requirements for new and expanding businesses to qualify for such exemption and credit; providing an effective date.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

By Representative Effman—

HB 145—A bill to be entitled An act relating to child support; amending s. 61.30, F.S.; requiring a court under certain circumstances to base a determination of child support amounts under certain shared parental arrangements upon specified criteria; providing an effective date.

—was referred to the Committee on Children and Families.

By the Committee on Real Property and Probate; and Representative Crow and others—

CS for HB 213—A bill to be entitled An act relating to guardianship; amending s. 744.369, F.S.; extending the time to review certain reports; authorizing random field audits; amending s. 744.474, F.S.; providing certain relatives the ability to petition the court regarding removal of the guardian; amending s. 744.702, F.S.; providing legislative intent to establish the Statewide Public Guardianship Office; creating s. 744.7021, F.S.; providing for the Statewide Public Guardianship Office within the Department of Elderly Affairs; providing for an executive director and

oversight responsibilities; providing for the Department of Elderly Affairs to provide certain services and support; requiring submission of a guardianship plan and yearly status reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court; requiring the office to develop a training program and curriculum committee; authorizing fees; authorizing demonstration projects; providing for rules; amending s. 744.703, F.S.; providing for the executive director to establish offices of public guardian and to appoint or contract with public guardians; providing for transfer of oversight responsibility from the chief judge of the circuit to the office; providing for the suspension of public guardians, as specified; amending s. 744.706, F.S.; providing for the preparation of the budget of the Statewide Public Guardianship Office; amending s. 744.707, F.S.; revising language with respect to procedures and rules to include reference to the Statewide Public Guardianship Office; amending s. 744.708, F.S.; revising language with respect to reports and standards; providing reference to audits by the Auditor General; amending s. 744.709, F.S.; revising language with respect to surety bonds; amending s. 744.1085, F.S.; revising language with respect to professional guardians to include reference to the Statewide Public Guardianship Office; amending s. 744.3135, F.S., relating to credit and criminal investigations of guardians; authorizing credit and criminal investigations of nonprofessional or public guardians; deleting exemption of the spouse or child of a ward from credit and criminal investigations when appointed a guardian of the ward; providing a procedure for obtaining fingerprint cards and for maintaining the results of certain investigations; amending s. 28.241, F.S.; providing for funds for public guardians; providing for the transfer of resources between agencies; providing effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; and Fiscal Policy.

By the Committee on Insurance and Representative Bense and others—

CS for HB 377—A bill to be entitled An act relating to organ transplants; amending s. 381.0602, F.S.; increasing membership of the Organ Transplant Advisory Council; increasing the term of the council chair; amending s. 627.4236, F.S.; requiring that coverage for bone-marrow-transplant procedures include costs of the donor patient; providing a limitation; providing a legislative finding of an important state interest; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Policy.

By Representative Morroni and others—

HB 463—A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by endorsement and providing requirements therefor, including a fee; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Representative K. Smith—

HB 573—A bill to be entitled An act relating to military affairs; amending s. 250.10, F.S.; requiring the Adjutant General of the state to establish a specified post exchange store; providing for location of the post exchange store; providing purpose; providing for deposit of specified moneys in the Camp Blanding Management Trust Fund; providing for use of funds; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By Representative Logan and others—

HB 621—A bill to be entitled An act relating to wireless emergency 911 telephone service; creating s. 365.172, F.S.; providing a short title;

providing legislative findings, purposes, and intent; providing definitions; providing duties of the Department of Management Services; creating the Wireless 911 Board; providing duties and membership of the board; providing powers of the board; requiring the board to report to the Governor and the Legislature each year; requiring completion of a study for submission to the Governor and the Legislature; requiring the board to retain an independent accounting firm for certain purposes; providing a process for firm selection; imposing a monthly fee for certain 911 telephone service; providing a rate; providing for adjusting the rate; exempting the fee from state and local taxes; prohibiting local governments from imposing additional fees related to such service; providing procedures for collecting the fee and remitting the fee to the board; providing criteria for provision of certain services; prohibiting certain activities relating to wireless 911 telephone service; providing penalties; providing that the act does not preempt other laws that regulate providers of telecommunications service; providing for severability; providing an appropriation; providing an effective date.

—was referred to the Committee on Comprehensive Planning, Local and Military Affairs.

By Representative Dockery and others—

HB 643—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for film, photographic paper, dyes used for embossing and engraving, artwork, and other printing supplies used by specified businesses; providing an effective date.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

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

CS for HB 645—A bill to be entitled An act relating to assisted living facilities; amending s. 400.408, F.S.; revising penalties relating to unlicensed ownership, operation, or maintenance of such a facility; amending s. 400.419, F.S.; revising timeframes for application of penalties for operation of an unlicensed facility; amending ss. 400.621 and 633.022, F.S.; providing for uniform firesafety standards for adult family-care homes; directing the Agency for Health Care Administration and the Department of Elderly Affairs to establish a work group on the problem of unlicensed assisted living facilities; requiring reports; providing an effective date.

—was referred to the Committees on Children and Families; and Fiscal Policy.

By the Committee on Real Property and Probate; and Representative Merchant—

CS for HB 681—A bill to be entitled An act relating to construction; creating s. 47.025, F.S.; providing that certain venue provisions in a contract for improvement of real property are void; specifying appropriate venue for actions against resident contractors, subcontractors, sub-subcontractors, and materialmen; amending s. 468.621, F.S.; amending certain grounds for disciplinary action against building code administrators and building officials; amending s. 255.05, F.S., relating to payment bonds of contractors constructing public buildings; providing that the time periods required for providing certain notices or bringing certain actions are not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; amending s. 713.06, F.S.; clarifying certain notice requirements with respect to perfecting a lien for labor, services, or materials furnished under contract; amending s. 713.08, F.S.; providing that the time period required for recording a claim of lien is not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; amending s. 713.135, F.S.; clarifying circumstances under which an entity issuing a building permit is subject to disciplinary procedures; providing an exception; amending s. 713.16, F.S.; providing a definition; providing legislative intent; amending s. 713.18, F.S., relating to service of notices and other instruments; amending s. 713.23, F.S.; providing that the time periods

required for serving a notice of nonpayment or bringing certain actions are not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; providing for the effect of a waiver and release of lien; providing effective dates.

—was referred to the Committees on Judiciary; and Commerce and Economic Opportunities.

By Representative Brummer and others—

HB 867—A bill to be entitled An act relating to public construction; amending s. 255.20, F.S.; lowering the threshold amount required for competitive awards of local bids and contracts for public electrical work; providing the certain qualified contractors or vendors shall have standing to challenge the propriety of a local government's action under certain circumstances; providing for the award of reasonable attorney's fees under certain circumstances; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Fiscal Policy.

By Representative J. Miller and others—

HB 931—A bill to be entitled An act related to public swimming pool construction standards for certain residential child care facilities; amending s. 514.0115, F.S.; exempting from supervision or regulation related to construction standards any residential child care facility registered and exempt from licensure pursuant to s. 409.176, F.S.; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By the Committees on General Government Appropriations, Agriculture and Representative Putnam and others—

CS for HB 1535—A bill to be entitled An act relating to wildfires; amending s. 590.01, F.S.; providing the Division of Forestry of the Department of Agriculture and Consumer Services with the responsibility to prevent, detect, and suppress wildfires; creating s. 590.015, F.S.; defining terms; amending s. 590.02, F.S.; authorizing the division to appoint additional personnel to fight wildfires; providing for wildfire training and fire management and emergency response assistance; providing for agreements or contracts with the private sector for fire prevention activities; providing for the Florida Center for Wildfire and Forest Resources Management Training; providing for fees for the operation of the center; creating an advisory committee; amending s. 590.081, F.S.; prohibiting burning in severe drought conditions without permission; amending s. 590.082, F.S.; revising provisions relating to declarations of severe drought emergencies; providing a requirement for executive orders by the Governor relating to extraordinary fire hazards; providing a penalty for certain travel through hazardous areas; amending s. 590.091, F.S.; providing for designation of railroad rights-of-way in wildfire areas; amending s. 590.10, F.S.; providing a penalty for the disposal of lighted substances; amending s. 590.11, F.S.; providing restrictions on recreation fires; creating s. 590.125, F.S.; providing conditions for non-certified burning and certified prescribed burning; amending s. 590.13, F.S.; providing for civil liability; amending s. 590.14, F.S.; authorizing the division to issue warning citations; providing for a notice of violation; providing for the recovery of fire suppression costs; amending s. 590.16,

F.S.; providing for discretionary rewards; amending s. 590.25, F.S.; providing a penalty for obstructing the extinguishing of wildfires; amending s. 590.27, F.S.; correcting an organizational reference; amending s. 590.28, F.S.; providing penalties for the careless or intentional burning of wild lands; amending s. 590.29, F.S.; providing a penalty for the illegal possession of incendiary devices; amending ss. 590.33, 590.34, and 590.42, F.S.; correcting organizational references; amending s. 259.032, F.S.; providing for the use of Conservation and Recreation Lands funds to manage additional lands; providing for uses of management equipment; amending s. 372.57, F.S.; providing an exemption to the recreational user permit fee; repealing s. 590.025, F.S., relating to control burning, s. 590.026, F.S., relating to prescribed burning, s. 590.03, F.S., relating to fire wardens, s. 590.04, F.S., relating to the organization of districts, s. 590.05, F.S., relating to road crews to extinguish fires, s. 590.06, F.S., relating to rules for road crews, s. 590.07, F.S., relating to a penalty, s. 590.08, F.S., relating to the unlawful burning of lands, s. 590.09, F.S., relating to setting fires on rights-of-way, s. 590.12, F.S., relating to unlawful burning, and s. 590.30 F.S., relating to penalties; providing an appropriation; providing for the rebuilding of certain structures; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Fiscal Policy.

By the Committee on General Government Appropriations and Representative Sembler—

HB 1861—A bill to be entitled An act relating to trust funds; re-creating the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Representative Sanderson—

HM 1483—A memorial to the Congress of the United States requesting Congress to enact legislation prohibiting the United States Postal Service from selling nonmonopoly goods and services.

—was referred to the Committee on Rules and Calendar.

ENROLLING REPORTS

CS for SB 752, CS for SB 986 and SB 1464 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 23, 1999.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 22 was corrected and approved.

CO-SPONSORS

Senators Forman—CS for SB 2148; Geller—CS for SB 2148; Gutman—CS for SB 2438; Hargrett—CS for CS for SB 1566, CS for SB 2422; Scott—CS for SB 2148

RECESS

On motion by Senator McKay, the Senate recessed at 6:00 p.m. to reconvene at 9:30 a.m., Monday, April 26.