The Journal OF THE *House of Representatives*

Number 17 **Thursday, April 22, 1999**

The House was called to order by the Speaker at 8:50 a.m.

Prayer

The following prayer was offered by the Reverend Brant S. Copeland of First Presbyterian Church of Tallahassee, upon invitation of Rep. Turnbull:

O Lord, our governor, to you belongs all authority, and to you we owe our ultimate allegiance. It is by your leave that we govern ourselves.

Bless this House as it does its work today. Give to its Speaker and Members a vision for the good of all citizens of this state. Grant them compassion for the poor, the hungry, and the powerless, and do not let the voices of the rich, the satisfied, and the powerful drown out the cries of the least of their constituents.

In the remaining days of this session, give the Members of this House clear heads to sort out priorities, and guide them in the ways of your truth, justice, and love.

In these days of national crisis and sorrow, we pray you to comfort those who mourn and to protect the innocent from harm. Strengthen the bonds of community that hold us together, and show us how to live in peace and unity.

We ask this in your holy name, and for the sake of your glory. Amen.

The following Members were recorded present:

The Chair	Constantine	Greenstein	Minton
Alexander	Cosgrove	Hafner	Morroni
Andrews	Crady	Harrington	Murman
Argenziano	Crist	Hart	Ogles
Arnall	Crow	Healey	Patterson
Bainter	Dennis	Henriquez	Peaden
Ball	Detert	Heyman	Posey
Barreiro	Diaz de la Portilla	Hill	Prieguez
Bense	Dockery	Jones	Pruitt
Betancourt	Edwards	Kelly	Putnam
Bilirakis	Effman	Kilmer	Rayson
Bitner	Farkas	Kosmas	Reddick
Bloom	Fasano	Kyle	Ritchie
Boyd	Feeney	Lacasa	Ritter
Bradley	Fiorentino	Lawson	Roberts
Bronson	Flanagan	Levine	Rojas
Brown	Futch	Littlefield	Russell
Brummer	Gay	Lynn	Ryan
Bush	Goode	Melvin	Smith, C.
Byrd	Goodlette	Merchant	Smith, K.
Casey	Gottlieb	Miller, J.	Sobel
Chestnut	Green, C.	Miller, L.	Sorensen
Spratt	Sublette	Villalobos	Wilson
Stafford	Trovillion	Wallace	Wise
Stansel	Tullis	Warner	
Starks	Turnbull	Waters	
Suarez	Valdes	Wiles	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The Members, led by Lydia Boggs, Gray Crow, James Freeman, Emily Gerard, Jordan Howlette, Ashley E. Leland, Olivia D. Liggio, and Robert M. Sprentall, pledged allegiance to the Flag. Lydia Boggs of Tallahassee served at the invitation of the Speaker. Gray Crow of Palm Harbor served at the invitation of his father, Rep. Crow. James Freeman of Waldo served at the invitation of Rep. Casey. Emily Gerard of Babson Park served at the invitation of Rep. Alexander. Jordan Howlette of Valrico served at the invitation of Rep. Byrd. Ashley E. Leland of Lantana served at the invitation of Rep. Harrington. Olivia D. Liggio of Boynton Beach served at the invitation of Rep. Suarez. Robert M. Sprentall of Tarpon Springs served at the invitation of Rep. Crow.

House Physicians

The Speaker introduced Dr. Coy Irvin of Pensacola and Dr. Scott West of Orlando, who served in the Clinic today. Dr. Irvin served at the invitation of Rep. Maygarden, and Dr. West served at the invitation of Rep. Sublette.

Correction of the *Journal*

The *Journal* of April 21 was corrected and approved as follows: On page 728, column 2, line 20 from the bottom, after the title for CS/HB 1535, delete “was read the second time by title” and insert in lieu thereof: was read the first time by title

And before CS/HB 1535, above line 1 from the top, insert the following sponsors: By the Committees on General Government Appropriations; Agriculture; Representatives Putnam, Constantine, Bronson, Stansel, Patterson, Bainter, Harrington, Dockery, Spratt, Peaden, J. Miller, K. Smith, Wiles, Lynn, and Edwards—

And on page 744, column 1, delete the sponsors and title for CS/HB 1535 in lines 15 from the top through line 6 from the bottom

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 864, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Policy and Natural Resources—

CS for CS for SB 864—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 20.325, F.S.; specifying the divisions in the Fish and Wildlife Conservation Commission; transferring the duties of the Marine Fisheries Commission assigned to the Board of Trustees of the Internal Improvement Trust Fund to the commission; transferring the duties of the Game and Fresh Water Fish Commission to the Fish and Wildlife Conservation Commission; transferring certain duties of the Department of Environmental Protection, Division of Marine Resources and Division of Law Enforcement, to the Fish and Wildlife Conservation Commission; amending s. 20.255, F.S.; providing for the organization and powers of the Department of Environmental Protection; providing for a transition advisory committee to determine the appropriate number of support service personnel to be transferred; providing for an operating agreement and an annual work plan regarding responsibilities shared by the department and the commission; providing for submission of the work plan to the Governor and the Legislature; providing for a memorandum of agreement between the commission and the department regarding responsibilities of the Florida Marine Research Institute to the department; amending s. 206.606, F.S.; revising the distribution of funds; amending s. 259.101, F.S.; providing for the sale of conservation lands; amending s. 370.0603, F.S.; establishing the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission; amending s. 370.0608, F.S.; revising the use of license fees by the Fish and Wildlife Conservation Commission; amending s. 370.16; transferring certain activities related to oysters and shellfish to the Fish and Wildlife Conservation Commission; amending s. 370.26, F.S.; transferring certain activities related to aquaculture to the Fish and Wildlife Conservation Commission; amending s. 932.7055, F.S.; providing for funds to be deposited into the Forfeited Property Trust Fund; amending ss. 20.055, 23.21, 120.52, 120.81, 163.3244, 186.003, 186.005, 229.8058, 240.155, 252.365, 253.05, 253.45, 253.75, 253.7829, 253.787, 255.502, 258.157, 258.397, 258.501, 259.035, 259.036, 282.1095, 282.404, 285.09, 285.10, 288.021, 288.975, 316.640, 320.08058, 327.02, 327.25, 327.26, 327.28, 327.30, 327.35215, 327.395, 327.41, 327.43, 327.46, 327.48, 327.70, 327.71, 327.731, 327.74, 327.803, 327.804, 327.90, 328.01, 339.281, 341.352, 369.20, 369.22, 369.25, 370.01, 370.021, 370.028, 370.06, 370.0605, 370.0615, 370.062, 370.063, 370.0805, 370.081, 370.092, 370.093, 370.1107, 370.1111, 370.12, 370.13, 370.14, 370.1405, 370.142, 370.1535, 370.17, 370.31, 372.001, 372.01, 372.0215, 372.0222, 372.0225, 372.023, 372.025, 372.03, 372.051, 372.06, 372.07, 372.071, 372.072, 372.0725, 372.073, 372.074, 372.105, 372.106, 372.12, 372.121, 372.16, 372.26, 372.265, 372.27, 372.31, 372.57, 372.5714, 372.5717, 372.5718, 372.574, 372.651, 372.653, 372.66, 372.661, 372.662, 372.663, 372.664, 372.6645, 372.667, 372.6672, 372.672, 372.673, 372.674, 372.70, 372.701, 372.7015, 372.7016, 372.72, 372.73, 372.74, 372.76, 372.761, 372.77, 372.7701, 372.771, 372.85, 372.86, 372.87, 372.88, 372.89, 372.901, 372.911, 372.912, 372.92, 372.921, 372.922, 372.97, 372.971, 372.98, 372.981, 372.99, 372.9901, 372.9903, 372.9904, 372.9906, 372.991, 372.992, 372.995, 373.453, 373.455, 373.4595, 373.465, 373.466, 373.591, 375.021, 375.311, 375.312, 376.121, 378.011, 378.036, 378.409, 380.061, 388.45, 388.46, 403.0752, 403.0885, 403.413, 403.507, 403.508, 403.518, 403.526, 403.527, 403.5365, 403.7841, 403.786, 403.787, 403.9325, 403.941, 403.9411, 403.961, 403.962, 403.972, 403.973, 487.0615, 581.186, 585.21, 597.003, 597.004, 597.006, 784.07, 790.06, 790.15, 828.122, 832.06, 843.08, 870.04, 943.1728, F.S.; conforming provisions to the State Constitution and this act; repealing s. 370.0205, F.S., which provides for the use of citizen support organizations; repealing s. 370.025, F.S., which provides policies for the Marine Fisheries Commission; repealing s. 370.026, F.S., which provides for the creation of the Marine Fisheries Commission; repealing s. 370.027, F.S., which provides for rulemaking authority; repealing s. 372.021, F.S., which provides for the powers of the Game and Fresh Water Fish Commission; repealing s. 372.061, F.S., which provides for meetings of the Game and Fresh Water Fish Commission; repealing s. 373.1965, F.S., which creates the Coordinating Council on the Restoration of the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin; repealing s. 373.197, F.S., which provides direction for the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin restoration project; repealing s. 403.261, F.S., which provides for the repeal of rulemaking jurisdiction over air and water pollution; creating s. 403.0611, F.S.; providing for the use of citizen support organizations; creating s. 406.0613, F.S.; providing authorization for publications; creating s. 403.0614, F.S.; providing for the administration of Department of Environmental Protection grant programs; amending ss. 161.031, 161.36, 252.937, 309.01, 370.023, 370.03, 370.0607, 370.0609, 370.061, 370.07, 370.071, 370.08, 370.0821, 370.10, 370.103, 370.135, 370.143, 370.15, 370.151, 370.153, 370.1603, 370.172, 370.18, 370.19, 370.20, 370.21, 372.107, 376.15, 823.11, F.S.; conforming provisions to the State Constitution and this act; authorizing the executive Office of the Governor to transfer funds when necessary because of the reorganization made by this act, after prior consultation with specified legislative committees; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

Reports of Councils and Standing Committees

On motion by Rep. Arnall, the rules were suspended and **CS/HB 21** and **CS/HB 121** were added to the Special Order Calendar.

Special Orders

The Honorable John Thrasher April 21, 1999
Speaker, House of Representatives

Dear Mr. Speaker:

In accordance with the vote of the House, the following report is the Special Order for Thursday, April 22, 1999. Consideration of the House bills on Special Order shall include the Senate companion measures on the House Calendar.

I. Consideration of the following bill(s):
CS/CS/HB 2021—State Land Acquisition & Management
CS/HB 2115—Stewardship Florida Trust Fund
HB 299—Fla. Title Loan Act
HB 621—Wireless 911 Telephone Services
HB 317—Sales Tax/Real Property/Cable
HB 1479—Notices of Noncompliance
HB 1883—State-Administered Retirement
HB 1931—Scholarship Programs
HB 985—Florida's Entertainment Industry
HB 1007—Distance Learning Education
HB 847—Juvenile Detention/Severe Offenses
HB 2185—Medical Negligence Actions
HB 869—Child Care
HB 1853—School District Reviews/OPPAGA
CS/HB 327—Conflict of Interest/Indigents
HB 393—Workforce Development Education
HB 463—Pharmacy Practice
CS/HB 287—Pharmacy Patient Privacy Act of 1999
HB 1643—Carrie P. Meek Road
HB 489—Body-piercing Salons
HB 325—Lake Belt Mitigation Trust Fund
HB 329—Miami-Dade Co. Lake Belt Area
CS/HB 475—Housing Facility/Older Persons
CS/HB 587—Platted Lands
CS/HB 1659—Trusts & Trust Powers
HB 1765—Greenways & Trails
CS/HB 1143—Aquaculture
HB 885—FRS/Judge of Compensation Claims

CS/HB 365—Schools/Character Dev. Program
HB 765—Site-Determined Baccalaureate Degree
HB 2239—Medicaid Program
HB 2171—Condominium Associations
HB 1735—Building Designations/State Univ.
CS/HB 903—Employee Health Care Access Act

II. CEREMONIAL RESOLUTIONS CALENDAR BY PUBLICATION IN THE JOURNAL FOR Thursday, April 22, 1999.
HR 9183—Chapman, Alvah H., Jr.
HR 9197—MacKinnon, A.D. "Sandy"

Respectfully submitted,
Joseph Arnall
Chair
Committee on Rules & Calendar

On motion by Rep. Arnall, the above report was adopted, as amended.

Motions Relating to Committee References

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 1499 was withdrawn from the Committee on Utilities & Communications and remains referred to the Committee on Environmental Protection.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 2181 was withdrawn from the Committee on Real Property & Probate and remains referred to the Committee on Finance & Taxation.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 1507 was withdrawn from the Committee on Crime & Punishment and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 1555 was withdrawn from the Committee on Governmental Operations and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 2079 was withdrawn from the Committee on Governmental Operations and remains referred to the Committees on Environmental Protection and Transportation & Economic Development Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 1963 was withdrawn from the Committee on Governmental Rules & Regulations and remains referred to the Committees on Finance & Taxation and Transportation & Economic Development Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 2125 was withdrawn from the Committee on Governmental Rules & Regulations and remains referred to the Committees on Governmental Operations and Health & Human Services Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HBs 1499 and 2079 were withdrawn from the Committee on Environmental Protection. HB 1499 was placed on the appropriate Calendar. HB 2079 remains referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HBs 1421 and 1511 were withdrawn from the Committee on Water & Resource Management and remain referred to the Committee on Finance & Taxation.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 2105 was withdrawn from the Committee on Health Care Services and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS/HB 331 and CS/CS/HB 555 were withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HBs 1145, 1819, and 2141 were withdrawn from the Committee on Education Appropriations. HB 1145 remains referred to the Committee on Community Affairs. HBs 1819 and 2141 were placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS/HB 1147; HBs 1421, 1511, 1543, 1551, 1599, 1601, 1603, and 1605; CS/HB 1711; and HBs 2073 and 2181 were withdrawn from the Committee on Finance & Taxation. HBs 1421, 1511, 1543, 1551, 1599, 1601, 1603, 1605, and 2181 were placed on the appropriate Calendar. CS/HB 1711 and HB 2073 remain referred to the Committee on General Government Appropriations. CS/HB 1147 remains referred to the Committees on Judiciary and Transportation & Economic Development Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 1009 was withdrawn from the Committee on General Appropriations and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, SB 676; HBs 745, 991, 1609, and 1639; CS/HB 1711; and HBs 1825, 2073, and 2123 were withdrawn from the Committee on General Government Appropriations and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HBs 2091 and 2125 were withdrawn from the Committee on Health & Human Services Appropriations and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HBs 297, 639, and 1075; CS/HB 1147; and HBs 1757, 1887, and 2079 were withdrawn from the Committee on Transportation & Economic Development Appropriations. HBs 297, 639, 1075, 1757, 1887, and 2079 were placed on the appropriate Calendar. CS/HB 1147 remains referred to the Committee on Judiciary.

Reports of Councils and Standing Committees

Special Orders

The Honorable John Thrasher April 21, 1999
Speaker, House of Representatives

Dear Mr. Speaker:

In accordance with the vote of the House, the following report is the Special Order for Thursday, April 22, 1999. Consideration of the House bills on Special Order shall include the Senate companion measures on the House Calendar.

I. Time Certain - 3:30 pm - Tax Package
HB 47—Sales Tax Exemption/Truck Stop
HB 99—Sales Tax Exemption/Ad Agencies
HB 105—Sales Tax Exemption/Mining Equipment
CS/HB 221—Sales Tax/Coins, Currency, Bullion
HB 269—Lead-acid Battery Fee
HB 313—Community Contribution Tax Credits
CS/HB 397—Sales Tax Exemptions
HB 523—Sales Tax/T.V. Broadcasting Station
HB 537—Sales Tax/Vending Machines
CS/HB 545—Sales Tax/Government Contractors
HB 561—Sales Tax/Veterans' Org. & Auxiliary
HB 643—Taxes/Photographic/Printing Supplies
CS/HB 1083—Sales Tax Exemptions
HB 1119—Sales Tax/Private Equity Clubs
HB 1027—Enterprise Zones/Liberty County

II. Continuation of Special Order for Thursday, April 22, 1999:
HB 2151—Petroleum Contamination Site Rehab.
CS/HB 2145—Fish & Wildlife Conservation Comm.
CS/HB 1855—Agric. & Consumer Services Dept.
HB 2263—Elections
HB 2029—Emergency Management
CS/HB 1707—Management Services Dept.
HB 1753—Health Insurance/Rate Filing
HB 1767—Workers' Compensation
CS/HB 2147—Charter Schools
HB 1411—Florida College Savings Program
HB 477—Schools/Instructional Technology
CS/HB 1697—Postsecondary Student Fees
HB 1451—Law Enforcement Protection Act
HB 2149—Child Support
HB 2003—Mental Health & Substance Abuse
HB 1971—Nursing Home Facilities
HB 2121—Public Records/Nursing Homes
HB 2131—End-of-life Care
CS/HB 1467—Health Care Practitioners/Regulation
HB 2231—Health Care Services
HB 369—Women & Heart Disease Task Force
HB 2087—Medicaid Managed Health Care
HB 2091—Child Welfare
HB 783—Health Provider Contracts
HB 1979—Property Insurance
HB 2001—CFS Dept./Reorganization
CS/HB 767—Freight Forwarder Business

III. If on the Calendar, consideration of the following bills:
CS/HB 2013—Judicial Nominating Commissions
HB 1145—Educational Facilities
CS/HB 2067—Water Resource Management
CS/HB 2069—Fla. Watershed Restoration Act
CS/HB 2019—Child Protection
HB 195—Low-income & Elderly Housing/Taxes

Respectfully submitted,
Joseph Arnall
Chair
Committee on Rules & Calendar

On motion by Rep. Arnall, the above report was adopted.

Bills and Joint Resolutions on Third Reading

On motion by Rep. Rojas, **HB 1999** was temporarily postponed under Rule 141.

CS/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 read the third time by title. On passage, the vote was:

Yeas—110

The Chair	Boyd	Crow	Fuller
Alexander	Bradley	Dennis	Futch
Andrews	Bronson	Detert	Gay
Argenziano	Brown	Diaz de la Portilla	Goode
Arnall	Brummer	Dockery	Goodlette
Bainter	Bush	Edwards	Gottlieb
Ball	Byrd	Effman	Green, C.
Barreiro	Cantens	Farkas	Greenstein
Bense	Casey	Fasano	Hafner
Betancourt	Chestnut	Feeney	Harrington
Bilirakis	Constantine	Fiorentino	Hart
Bitner	Cosgrove	Flanagan	Healey
Bloom	Crady	Frankel	Henriquez
Heyman	Melvin	Reddick	Starks
Hill	Merchant	Ritchie	Suarez
Johnson	Miller, J.	Ritter	Sublette
Jones	Miller, L.	Roberts	Trovillion
Kelly	Minton	Rojas	Tullis
Kilmer	Morroni	Russell	Turnbull
Kosmas	Murman	Ryan	Valdes
Kyle	Ogles	Sanderson	Villalobos
Lacasa	Patterson	Sembler	Wallace
Lawson	Peaden	Smith, C.	Warner
Levine	Posey	Smith, K.	Waters
Littlefield	Prieguez	Sobel	Wiles
Logan	Pruitt	Spratt	Wilson
Lynn	Putnam	Stafford	
Maygarden	Rayson	Stansel	

Nays—None

Votes after roll call:
Yeas—Albright, Wise

So the bill passed, as amended, and was immediately certified to the Senate.

CS/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 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 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 read the second time by title. On motion by Rep. Putnam, the rules were suspended and the bill was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Dennis	Jones	Ritter
Albright	Detert	Kelly	Roberts
Alexander	Diaz de la Portilla	Kilmer	Rojas
Andrews	Dockery	Kosmas	Russell
Argenziano	Edwards	Kyle	Ryan
Arnall	Effman	Lacasa	Sanderson
Bainter	Farkas	Lawson	Sembler
Ball	Fasano	Levine	Smith, C.
Barreiro	Feeney	Littlefield	Smith, K.
Bense	Fiorentino	Logan	Sobel
Betancourt	Flanagan	Lynn	Spratt
Bilirakis	Frankel	Maygarden	Stafford
Bitner	Fuller	Melvin	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Gay	Miller, J.	Suarez
Bradley	Goode	Miller, L.	Sublette
Bronson	Goodlette	Minton	Trovillion
Brown	Gottlieb	Morroni	Tullis
Brummer	Green, C.	Murman	Turnbull
Bush	Greene, A.	Ogles	Valdes
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wallace
Casey	Harrington	Posey	Warner
Chestnut	Hart	Prieguez	Waters
Constantine	Healey	Pruitt	Wiles
Cosgrove	Henriquez	Putnam	Wilson
Crady	Heyman	Rayson	Wise
Crist	Hill	Reddick	
Crow	Johnson	Ritchie	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 403—A bill to be entitled An act relating to title insurance; amending ss. 624.509, 626.841, 626.8411, 626.9541, 627.7711, 627.777, 627.7773, 627.7776, 627.780, 627.783, 627.7831, 627.784, 627.7841, 627.7842, 627.7845, 627.786, 627.791, and 627.792, F.S.; revising and clarifying application of provisions relating to title insurance agents, policies, premiums, rates, contracts, charges, and practices; amending s. 625.111, F.S.; specifying the components of unearned premium reserve for certain financial statements; providing a formula for releasing unearned premium reserve over a period of years; providing definitions; amending s. 627.7711, F.S.; revising definitions; amending s. 627.782, F.S.; providing a limitation on payment of portions of premiums for primary title services; creating s. 627.7825, F.S.; specifying certain alternative premium rates to be charged by title insurers for certain title insurance contracts for a certain period; providing requirements; providing limitations; providing for a new home purchase discount; excepting such rates from certain deviation provisions under certain circumstances; creating s. 627.793, F.S.; authorizing the Department of Insurance to adopt rules; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—107

The Chair	Bitner	Constantine	Fasano
Albright	Bloom	Cosgrove	Feeney
Alexander	Boyd	Crady	Fiorentino
Andrews	Bradley	Crist	Flanagan
Arnall	Bronson	Crow	Frankel
Bainter	Brown	Dennis	Fuller
Ball	Brummer	Detert	Futch
Barreiro	Bush	Diaz de la Portilla	Gay
Bense	Byrd	Dockery	Goodlette
Betancourt	Cantens	Edwards	Gottlieb
Bilirakis	Casey	Farkas	Green, C.
Greene, A.	Littlefield	Putnam	Stansel
Greenstein	Lynn	Rayson	Starks
Hafner	Maygarden	Reddick	Suarez
Harrington	Melvin	Ritchie	Sublette
Hart	Merchant	Ritter	Trovillion
Healey	Miller, J.	Roberts	Tullis
Henriquez	Miller, L.	Rojas	Turnbull
Heyman	Minton	Russell	Valdes
Hill	Morroni	Ryan	Villalobos
Johnson	Murman	Sanderson	Wallace
Jones	Ogles	Sembler	Warner
Kelly	Patterson	Smith, C.	Waters
Kilmer	Peaden	Smith, K.	Wiles
Kosmas	Posey	Sobel	Wilson
Kyle	Prieguez	Sorensen	Wise
Levine	Pruitt	Stafford	

Nays—5

Argenziano	Effman	Goode	Spratt
Chestnut			

Votes after roll call:
Yeas—Logan

So the bill passed, as amended, and was immediately certified to the Senate.

CS/HB 519—A bill to be entitled An act relating to spring training franchise facilities; amending s. 125.0104, F.S.; defining the term "retained spring training franchise"; providing that the additional local option tourist development taxes presently authorized to finance the construction or renovation of a professional sports franchise facility may also be used to finance the acquisition, construction, or renovation of a retained spring training franchise facility; correcting a reference; providing an appropriation to the Office of Tourism, Trade, and Economic Development for a grant to a local government for the acquisition, construction, reconstruction, or renovation of a retained spring training franchise facility and providing conditions with respect thereto; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Crist	Henriquez	Putnam
Albright	Crow	Heyman	Rayson
Alexander	Dennis	Hill	Reddick
Andrews	Detert	Johnson	Ritchie
Argenziano	Diaz de la Portilla	Jones	Ritter
Arnall	Dockery	Kelly	Roberts
Bainter	Edwards	Kilmer	Rojas
Ball	Effman	Kosmas	Russell
Barreiro	Farkas	Kyle	Ryan
Bense	Fasano	Lawson	Sanderson
Betancourt	Feeney	Littlefield	Sembler
Bilirakis	Fiorentino	Logan	Smith, C.
Bitner	Flanagan	Lynn	Smith, K.
Bloom	Frankel	Maygarden	Sobel
Boyd	Fuller	Melvin	Sorensen
Bradley	Futch	Merchant	Spratt
Bronson	Gay	Miller, J.	Stafford
Brown	Goode	Miller, L.	Stansel
Brummer	Goodlette	Minton	Starks
Bush	Gottlieb	Morroni	Suarez
Byrd	Green, C.	Murman	Sublette
Cantens	Greene, A.	Ogles	Trovillion
Casey	Greenstein	Patterson	Tullis
Chestnut	Hafner	Peaden	Turnbull
Constantine	Harrington	Posey	Valdes
Cosgrove	Hart	Prieguez	Villalobos
Crady	Healey	Pruitt	Wallace

Warner	Wiles	Wilson	Wise
Waters			

Nays—1

Levine

So the bill passed, as amended, and was immediately certified to the Senate.

CS/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 passage, the vote was:

Yeas—110

The Chair	Dennis	Johnson	Roberts
Albright	Detert	Jones	Rojas
Alexander	Diaz de la Portilla	Kelly	Russell
Andrews	Dockery	Kilmer	Ryan
Argenziano	Edwards	Kosmas	Sanderson
Arnall	Effman	Kyle	Smith, C.
Bainter	Farkas	Lawson	Smith, K.
Ball	Fasano	Levine	Sobel
Barreiro	Feeney	Littlefield	Sorensen
Bense	Fiorentino	Logan	Spratt
Betancourt	Flanagan	Lynn	Stafford
Bilirakis	Frankel	Maygarden	Stansel
Bitner	Fuller	Merchant	Starks
Bloom	Futch	Miller, J.	Suarez
Boyd	Gay	Miller, L.	Sublette
Bradley	Goode	Minton	Trovillion
Bronson	Goodlette	Morroni	Tullis
Brown	Gottlieb	Murman	Turnbull
Brummer	Green, C.	Ogles	Valdes
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Posey	Wallace
Cantens	Hafner	Prieguez	Warner
Casey	Harrington	Pruitt	Waters
Chestnut	Hart	Putnam	Wiles
Constantine	Healey	Rayson	Wilson
Crady	Henriquez	Reddick	Wise
Crist	Heyman	Ritchie	
Crow	Hill	Ritter	

Nays—None

Votes after roll call:
Yeas—Melvin, Sembler

So the bill passed, as amended, and was immediately certified to the Senate.

CS for SB 82—A bill to be entitled An act relating to road and bridge designation; codesignating a portion of State Road 54 in Pasco County as the "State Trooper James Crooks Highway"; directing the Department of Transportation to erect suitable signs; designating the Florida Highway Patrol substation on State Road 52 in Land O'Lakes as the "State Trooper James Crooks Substation"; directing the Department of Highway Safety to erect suitable markers; directing the Department of Transportation to erect two additional markers for the "Purple Heart Highway" on State Road 54; designating a portion of Southwest 87th Avenue from Coral Way to Bird Road in Miami-Dade County as the "Saint Marcellin Champagnat Way"; directing the Department of Transportation to erect suitable markers; designating a portion of Highway 20 lying west of the Apalachicola River Bridge in Calhoun County to the Bay County line on the west as the "Fuller Warren Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of U.S. Highway 98 in Franklin County as the "Camp Gordon Johnston Memorial Highway"; directing the Department of Transportation to erect suitable markers; designating a specified bridge in Fort Lauderdale the "E. Clay Shaw, Jr., Bridge"; designating a specified portion of highway in Fort Lauderdale the "Commodore Brook Memorial Causeway"; directing the Department of Transportation to erect suitable markers; designating a portion of U.S. Highway 90 in Jefferson and Leon counties as a part of the "Florida Arts Trail"; directing the Department of Transportation to erect suitable signs; designating a portion of State Road 9 from NW 58th Street in Dade County to the Broward County line as the "Carrie P. Meek Boulevard"; directing the Department of Transportation to erect suitable markers; naming the Destin Bridge at East Pass the "William T. Marler Bridge"; directing the Department of Transportation to erect suitable markers; designating U.S. Highway 27 as the "Claude Pepper Memorial Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of Biscayne Boulevard as the "Jorge Mas Canosa Boulevard"; directing the Department of Transportation to erect suitable markers; designating a portion of SW 1st Street in Dade County the "Armando Perez 'Yambo' Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—111

The Chair	Crow	Hill	Ritter
Albright	Dennis	Johnson	Roberts
Alexander	Detert	Jones	Rojas
Andrews	Diaz de la Portilla	Kelly	Russell
Argenziano	Dockery	Kilmer	Ryan
Arnall	Edwards	Kosmas	Sanderson
Bainter	Effman	Kyle	Sembler
Ball	Farkas	Lawson	Smith, C.
Barreiro	Fasano	Littlefield	Smith, K.
Bense	Feeney	Logan	Sobel
Betancourt	Fiorentino	Maygarden	Sorensen
Bilirakis	Flanagan	Melvin	Spratt
Bitner	Frankel	Merchant	Stafford
Bloom	Fuller	Miller, J.	Stansel
Boyd	Futch	Miller, L.	Starks
Bradley	Gay	Minton	Suarez
Bronson	Goode	Morroni	Sublette
Brown	Goodlette	Murman	Trovillion
Brummer	Gottlieb	Ogles	Tullis
Bush	Green, C.	Patterson	Turnbull
Byrd	Greene, A.	Peaden	Valdes
Cantens	Greenstein	Posey	Villalobos
Casey	Hafner	Prieguez	Wallace
Chestnut	Harrington	Pruitt	Warner
Constantine	Hart	Putnam	Waters
Cosgrove	Healey	Rayson	Wiles
Crady	Henriquez	Reddick	Wise
Crist	Heyman	Ritchie	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. L. Miller, **CS/HBs 1927 & 961** was temporarily postponed under Rule 141 and the third reading nullified.

CS/HB 1033—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; defining "juvenile justice provider" and "school year for juvenile justice programs"; amending s. 228.051, F.S., relating to the organization and funding of required public schools; requiring the public schools of the state to provide instruction for youth in Department of Juvenile Justice programs; amending s. 228.081, F.S.; requiring the development and adoption of a rule articulating expectations for education programs for youth in Department of Juvenile Justice programs; requiring the development of model contracts for the delivery of educational services to youth in Department of Juvenile Justice programs; requiring the Department of Education to provide training and technical assistance; requiring the development of model procedures for transitioning youth into and out of Department of Juvenile Justice programs; requiring the development of model procedures regarding education records; requiring the Department of Education to provide, or contract for the provision of, quality assurance reviews of all juvenile justice education programs; amending s. 229.57, F.S.; revising provisions relating to the statewide assessment program to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs; requiring the Department of Education to develop and implement assessment tools to be used in juvenile justice programs; amending s. 229.58, F.S.; authorizing the establishment of district advisory councils for juvenile justice education programs; amending s. 229.592, F.S.; revising provisions relating to the implementation of the state system of school improvement and education accountability to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs; deleting obsolete language; amending s. 230.23, F.S., relating to powers and duties of the school board; revising provisions relating to school improvement plans and public disclosure to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs; amending s. 230.23161, F.S., relating to educational services in Department of Juvenile Justice programs; providing legislative intent; requiring the Department of Education to serve as the lead agency; requiring the Department of Education and the Department of Juvenile Justice to designate a coordinator to ensure department participation in certain activities; requiring student access to GED programs; requiring certain funding; revising provisions relating to compulsory school attendance; requiring the development of an academic improvement plan for certain students; providing requirements regarding academic records; requiring provisions for the earning and transfer of credits; providing funding requirements; revising provisions relating to quality assurance standards; requiring the Department of Juvenile Justice site visit and the education quality assurance site visit to take place during the same visit; requiring the establishment of minimum standards; requiring the State Board of Education to adopt rules establishing sanctions for performance below minimum standards; revising requirements regarding an annual report; creating s. 235.1975, F.S., relating to cooperative development of educational facilities in juvenile justice programs; requiring a review and analysis of existing facilities; requiring the development and submission of a plan; requiring the Department of Juvenile Justice to provide certain information to school districts and the Department of Education regarding new juvenile justice facilities; providing an appropriation; providing requirements regarding planning and budgeting; amending s. 237.34, F.S.; requiring each district to expend at least 90 percent of the funds generated by juvenile justice programs on the aggregate total school costs for such programs; amending s. 985.401, F.S.; requiring the Juvenile Justice Accountability Board to study the extent and nature of education programs for juvenile offenders; amending s. 985.413, F.S.; revising the duties of district juvenile justice boards; requiring the development and submission of a plan for education programs in detention centers; amending s. 985.404, F.S., relating to the administration of the juvenile justice continuum; correcting a cross reference; providing an effective date.

—was read the third time by title.

Representative(s) Fiorentino offered the following:

Amendment 15—On page 7, lines 22 and 23, remove from the bill: all of said lines

and insert in lieu thereof:

(h) Qualifications of instructional staff, procedures for the selection of instructional staff, and procedures to ensure consistent instruction and qualified staff year round.

Rep. Fiorentino moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 1033. The vote was:

Yeas—115

The Chair	Dennis	Jones	Ritter
Albright	Detert	Kelly	Roberts
Alexander	Diaz de la Portilla	Kilmer	Rojas
Andrews	Dockery	Kosmas	Russell
Argenziano	Edwards	Kyle	Ryan
Arnall	Effman	Lacasa	Sanderson
Bainter	Farkas	Lawson	Sembler
Ball	Fasano	Levine	Smith, C.
Barreiro	Feeney	Littlefield	Smith, K.
Bense	Fiorentino	Logan	Sobel
Betancourt	Flanagan	Lynn	Sorensen
Bilirakis	Frankel	Maygarden	Spratt
Bitner	Fuller	Melvin	Stafford
Bloom	Futch	Merchant	Stansel
Boyd	Gay	Miller, J.	Starks
Bradley	Goode	Miller, L.	Suarez
Bronson	Goodlette	Minton	Sublette
Brown	Gottlieb	Morroni	Trovillion
Brummer	Green, C.	Murman	Tullis
Bush	Greene, A.	Ogles	Turnbull
Byrd	Greenstein	Patterson	Valdes
Cantens	Hafner	Peaden	Villalobos
Casey	Harrington	Posey	Wallace
Chestnut	Hart	Prieguez	Warner
Constantine	Healey	Pruitt	Waters
Cosgrove	Henriquez	Putnam	Wiles
Crady	Heyman	Rayson	Wilson
Crist	Hill	Reddick	Wise
Crow	Johnson	Ritchie	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

SB 1794—A bill to be entitled An act relating to postsecondary remediation; amending s. 239.301, F.S., relating to adult general education; revising a provision relating to funding for college-preparatory classes; amending s. 240.1161, F.S., relating to district interinstitutional articulation agreements; authorizing the provision of performance incentive funds for the effective implementation of remedial reduction plans; providing that interinstitutional articulation agreements include a plan outlining the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers; amending s. 240.117, F.S., relating to common placement testing for public postsecondary education; revising a provision relating to funding for college-preparatory classes; amending s. 240.124, F.S.; providing exceptions to the requirement that students enrolled in the same course more than twice pay the full cost of instruction and not be included in calculations for state funding purposes; providing an effective date.

—was read the third time by title. On passage, the vote was:

Yeas—103

Albright	Argenziano	Bainter	Barreiro
Andrews	Arnall	Ball	Bense

Betancourt	Fiorentino	Littlefield	Sanderson
Bilirakis	Frankel	Logan	Sembler
Bitner	Fuller	Lynn	Smith, C.
Bloom	Futch	Melvin	Smith, K.
Boyd	Gay	Merchant	Sobel
Bradley	Goode	Miller, J.	Sorensen
Brown	Goodlette	Miller, L.	Spratt
Brummer	Gottlieb	Minton	Stafford
Bush	Green, C.	Morroni	Stansel
Byrd	Greene, A.	Murman	Starks
Cantens	Greenstein	Ogles	Suarez
Casey	Hafner	Patterson	Sublette
Chestnut	Harrington	Peaden	Trovillion
Constantine	Hart	Posey	Tullis
Cosgrove	Healey	Prieguez	Turnbull
Crady	Henriquez	Pruitt	Valdes
Crist	Heyman	Rayson	Villalobos
Crow	Hill	Reddick	Wallace
Dennis	Jones	Ritchie	Warner
Detert	Kelly	Ritter	Waters
Diaz de la Portilla	Kilmer	Roberts	Wiles
Edwards	Kosmas	Rojas	Wilson
Effman	Lawson	Russell	Wise
Farkas	Levine	Ryan	

Nays—11

The Chair	Dockery	Flanagan	Lacasa
Alexander	Fasano	Johnson	Putnam
Bronson	Feeney	Kyle	

Votes after roll call:
Yeas to Nays—Constantine

So the bill passed and was immediately certified to the Senate.

CS/HBs 1927 & 961—A bill to be entitled An act relating to managed health care; amending s. 408.05, F.S.; requiring the State Center for Health Statistics to publish health maintenance organization report cards; amending s. 408.7056, F.S.; excluding certain additional grievances from consideration by a statewide provider and subscriber assistance panel; revising panel membership; amending s. 627.6471, F.S.; requiring preferred provider organization policies which do not provide direct patient access to a dermatologist to conform to certain requirements imposed on exclusive provider organization contracts; amending s. 641.31, F.S.; providing for a point-of-service benefit rider on a health maintenance contract; providing requirements; providing restrictions; authorizing reasonable copayment and annual deductible; providing exceptions relating to subscriber liability for services received; amending s. 641.3155, F.S.; providing a process for retroactive reduction of payments of provider claims under certain circumstances; amending s. 641.51, F.S.; requiring that health maintenance organizations provide additional information to the Agency for Health Care Administration indicating quality of care; removing a requirement that organizations conduct customer satisfaction surveys; revising requirements for preventive pediatric health care provided by health maintenance organizations; amending s. 641.58, F.S.; providing for moneys in the Health Care Trust Fund to be used for additional purposes; directing the director of the Agency for Health Care Administration to establish an advisory group on the submission and payment of health claims; providing membership and duties; requiring a report; providing an appropriation; providing effective dates.

—was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Bainter	Bitner	Brummer
Albright	Ball	Bloom	Bush
Alexander	Barreiro	Boyd	Byrd
Andrews	Bense	Bradley	Cantens
Argenziano	Betancourt	Bronson	Casey
Arnall	Bilirakis	Brown	Chestnut
Constantine	Greene, A.	Merchant	Smith, C.
Cosgrove	Greenstein	Miller, J.	Smith, K.
Crady	Hafner	Miller, L.	Sobel
Crow	Harrington	Minton	Sorensen
Dennis	Hart	Morroni	Spratt
Detert	Healey	Murman	Stafford
Diaz de la Portilla	Henriquez	Ogles	Stansel
Dockery	Heyman	Patterson	Starks
Edwards	Hill	Peaden	Suarez
Effman	Johnson	Posey	Sublette
Farkas	Jones	Prieguez	Trovillion
Fasano	Kelly	Pruitt	Tullis
Feeney	Kilmer	Putnam	Turnbull
Fiorentino	Kosmas	Rayson	Valdes
Flanagan	Kyle	Reddick	Villalobos
Frankel	Lacasa	Ritchie	Wallace
Fuller	Lawson	Ritter	Warner
Futch	Levine	Roberts	Waters
Gay	Littlefield	Rojas	Wiles
Goode	Logan	Russell	Wilson
Goodlette	Lynn	Ryan	Wise
Gottlieb	Maygarden	Sanderson	
Green, C.	Melvin	Sembler	

Nays—None

Votes after roll call:
Yeas—Crist

So the bill passed, as amended, and was immediately certified to the Senate.

Special Orders

CS/CS/HB 2021—A bill to be entitled An act relating to state land acquisition and management; amending s. 201.15, F.S.; revising provisions relating to distribution of certain documentary stamp tax revenues; providing limitations; providing for legislative review; providing certain future distributions; amending ss. 161.05301 and 161.091, F.S.; correcting cross references; creating s. 215.618, F.S.; providing for the issuance of Stewardship Florida bonds; providing limitations; providing procedures and legislative intent; amending s. 216.331, F.S.; correcting a cross reference; amending s. 253.027, F.S.; providing for the reservation of funds; revising the criteria for expenditures for archaeological property to include lands on the acquisition list for the Stewardship Florida program; amending s. 253.03, F.S.; providing certain structures entitled to continue sovereignty submerged lands leases; amending s. 253.034, F.S.; providing for the use of state-owned lands; providing for the sale of surplus state lands; amending s. 253.7825, F.S.; revising acreage requirements for a horse park-agricultural center; amending s. 259.03; F.S.; deleting obsolete definitions; providing new definitions; amending s. 259.032, F.S.; providing legislative intent; specifying certain uses of funds from the Conservation and Recreation Lands Trust Fund; revising provisions relating to individual land management plans; revising eligibility for payment in lieu of taxes; deleting obsolete language; revising timeframe for removal of certain projects from a priority list; creating s. 259.034, F.S.; creating the Acquisition and Restoration Commission; specifying membership and duties; providing for compensation; authorizing adoption of rules; providing for per diem and travel expenses; amending s. 259.035, F.S.; correcting a cross reference; amending s. 259.036, F.S.; providing conforming language; amending s. 259.04, F.S.; conforming language and cross references; amending s. 259.041, F.S.; providing procedures and guidelines for land acquisition; providing legislative intent and guidelines for use of less than fee land acquisition alternatives; amending s. 259.101, F.S.; providing for redistribution for certain unencumbered P2000 funds; conforming language and cross references; creating s. 259.105, F.S.; creating the Stewardship Florida Act; providing legislative findings and intent; providing for issuing bonds; providing for distribution and use of bond proceeds; providing project goals and selection criteria; providing application and selection procedures; authorizing certain uses of

acquired lands; authorizing adoption of rules, subject to legislative review; authorizing contractual arrangements to manage lands identified for acquisition under Stewardship Florida program; amending s. 260.012, F.S.; clarifying legislative intent relating to the statewide system of greenways and trails; amending s. 260.013, F.S.; clarifying a definition; amending s. 260.014, F.S.; including waterways in the statewide system of greenways and trails; creating s. 260.0142, F.S.; creating the Florida Greenways and Trails Council within the Department of Environmental Protection; providing for membership, powers, and duties; amending s. 260.016, F.S.; revising powers of the Department of Environmental Protection with respect to greenways and trails; deleting reference to the Florida Recreational Trails Council; amending s. 260.018, F.S., to conform to the act; amending s. 288.1224, F.S.; providing conforming language; providing exceptions to the designation process for certain recreational trails; amending s. 369.252, F.S.; providing for the use of certain funds from the Aquatic Plant Control Trust Fund; amending s. 369.307, F.S.; providing conforming language; amending s. 373.089, F.S.; providing procedure for the surplusing of water management district lands; amending s. 373.139, F.S.; revising authority and requirements for acquisition and disposition of lands by the water management districts; requiring a 5-year plan of acquisition and management activities; providing procedures and requirements for purchase and funding; requiring an annual report; providing district rulemaking authority, subject to legislative review; creating s. 373.199, F.S.; providing duties of the water management districts in assisting the Acquisition and Restoration Commission; requiring development of recommended project lists; specifying required information; amending s. 373.59, F.S.; revising authorized uses of funds from the Water Management Lands Trust Fund; providing district rulemaking authority, subject to legislative review; revising eligibility criteria for payment in lieu of taxes; amending s. 375.075, F.S.; revising funding and procedures for the Florida Recreation Development Assistance Program; amending ss. 380.0666 and 380.22, F.S.; providing conforming language; amending s. 380.503, F.S.; providing definitions; amending s. 380.504, F.S.; revising the composition of the Florida Communities Trust; amending s. 380.505, F.S.; revising quorum requirements; amending s. 380.507, F.S.; providing for titling of certain acquired property to a local government; revising rulemaking authority; amending s. 380.510, F.S.; requiring covenants and restrictions for certain property, necessary to comply with constitutional requirements; amending ss. 420.5092 and 420.9073, F.S.; correcting cross references; repealing s. 253.787, F.S., relating to the Florida Greenways Coordinating Council; repealing s. 259.035, F.S., relating to the Land Acquisition and Management Advisory Council; repealing s. 259.07, F.S., relating to public meetings of the council; creating the Stewardship Florida Study Commission; providing membership and duties; providing an appropriation; providing effective dates.

—was read the second time by title.

Representative(s) Dockery and Constantine offered the following:

Amendment 1—On page 71, lines 23 through 24
remove from the bill: all of said lines

and insert in lieu thereof:
conservation goals, including protecting Florida's water resources and natural groundwater recharge.

Rep. Dockery moved the adoption of the amendment, which was adopted.

Representative(s) Constantine and Dockery offered the following:

Amendment 2—On page 66, line 1
remove from the bill: "two"

and insert in lieu thereof:
~~two~~ *three*

Rep. Constantine moved the adoption of the amendment, which was adopted.

Representative(s) Constantine and Dockery offered the following:

Amendment 3—On page 137, line 23 thru page 139, line 24
remove from the bill: all of said lines

and insert in lieu thereof:

(1)(a) There is hereby created the Stewardship Florida Study Commission, consisting of 9 members. The Governor shall appoint five members and the President of the Senate and the Speaker of the House of Representatives shall each appoint two members. The membership of the commission shall reflect a broad range of interests and expertise related to land restoration, acquisition, and management and shall include, but not be limited to, persons with training in hydrogeology, wildlife biology, engineering, real estate, and forestry management, and persons with substantial expertise representing environmental interests, agricultural and silvicultural interests, outdoor recreational interests, and land development interests.

(b) Each member of the commission may receive per diem and travel expenses, as provided in s. 112.061, Florida Statutes, while carrying out the official business of the commission.

(c) The commission shall be staffed by an executive director and other personnel who are appointed by the commission and who are exempt from part II of chapter 110, Florida Statutes, relating to the Career Service System.

(d) The commission shall execute a contract with the Florida Natural Areas Inventory for the scientific assistance necessary to fulfill the requirements of subsection (2).

(e) Appointments shall be made by August 15, 1999, and the commission's first meeting shall be held by September 15, 1999. The commission shall exist until December 31, 2000. The Governor shall designate, from among the appointees, the chair of the commission.

(2) The Stewardship Florida Study Commission shall:

(a) Provide a report to the Acquisition and Restoration Commission, by September 1, 2000, which meets the following requirements:

1. Establishes specific goals for those identified in s. 259.105(4), Florida Statutes.

2. Provides recommendations expanding or refining the goals identified in s. 259.105(4), Florida Statutes.

3. Provides recommendations for the development and identification of performance measures to be used for analyzing the progress made towards the goals established pursuant to s. 259.105(4), Florida Statutes.

4. Provides recommendations for the process by which projects are to be submitted, reviewed, and approved by the Acquisition and Restoration Commission. The study commission is specifically to examine ways to streamline the process created by the Stewardship Florida Act.

(b) The report shall be based on the following:

1. Comments received during a minimum of four public hearings, in different areas of the state, held for the purpose of gathering public input and recommendations.

2. An evaluation of Florida's existing public land acquisition programs for conservation, preservation, and recreational purposes, including those administered by the water management districts, to determine the extent of Florida's unmet needs for restoration, acquisition, and management of public lands and water areas and for acquisition of privately owned lands and water areas.

3. Material and data developed by the Florida Natural Areas Inventory concerning Florida's conservation lands.

(c) The commission may make recommendations concerning other aspects of the "Stewardship Florida Act."

(3) There is hereby appropriated the sum of $150,000 from the Conservation and Recreation Lands Trust Fund and the sum of $150,000

from the Water Management Lands Trust Fund to the Executive Office of the Governor for fiscal year 1999-2000 to fund the expenses of the Stewardship Florida Study Commission. Of this appropriation the Florida Natural Areas Inventory shall receive no less than $50,000 for the contractural services required under paragraph (1)(d).

Rep. Constantine moved the adoption of the amendment, which was adopted.

Representative(s) Dockery and Constantine offered the following:

Amendment 4—On page 73, lines 18 through 24
remove from the bill: all of said lines

and insert in lieu thereof:

(j) It is the intent of the Legislature that the percentage distributions prescribed within this subsection be reviewed and recommendations be made on whether adjustments are needed. To assist the Legislature in performing these reviews the Acquisition and Restoration Commission with cooperation from the Department of Environmental Protection and the Executive Office of the Governor shall submit a report that details: specific expenditures made under each paragraph of this section; recommendations for adjusting or expanding the goals; and recommendations for adjusting the percentage distributions. Such report shall be submitted to the President of the Senate and Speaker of the House 30 days prior to the regular legislative sessions in the following years: 2002, 2004, 2006, and 2008.

Rep. Dockery moved the adoption of the amendment, which was adopted.

Representative(s) Constantine and Dockery offered the following:

Amendment 5—On page 30, line 23 through page 31, line 9
remove from the bill: all of said lines

and insert in lieu thereof:
state-funded land purchase programs shall be authorized, upon a finding by the board of trustees, if they meet the criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:

(a) Not inconsistent with the management plan for such lands;

(b) Compatible with the natural ecosystem and resource values of such lands;

(c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other available lands;

(d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and

(e) The use provides a significant public interest.
A decision by the board of trustees pursuant to this subsection shall be given a presumption of correctness.

Rep. Constantine moved the adoption of the amendment, which was adopted.

Representative(s) Constantine and Dockery offered the following:

Amendment 6—On page 123, lines 6 through 23
remove from the bill: all of said lines

and insert in lieu thereof:
state-funded land purchase programs shall be authorized, upon a finding by the governing board, if they meet the criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:

(a) Not inconsistent with the management plan for such lands;

(b) Compatible with the natural ecosystem and resource values of such lands;

(c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other available lands;

(d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and

(e) The use provides a significant public interest.
A decision by the governing board pursuant to this subsection shall be given a presumption of correctness.

Rep. Dockery moved the adoption of the amendment, which was adopted.

Representative(s) Alexander and Dockery offered the following:

Amendment 7 (with title amendment)—On page 101, line 26 through page 123, line 26
remove from the bill: all of said lines

and insert in lieu thereof:

(1) The Legislature declares it to be necessary for the public health and welfare that water and water-related resources be conserved and protected. The acquisition of real property for this objective shall constitute a public purpose for which public funds may be expended.

(2)*(a)* The governing board of the district is empowered and authorized to acquire *in* fee *or less than fee* title to real property, and easements therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, *aquifer recharge, water resource and water supply development,* and preservation of wetlands, streams, and lakes.~~, except that~~ Eminent domain powers may be used only for acquiring real property for flood control and water storage or for curing title defects or encumbrances to real property to be acquired from a willing seller.

(b) For the purpose of introducing water into, or drawing water from, the underlying aquifer for storage or supply, the governing board is authorized to hold, control, and acquire by donation, lease, or purchase any land, public or private.

(3)*(a) No acquisition of lands shall occur without a public hearing similar to those held pursuant to the provisions set forth in s. 120.54.*

(b) Title information, appraisal reports, offers, and counteroffers are confidential and exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing board. However, each district may, at its discretion, disclose appraisal reports to private landowners during negotiations for acquisitions using alternatives to fee simple techniques, if the district determines that disclosure of such reports will bring the proposed acquisition to closure. In the event that negotiation is terminated by the district, the title information, appraisal report, offers, and counteroffers shall become available pursuant to s. 119.07(1). Notwithstanding the provisions of this section and s. 259.041, a district and the Division of State Lands may share and disclose title information, appraisal reports, appraisal information, offers, and counteroffers when joint acquisition of property is contemplated. A district and the Division of State Lands shall maintain the confidentiality of such title information, appraisal reports, appraisal information, offers, and counteroffers in conformance with this section and s. 259.041, except in those cases in which a district and the division have exercised discretion to disclose such information.

(c) The Secretary of Environmental Protection shall release moneys from the appropriate account or trust fund to a district for preacquisition costs within 30 days after receipt of a resolution adopted by the district's governing board which identifies and justifies any such preacquisition costs necessary for the purchase of any lands listed in the district's 5-year workplan. The district shall return to the department any funds not used for the purposes stated in the resolution, and the department shall deposit the unused funds into the appropriate account or trust fund.

(d) The Secretary of Environmental Protection shall release acquisition moneys from the appropriate account or trust fund to a district following receipt of a resolution adopted by the governing board identifying the lands being acquired and certifying that such acquisition is consistent with the 5-year workplan of acquisition and other provisions of this section. The governing board also shall provide to the Secretary of Environmental Protection a copy of all certified appraisals used to determine the value of the land to be purchased. Each parcel to be acquired must have at least one appraisal. Two appraisals are required when the estimated value of the parcel exceeds $500,000. However, when both appraisals exceed $500,000 and differ significantly, a third appraisal may be obtained. If the purchase price is greater than the appraisal price, the governing board shall submit written justification for the increased price. The Secretary of Environmental Protection may withhold moneys for any purchase that is not consistent with the 5-year plan or the intent of this section or that is in excess of appraised value. The governing board may appeal any denial to the Land and Water Adjudicatory Commission pursuant to s. 373.114.

(4) The governing board of the district may purchase tax certificates or tax deeds issued in accordance with chapter 197 relating to property eligible for purchase under this section.

~~(5) Lands acquired for the purposes enumerated in subsection (2) may also be used for recreational purposes, and whenever practicable such lands shall be open to the general public for recreational uses. Except when prohibited by a covenant or condition described in s. 373.056(2), lands owned, managed, and controlled by the district may be used for multiple purposes, including, but not limited to, agriculture, silviculture, and water supply, as well as boating and other recreational uses.~~

~~(6) For the purpose of introducing water into, or drawing water from, the underlying aquifer for storage or supply, the governing board is authorized to hold, control, and acquire by donation, lease, or purchase any land, public or private.~~

(5)~~(7)~~ This section shall not limit the exercise of similar powers delegated by statute to any state or local governmental agency or other person.

(6) A district may dispose of land acquired under this section pursuant to s. 373.056 or s. 373.089. However, no such disposition of land shall be made if it would have the effect of causing all or any portion of the interest on any revenue bonds issued pursuant to s. 259.101 or s. 259.105 to fund the acquisition programs detailed in this section to lose the exclusion from gross income for purposes of federal income taxation. Revenue derived from such disposition may not be used for any purpose except the purchase of other lands meeting the criteria specified in this section or payment of debt service on revenue bonds or notes issued under s. 373.584.

(7) The districts have the authority to promulgate rules that include the specific process by which land is acquired; the selection and retention of outside appraisers, surveyors, and acquisition agents; and public notification. Rules adopted pursuant to this subsection shall be submitted to the President of the Senate and the Speaker of the House of Representatives, for review by the Legislature, no later than 30 days prior to the 2001 Regular Session and shall become effective only after legislative review. In its review, the Legislature may reject, modify, or take no action relative to such rules. The districts shall conform such rules to changes made by the Legislature, or, if no action was taken by the Legislature, such rules shall become effective.

Section 32. Section 373.1391, Florida Statutes, is created to read:

373.1391—Management of Real Property.

(1)(a) Lands titled to the governing boards of the districts shall be managed and maintained, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition. Except when prohibited by a covenant or condition described in s. 373.056(2), lands owned, managed, and controlled by the district may be used for multiple purposes, including, but not limited to, agriculture, silviculture, and water supply, as well as boating and other recreational uses.

(b) Whenever practicable such lands shall be open to the general public for recreational uses. General public recreational purposes shall include, but not be limited to, fishing, hunting, horseback riding, swimming, camping, hiking, canoeing, boating, diving, birding, sailing, jogging, and other related outdoor activities to the maximum extent possible considering the environmental sensitivity and suitability of those lands. These public lands shall be evaluated for their resource value for the purpose of establishing which parcels, in whole or in part, annually or seasonally, would be conducive to general public recreational purposes. Such findings shall be included in management plans which are developed for such public lands. These lands shall be made available to the public for theses purposes, unless the district governing board can demonstrate that such activities would be incompatible with the purposes for which these lands were acquired.

(c) For any fee simple acquisition of a parcel which is or will be leased back for agricultural purposes, or for any acquisition of a less-than-fee interest in lands that is or will be used for agricultural purposes, the district governing board shall first consider having a soil and water conservation district created pursuant to chapter 582 manage and monitor such interest.

(2) interests in real property acquired by the districts under this section with funds other than those appropriated under the Stewardship Florida Act, may be used for permittable water resource development and water supply development purposes under the following conditions: the minimum flows and levels of priority water bodies on such lands have been established; the project complies with all conditions for issuance of a permit under part II of this chapter; and the project is compatible with the purposes for which the land was acquired.

(3) Each district is encouraged to use volunteers to provide land management and other services. Volunteers shall be covered by liability protection and workers' compensation in the same manner as district employees, unless waived in writing by such volunteers or unless such volunteers otherwise provide equivalent insurance.

(4) Each water management district is authorized and encouraged to enter into cooperative land management agreements with state agencies or local governments to provide for the coordinated and cost-effective management of lands to which the water management districts, the board of trustees of the Internal Improvement Trust Fund, or local governments hold title. Any such cooperative land management agreement must be consistent with any applicable laws governing land use, management duties, and responsibilities and procedures of each cooperating entity. Each cooperating entity is authorized to expend such funds as are made available to it for land management on any such lands included in a cooperative land management agreement.

(5) The following additional uses of lands acquired pursuant to the Stewardship Florida program and other state-funded land purchase programs shall be authorized, upon a finding by the governing board, if they meet the criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:

(a) Not inconsistent with the management plan for such lands;

(b) Compatible with the natural ecosystem and resource values of such lands;

(c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other available lands;

(d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and

(e) The use provides a significant public interest. A decision by the governing board pursuant to this subsection shall be given a presumption of correctness.

Moneys received from the use of state lands pursuant to this subsection

shall be returned to the lead managing agency in accordance with the provisions of s. 259.032(11)(d).

(6) The districts have the authority to adopt rules that specify: allowable activities on district-owned lands; the amount of fees, licenses, or other charges for users of district-owned lands; the application and reimbursement process for payments in lieu of taxes; the use of volunteers for management activities; and the processes related to entering into or severing cooperative land management agreements. Rules promulgated pursuant to the subsection shall become effective only after submitted to the President of the Senate and Speaker of the House of Representatives for review by the Legislature not later than 30 days prior to the next regular session. In its review, the Legislature may reject, modify, or take no action relative to such rules. The districts shall conform such rules to changes made by the Legislature, or, if no action is taken, such rules shall become effective.

Section 33. Section 373.199, Florida Statutes, is created to read:

373.199 Assistance to Acquisition and Restoration Commission.—

(1) Over the years, the Legislature has created numerous programs and funded several initiatives intended to restore, conserve, protect, and manage Florida's water resources and the lands and ecosystems associated with them. Although these programs and initiatives have yielded individual successes, the overall quality of Florida's water resources continues to degrade; natural systems associated with surface waters continue to be altered or have not been restored to a fully functioning level; and sufficient quantities of water for current and future reasonable beneficial uses and for natural systems remain in doubt.

(2) Therefore, in order to further the goals of the Stewardship Florida Act and to assist the Acquisition and Restoration Commission in evaluating and ranking projects, each water management district shall develop a 5-year workplan that identifies projects that meet the criteria in subsections (3), (4), and (5). The 5-year workplan shall be sent to the Commission for its consideration in developing a funding priority list pursuant to the Stewardship Florida Act. EAch district must submit its 5-year workplan by January 1 each year, beginning in 2000. Nothing herein shall preclude each water management districts from using funds other than Stewardship Florida funds for projects contained in its 5-year workplan that are not approved for funding under the Stewardship Florida Act.

(3) In developing the list, each water management district shall:

(a) Integrate its existing surface water improvement and management plans, Save Our Rivers land acquisition lists, stormwater management projects, proposed water resource development projects, proposed water body restoration projects, and other properties or activities that would assist in meeting the goals of Stewardship Florida.

(b) Work cooperatively with the applicable ecosystem management area teams and other citizen advisory groups, the Department of Environmental Protection and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of Community Affairs, the Department of Transportation, other state agencies, and federal agencies, where applicable.

(4) The list submitted by the districts shall include, where applicable, the following information for each project:

(a) A description of the water body system, its historical and current uses, and its hydrology; a history of the conditions which have led to the need for restoration or protection; and a synopsis of restoration efforts that have occurred to date, if applicable.

(b) An identification of all governmental units that have jurisdiction over the water body and its drainage basin within the approved surface water improvement and management plan area, including local, regional, state, and federal units.

(c) A description of land uses within the project area's drainage basin, and of important tributaries, point and nonpoint sources of pollution, and permitted discharge activities associated with that basin.

(d) A description of strategies and potential strategies, including improved stormwater management, for restoring or protecting the water body to Class III or better surface water quality status.

(e) A listing and synopsis of studies that are being or have been prepared for the water body, stormwater management project, or water resource development project.

(f) A description of the measures needed to manage and maintain the water body once it has been restored and to prevent future degradation, to manage and maintain the stormwater management system, or to manage and maintain the water resource development project.

(g) A schedule for restoration and protection of the water body, implementation of the stormwater management project, or development of the water resource development project.

(h) An estimate of the funding needed to carry out the restoration, protection, or improvement project, or the development of new water resources, where applicable, and the projected sources of the funding.

(i) Numeric performance measures for each project. Each performance measure shall include a baseline measurement, which is the current situation; a performance standard, which water management district staff anticipates the project will achieve; and the performance measurement itself, which should reflect the incremental improvements the project accomplishes towards achieving the performance standard.

(j) A discussion of permitting and other regulatory issues related to the project.

(k) An identification of the proposed public access for projects with land acquisition components.

(l) An identification of those lands which require a full fee simple interest to achieve water management goals and those lands which can be acquired using alternatives to fee simple acquisition techniques and still achieve such goals. In their evaluation of which lands would be appropriate for acquisition through alternatives to fee simple, district staff shall consider criteria including, but not limited to, acquisition costs, the net present value of future land management costs, the net present value of advalorem revenue loss to the local government, and potential for revenue generated from activities compatible with acquisition objectives.

(m) An identification of lands needed to protect or recharge groundwater and a plan for their acquisition as necessary to protect potable water supplies. Lands which serve to protect or recharge groundwater identified pursuant to this paragraph shall also serve to protect other valuable natural resources or provide space for natural resource based recreation.

(5) The list of recommended projects shall indicate the relative significance of each project within the particular water management district's boundaries, and the schedule of activities and sums of money earmarked should reflect those rankings as much as possible over a 5-year planning horizon.

(6) Each district shall remove the property of an unwilling seller from its 5-year workplan at the next scheduled update of the plan, if in receipt of a request to do so by the property owner.

(7) By January 1 of each year, each district shall file with the Legislature and the Secretary of Environmental Protection a report of acquisitions completed during the year modifications or additions to its 5-year workplan. Included in the report shall be:

(a) An identification of lands acquired through the Florida Watershed Reserve Program, pursuant to s. 259.105(6), and which would comply with the provisions of paragraphs (a) and (b).

(b) A description of land management activity for each property or project area owned by the water management district.

(c) A list of any lands surplused and the amount of compensation received.

Section 34. Subsection (6) of section 373.250, Florida Statutes, is repealed.

373.250 Reuse of reclaimed water.—

~~(6) Each water management district shall submit to the Legislature, by June 1 of each year, an annual report which describes the district's progress in promoting the reuse of reclaimed water. The report shall include, but not be limited to:~~

~~(a) The number of permits issued during the year which required reuse of reclaimed water and, by categories, the percentages of reuse required.~~

~~(b) The number of permits issued during the year which did not require the reuse of reclaimed water and, of those permits, the number which reasonably could have required reuse.~~

~~(c) In the second and subsequent annual reports, a statistical comparison of reuse required through consumptive use permitting between the current and preceding years.~~

~~(d) A comparison of the volume of reclaimed water available in the district to the volume of reclaimed water required to be reused through consumptive use permits.~~

~~(e) A comparison of the volume of reuse of reclaimed water required in water resource caution areas through consumptive use permitting to the volume required in other areas in the district through consumptive use permitting.~~

~~(f) An explanation of the factors the district considered when determining how much, if any, reuse of reclaimed water to require through consumptive use permitting.~~

~~(g) A description of the district's efforts to work in cooperation with local government and private domestic wastewater treatment facilities to increase the reuse of reclaimed water. The districts, in consultation with the department, shall devise a uniform format for the report required by this subsection and for presenting the information provided in the report.~~

Section 35. Section 373.59, Florida Statutes, 1998 Supplement, is amended to read:

373.59 Water Management Lands Trust Fund.—

(1) There is established within the Department of Environmental Protection the Water Management Lands Trust Fund to be used as a nonlapsing fund for the purposes of this section. The moneys in this fund are hereby continually appropriated for the purposes of land ~~acquisition,~~ management, maintenance, capital improvements *of land titled to the districts,* payments in lieu of taxes, *debt service on bonds issued prior to July 1, 1999, preacquisition costs associated with land purchases,* and ~~administration of the fund in accordance with the provisions of this section~~ *to the department's cost of administration of the fund. The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (8). Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads, and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets.*

(2)(a) *Until the Preservation 2000 Program is concluded,* ~~By January 15 of each year,~~ each district shall file with the Legislature and the Secretary of Environmental Protection a report of acquisition activity, *by January 15 of each year* together with modifications or additions to its 5-year plan of acquisition. Included in the report shall be an identification of those lands which require a full fee simple interest to achieve water management goals and those lands which can be acquired using alternatives to fee simple acquisition techniques and still achieve such goals. In their evaluation of which lands would be appropriate for acquisition through alternatives to fee simple, district staff shall consider criteria including, but not limited to, acquisition costs, the net present value of future land management costs, the net present value of ad valorem revenue loss to the local government, and the potential for revenue generated from activities compatible with acquisition objectives. The report shall also include a description of land management activity. ~~Expenditure of moneys from the Water Management Lands Trust Fund shall be limited to the costs for acquisition, management, maintenance, and capital improvements of lands included within the 5-year plan as filed by each district and to the department's costs of administration of the fund. The department's costs of administration shall be charged proportionally against each district's allocation using the formula provided in subsection (7).~~ However, no acquisition of lands shall occur without a public hearing similar to those held pursuant to the provisions set forth in s. 120.54. In the annual update of its 5-year plan for acquisition, each district shall identify lands needed to protect or recharge groundwater and shall establish a plan for their acquisition as necessary to protect potable water supplies. Lands which serve to protect or recharge groundwater identified pursuant to this paragraph shall also serve to protect other valuable natural resources or provide space for natural resource based recreation. *Once all Preservation 2000 funds allocated to the water management districts have been expended or committed, this subsection shall be repealed.*

(3) Each district shall remove the property of an unwilling seller from its plan of acquisition at the next scheduled update of the plan, if in receipt of a request to do so by the property owner. *This subsection shall be repealed at the conclusion of the Preservation 2000 program.*

~~(4)(a) Moneys from the Water Management Lands Trust Fund shall be used for acquiring the fee or other interest in lands necessary for water management, water supply, and the conservation and protection of water resources, except that such moneys shall not be used for the acquisition of rights-of-way for canals or pipelines. Such moneys shall also be used for management, maintenance, and capital improvements. Interests in real property acquired by the districts under this section may be used for permittable water resource development and water supply development purposes under the following conditions: the minimum flows and levels of priority water bodies on such lands have been established; the project complies with all conditions for issuance of a permit under part II of this chapter; and the project is compatible with the purposes for which the land was acquired. Lands acquired with moneys from the fund shall be managed and maintained in an environmentally acceptable manner and, to the extent practicable, in such a way as to restore and protect their natural state and condition.~~

(4)~~(b)~~ The Secretary of Environmental Protection shall release moneys from the Water Management Lands Trust Fund to a district for preacquisition costs within 30 days after receipt of a resolution adopted by the district's governing board which identifies and justifies any such preacquisition costs necessary for the purchase of any lands listed in the district's 5-year plan. The district shall return to the department any funds not used for the purposes stated in the resolution, and the department shall deposit the unused funds into the Water Management Lands Trust Fund.

~~(c) The Secretary of Environmental Protection shall release acquisition moneys from the Water Management Lands Trust Fund to a district following receipt of a resolution adopted by the governing board identifying the lands being acquired and certifying that such acquisition is consistent with the plan of acquisition and other provisions of this act. The governing board shall also provide to the Secretary of Environmental Protection a copy of all certified appraisals used to determine the value of the land to be purchased. Each parcel to be acquired must have at least one appraisal. Two appraisals are required when the estimated value of the parcel exceeds $500,000. However, when both appraisals exceed $500,000 and differ significantly, a third appraisal may be obtained. If the purchase price is greater than the appraisal price, the governing board shall submit written justification for the increased price. The Secretary of Environmental Protection may withhold moneys for any purchase that is not consistent with the 5-year plan or the intent of this act or that is in excess of appraised value. The governing board may appeal any denial to the Land and Water Adjudicatory Commission pursuant to s. 373.114.~~

(5)~~(d)~~ The Secretary of Environmental Protection shall release to the districts moneys for management, maintenance, and capital improvements following receipt of a resolution and request adopted by the governing board which specifies the designated managing agency, specific management activities, public use, estimated annual operating costs, and other acceptable documentation to justify release of moneys.

~~(5) Water management land acquisition costs shall include payments to owners and costs and fees associated with such acquisition.~~

(6)~~(6)~~ If a district issues revenue bonds or notes under s. 373.584 *prior to July 1, 1999*, the district may pledge its share of the moneys in the Water Management Lands Trust Fund as security for such bonds or notes. The Department of Environmental Protection shall pay moneys from the trust fund to a district or its designee sufficient to pay the debt service, as it becomes due, on the outstanding bonds and notes of the district; however, such payments shall not exceed the district's cumulative portion of the trust fund. However, any moneys remaining after payment of the amount due on the debt service shall be released to the district pursuant to subsection *(4)* ~~(3)~~.

(7)~~(7)~~ Any unused portion of a district's share of the fund shall accumulate in the trust fund to the credit of that district. Interest earned on such portion shall also accumulate to the credit of that district to be used for ~~land acquisition,~~ management, maintenance, and capital improvements as provided in this section. The total moneys over the life of the fund available to any district under this section shall not be reduced except by resolution of the district governing board stating that the need for the moneys no longer exists. *Any water management district with fund balances in the Water Management Lands Trust Fund as of March 1, 1999, may expend those funds for land acquisitions pursuant to s. 373.139, or for the purpose specified in this subsection.*

(8) Moneys from the Water Management Lands Trust Fund shall be allocated to the five water management districts in the following percentages:

(a) Thirty percent to the South Florida Water Management District.

(b) Twenty-five percent to the Southwest Florida Water Management District.

(c) Twenty-five percent to the St. Johns River Water Management District.

(d) Ten percent to the Suwannee River Water Management District.

(e) Ten percent to the Northwest Florida Water Management District.

~~(9) Each district may use its allocation under subsection (8) for management, maintenance, and capital improvements. Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets.~~

(10)~~(10)~~ Moneys in the fund not needed to meet current obligations incurred under this section shall be transferred to the State Board of Administration, to the credit of the fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the fund.

~~(11) Lands acquired for the purposes enumerated in this section shall also be used for general public recreational purposes. General public recreational purposes shall include, but not be limited to, fishing, hunting, horseback riding, swimming, camping, hiking, canoeing, boating, diving, birding, sailing, jogging, and other related outdoor activities to the maximum extent possible considering the environmental sensitivity and suitability of those lands. These public lands shall be evaluated for their resource value for the purpose of establishing which parcels, in whole or in part, annually or seasonally, would be conducive to general public recreational purposes. Such findings shall be included in management plans which are developed for such public lands. These lands shall be made available to the public for these purposes, unless the district governing board can demonstrate that such activities would be incompatible with the purposes for which these lands were acquired. For any fee simple acquisition of a parcel which is or will be leased back for agricultural purposes, or for any acquisition of a less-than-fee interest in land that is or will be used for agricultural purposes, the district governing board shall first consider having a soil and water conservation district created pursuant to chapter 582 manage and monitor such interest.~~

(10)(a) Beginning July 1, 1999, not more than one-fourth of the land management funds provided for in subsections (1) and (7) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payments in lieu of taxes for all actual tax losses incurred as a result of governing board acquisitions for water management districts under the Stewardship Florida program during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the Water Management Lands Trust Fund to be used in accordance with the provisions of this section.

(b) Payment in lieu of taxes shall be available:

1. To all counties that have a population of 150,000 or less. Population levels shall be determined pursuant to s. 11.031.

2. To all local governments who are located in eligible counties and whose lands are bought and taken off the tax rolls.

For the purposes of this subsection, "local government" includes municipalities, the county school board, mosquito control districts, and any other local government entity which levies ad valorem taxes.

(c) If insufficient funds are available in any year to make full payments to all qualifying counties and local governments, such counties and local governments shall receive a pro rata share of the moneys available.

(d) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years preceding acquisition. Applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. If property that was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The water management districts shall certify to the Department of Revenue those properties that may be eligible under this provision. Once eligibility has been established, that governmental entity shall receive 10 consecutive annual payments, and no further eligibility determination shall be made during that period.

(e) Payment in lieu of taxes pursuant to this subsection shall be made annually to qualifying counties and local governments after certification by the Department of Revenue that the amounts applied for are reasonably appropriate, based on the amount of actual taxes paid on the eligible property, and after the water management districts have provided supporting documents to the Comptroller and have requested that payment be made in accordance with the requirements of this section.

(f) If a water management district conveys to a county or local government title to any land owned by the district, any payments in lieu of taxes on the land made to the county or local government shall be discontinued as of the date of the conveyance.

~~(12) A district may dispose of land acquired under this section, pursuant to s. 373.056 or s. 373.089. However, revenue derived from such disposal may not be used for any purpose except the purchase of other lands meeting the criteria specified in this section or payment of debt service on revenue bonds or notes issued under s. 373.584, as provided in this section.~~

~~(13) No moneys generated pursuant to this act may be applied or expended subsequent to July 1, 1985, to reimburse any district for prior~~

~~expenditures for land acquisition from ad valorem taxes or other funds other than its share of the funds provided herein or to refund or refinance outstanding debt payable solely from ad valorem taxes or other funds other than its share of the funds provided herein.~~

~~(14)(a) Beginning in fiscal year 1992-1993, not more than one-fourth of the land management funds provided for in subsections (1) and (9) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payment in lieu of taxes to qualifying counties for actual ad valorem tax losses incurred as a result of lands purchased with funds allocated pursuant to s. 259.101(3)(b). In addition, the Northwest Florida Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, the St. Johns River Water Management District, and the Suwannee River Water Management District shall pay to qualifying counties payments in lieu of taxes for district lands acquired with funds allocated pursuant to subsection (8). Reserved funds that are not used for payment in lieu of taxes in any year shall revert to the fund to be used for management purposes or land acquisition in accordance with this section.~~

~~(b) Payment in lieu of taxes shall be available to counties for each year in which the levy of ad valorem tax is at least 8.25 mills or the amount of the tax loss from all completed Preservation 2000 acquisitions in the county exceeds 0.01 percent of the county's total taxable value, and the population is 75,000 or less and to counties with a population of less than 100,000 which contain all or a portion of an area of critical state concern designated pursuant to chapter 380.~~

~~(c) If insufficient funds are available in any year to make full payments to all qualifying counties, such counties shall receive a pro rata share of the moneys available.~~

~~(d) The payment amount shall be based on the average amount of actual taxes paid on the property for the 3 years immediately preceding acquisition. For lands purchased prior to July 1, 1992, applications for payment in lieu of taxes shall be made to the districts by January 1, 1993. For lands purchased after July 1, 1992, applications for payment in lieu of taxes shall be made no later than January 31 of the year following acquisition. No payment in lieu of taxes shall be made for properties which were exempt from ad valorem taxation for the year immediately preceding acquisition. Payment in lieu of taxes shall be limited to a period of 10 consecutive years of annual payments.~~

~~(e) Payment in lieu of taxes shall be made within 30 days after: certification by the Department of Revenue that the amounts applied for are appropriate, certification by the Department of Environmental Protection that funds are available, and completion of any fund transfers to the district. The governing board may reduce the amount of a payment in lieu of taxes to any county by the amount of other payments, grants, or in-kind services provided to that county by the district during the year. The amount of any reduction in payments shall remain in the Water Management Lands Trust Fund for purposes provided by law.~~

~~(f) If a district governing board conveys to a local government title to any land owned by the board, any payments in lieu of taxes on the land made to the local government shall be discontinued as of the date of the conveyance.~~

~~(15) Each district is encouraged to use volunteers to provide land management and other services. Volunteers shall be covered by liability protection and workers' compensation in the same manner as district employees, unless waived in writing by such volunteers or unless such volunteers otherwise provide equivalent insurance.~~

~~(16) Each water management district is authorized and encouraged to enter into cooperative land management agreements with state agencies or local governments to provide for the coordinated and cost-effective management of lands to which the water management districts, the Board of Trustees of the Internal Improvement Trust Fund, or local governments hold title. Any such cooperative land management agreement must be consistent with any applicable laws governing land use, management duties, and responsibilities and procedures of each cooperating entity. Each cooperating entity is authorized to expend such funds as are made available to it for land management on any such lands included in a cooperative land management agreement.~~

(11)~~(17)~~ Notwithstanding any provision of this section to the contrary and for the 1998-1999 fiscal year only, the governing board of a water management district may request, and the Secretary of Environmental Protection shall release upon such request, moneys allocated to the districts pursuant to subsection *(7)* ~~(8)~~ for the purpose of carrying out the provisions of ss. 373.451-373.4595. No funds may be used pursuant to this subsection until necessary debt service obligations and requirements for payments in lieu of taxes that may be required pursuant to this section are provided for. This subsection is repealed on July 1, 1999.

And the title is amended as follows:

On page 3, line 27 after the semicolon through page 4, line 15
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 373.139, F.S.; revising authority and requirements for acquisition and disposition of lands by the water management districts; providing district rulemaking authority, subject to legislative review; creating s. 373.1391, F.S.; providing criteria for management and uses of district lands; providing district rulemaking authority, subject to legislative review; creating s. 373.199, F.S.; providing duties of the water management districts in assisting the Acquisition and Restoration Commission; requiring development of recommended project lists; specifying required information; repealing s. 373.250, F.S.; relating to the reuse of reclaimed water; amending s. 373.59,F.S.; revising authorized uses of funds from the Water Management Lands Trust Fund; revising eligibility criteria for payment in lieu of taxes; amending s. 375.075, F.S.;

Rep. Alexander moved the adoption of the amendment, which was adopted.

Representative(s) Dockery offered the following:

Amendment 8—On page 137, between lines 21 and 22

insert:

Section 46. *Effective July 1, 2000, subsection (2) of section 380.0677, Florida Statutes, is repealed and the power, duties, functions, and all other activities performed by the Green Swamp Land Authority are hereby transferred by a Type II transfer, pursuant to section 20.06, Florida Statutes, to the Department of Environmental Protection. All rules of the authority in effect on the effective date of the transfer shall be included in the transfer. Henceforth, the Green Swamp Land Authority shall mean the Department of Environmental Protection for purposes of section 380.0677, Florida Statutes, and statutes related thereto.*

Rep. Dockery moved the adoption of the amendment, which was adopted.

Representative(s) Alexander and Dockery offered the following:

Amendment 9—On page 81, lines 7 through 29
remove from the bill: all of said lines

and insert in lieu thereof:

(14) For the purposes of ranking and selecting projects for funding pursuant to paragraph (3)(a) the Acquisition and Restoration Commission shall ensure that each water management district receives the following percentage of funds annually:

(a) 35 percent to the South Florida Water Management District.

(b) 25 percent to the Southwest Florida Water Management District.

(c) 25 percent to the St. John's River Water Management District.

(d) 7.5 percent to the Suwannee River Water Management District.

(e) 7.5 percent to the Northwest Florida Water Management District.

(15) It is the intent of the Legislature that in developing the list of projects for funding pursuant to paragraph (3)(a), that these funds not be used to abrogate the financial responsibility of those point and nonpoint sources that have contributed to the degradation of water or land areas. Therefore an increased priority shall be given by the Acquisition and Restoration Commission to those projects that have secured a cost-sharing agreement allocating responsibility for the cleanup of point and nonpoint sources.

Rep. Alexander moved the adoption of the amendment, which was adopted.

Representative(s) Eggelletion offered the following:

Amendment 10—On page 60, lines 1 through 9
remove from the bill: all of said lines

Rep. Dockery moved the adoption of the amendment, which was adopted.

Representative(s) Putnam offered the following:

Amendment 11 (with directory language and title amendments)—On page 31, between lines 13 and 14 of the bill,

insert:

(11) Lands identified for acquisition may be managed by a private party in lieu of state purchase or in combination with a state purchase in accordance with a contractual arrangement between the acquiring agency and the private party that may include service contracts, leases, cost share arrangements, or resource conservation agreements. Funding for these contractual arrangements may originate from the documentary stamp tax revenue deposited into the Conservation and Recreation Lands Trust Fund and Water Management District Lands Trust Fund.

And the directory language is amended as follows:

On page 23, line 19 after the word "and"
remove: all of said line

and insert in lieu thereof: subsections (10) and (11) are added to said section to

And the title is amended as follows:

On page 1, line 24 after the semicolon,

insert: authorizing contractual arrangements to manage state owned lands;

Rep. Putnam moved the adoption of the amendment, which was adopted.

Representative(s) Dockery and Constantine offered the following:

Amendment 12—On page 77, line 25 through page 81 line 6
remove from the bill: all of said lines

and insert in lieu thereof:

(10) The Acquisition and Restoration Commission shall develop a rule to competively evaluate, select, and rank projects eligible for Stewardship Florida funds pursuant to paragraphs (3)(a) and (b). In developing this rule the commission shall give weight to the following criteria:

(a) The project meets multiple goals described in subsection (4).

(b) The project is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources.

(c) The project enhances or facilitates management of properties already under public ownership.

(d) The project has significant archeological or historic value.

(e) The project has funding sources that are identified and assured through at least the first two years of the project.

(f) The project contributes to the solution of water resource problems on a regional basis.

(g) The project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished.

(h) The project implements an element from a plan developed by an ecosystem management team.

(i) The project is one of the components of the Everglades restoration effort.

(j) The project may be purchased at 80 percent of appraised value.

(k) The project may be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights; obtaining conservation easements or flowage easements; or use of land protection agreements as defined in s. 380.0677(5).

(l) Is a joint acquisition, either among public agencies, nonprofit organizations, or private entities, or by a public-private partnership.

(11) The Acquisition and Restoration Commission shall give increased priority to those projects for which matching funds are available.

Rep. Dockery moved the adoption of the amendment, which was adopted.

Representative(s) Constantine offered the following:

Amendment 13—On page 77, line 13
remove from the bill: all of said line

and insert in lieu thereof:
the property from the proposed project; however, the board of trustees, at the time it votes to approve the proposed project lists pursuant to subsection (17), may add the property back on to the project lists if it determines by a super majority of its members that such property is critical to achieve the purposes of the project.

Rep. Constantine moved the adoption of the amendment, which was adopted.

Representative(s) Constantine and Dockery offered the following:

Amendment 14—On page 71, line 24 after the period

insert:
Protection Capital project expenditures may not exceed 10 percent of the funds allocated pursuant to this paragraph.

Rep. Constantine moved the adoption of the amendment, which was adopted.

Representative(s) Sembler offered the following:

Amendment 15—On page 7, line 28 through page 8, line 4
remove from the bill: all of said lines

and insert in lieu thereof:

(b) The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b) equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term "current official forecast" means the most recent forecast as determined by the Revenue

Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that fiscal year, no further payments are required under this paragraph during the fiscal year.

Rep. Sembler moved the adoption of the amendment, which was adopted.

Representative(s) Logan and Arnall offered the following:

Amendment 16—On page 71, line 16 through 25
remove from the bill: all of said lines

and insert in lieu thereof:

(b) Thirty percent to the Department of Environmental Protection for distribution by the Acquisition and Restoration Commission for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge.

(c) Twenty-five percent to the Department of Community

Rep. Logan moved the adoption of the amendment, which failed of adoption. The vote was:

Yeas—44

The Chair	Cosgrove	Goode	Pruitt
Alexander	Crady	Hill	Reddick
Arnall	Crow	Jones	Roberts
Barreiro	Dennis	Lacasa	Sembler
Betancourt	Detert	Logan	Smith, C.
Bilirakis	Diaz de la Portilla	Maygarden	Sobel
Bloom	Flanagan	Morroni	Sorensen
Bradley	Fuller	Murman	Starks
Bronson	Futch	Peaden	Valdes
Byrd	Garcia	Posey	Villalobos
Cantens	Gay	Prieguez	Wallace

Nays—63

Albright	Effman	Heyman	Ritchie
Andrews	Farkas	Johnson	Ritter
Argenziano	Fasano	Kilmer	Russell
Bainter	Feeney	Kosmas	Ryan
Ball	Fiorentino	Kyle	Smith, K.
Bense	Frankel	Levine	Spratt
Bitner	Goodlette	Littlefield	Stafford
Boyd	Gottlieb	Lynn	Stansel
Brown	Green, C.	Melvin	Suarez
Brummer	Greene, A.	Merchant	Sublette
Casey	Greenstein	Miller, J.	Trovillion
Chestnut	Hafner	Miller, L.	Turnbull
Constantine	Harrington	Ogles	Warner
Crist	Hart	Patterson	Waters
Dockery	Healey	Putnam	Wiles
Edwards	Henriquez	Rayson	

Votes after roll call:
Yeas—Tullis, Wise

Representative(s) Cantens offered the following:

Amendment 17—On page 72, line 4 after the period

insert:
The Legislature recognizes that the Florida Communities Trust Program is goal-oriented, performance-driven, and competition-based and that in order to further these principles, flexibility is a critical element of the program. The Legislature further recognizes that the needs of certain projects or regions of the state will vary over time and that, as a result, there will be occasions when the priorities of the state should be directed to a given project or region. To allow for this flexibility but also seek an equitable distribution of the proceeds, it is the intent of the Legislature that, upon the completion of this program, those projects selected pursuant to this paragraph will reflect a balance between geographic interests and documentary stamp tax collections.

Rep. Cantens moved the adoption of the amendment, which failed of adoption.

Representative(s) Merchant, Warner, Edwards, and Bloom offered the following:

Amendment 18 (with title amendment)—On page 21, between lines 8 and 9, of the bill

insert:

(9) In addition, the Governor and Cabinet may authorize the issuance of bonds in an amount of up to $100 million annually beginning July 1, 2000, for 5 years, for the purpose of funding project components contained in the Comprehensive Review Study of the Central and Southern Florida Project (Restudy). These funds are intended to provide the state's initial financial commitment to match federal Restudy and restoration funding. During the 2005 Regular Session, the Legislature shall review the continuing need for funding at this level for Restudy project components and may reauthorize such funding. The Cabinet's action is dependent upon projections of sufficient revenues, as determined by the current official forecast by the Revenue Estimating Conference, to meet required debt service. The limitation placed on the amount transferred shall be increased by an additional $10 million in each subsequent fiscal year in which bonds are authorized to be issued, but shall not exceed a total of $100 million in any fiscal year for all bonds issued. No bonds shall be issued for the purposes of this subsection except as specifically authorized by the State Constitution. Bonds sold under this subsection shall be issued pursuant to the State Bond Act and shall be submitted to the State Board of Administration for approval as to fiscal sufficiency. No individual series of bonds may be issued pursuant to this subsection unless the first year's debt service for such bonds is specifically appropriated in the General Appropriations Act.

And the title is amended as follows:

On page 1, line 13,

after the first semicolon insert: providing for issuance of bonds for federal Restudy and restoration funding; providing for legislative review;

Rep. Merchant moved the adoption of the amendment.

On motion by Rep. Feeney, the amendment was laid on the table. The vote was:

Yeas—68

The Chair	Crow	Kelly	Putnam
Albright	Dockery	Kilmer	Reddick
Alexander	Farkas	Kyle	Roberts
Arnall	Fasano	Lacasa	Russell
Bainter	Feeney	Littlefield	Sanderson
Bense	Fiorentino	Logan	Sembler
Bilirakis	Flanagan	Lynn	Smith, K.
Bitner	Fuller	Maygarden	Sorensen
Boyd	Garcia	Melvin	Spratt
Bradley	Gay	Miller, J.	Stansel
Bronson	Goode	Morroni	Sublette
Brummer	Goodlette	Murman	Tullis
Byrd	Green, C.	Patterson	Valdes
Cantens	Harrington	Peaden	Villalobos
Casey	Hart	Posey	Waters
Constantine	Johnson	Prieguez	Wiles
Crady	Jones	Pruitt	Wise

Nays—43

Andrews	Ball	Bloom	Bush
Argenziano	Betancourt	Brown	Chestnut

Cosgrove	Greenstein	Miller, L.	Stafford
Dennis	Hafner	Minton	Starks
Detert	Healey	Ogles	Suarez
Diaz de la Portilla	Heyman	Rayson	Trovillion
Edwards	Hill	Ritchie	Turnbull
Effman	Kosmas	Ritter	Wallace
Frankel	Lawson	Ryan	Warner
Gottlieb	Levine	Smith, C.	Wilson
Greene, A.	Merchant	Sobel	

Votes after roll call:
Yeas—Crist
Yeas to Nays—Goodlette, Wiles

Representative(s) Greenstein offered the following:

Amendment 19—On page 30, line 26 and on page 123, line 9
remove from the bill: all of said lines

and insert in lieu thereof: *projects, stormwater management projects,*

Rep. Greenstein moved the adoption of the amendment, which failed of adoption. The vote was:

Yeas—38

Argenziano	Effman	Hill	Ryan
Betancourt	Fiorentino	Kosmas	Smith, C.
Bloom	Frankel	Levine	Sobel
Brown	Gottlieb	Logan	Stafford
Bush	Greene, A.	Merchant	Suarez
Cosgrove	Greenstein	Miller, L.	Turnbull
Crow	Hafner	Rayson	Warner
Dennis	Healey	Reddick	Wilson
Diaz de la Portilla	Henriquez	Ritchie	
Edwards	Heyman	Ritter	

Nays—74

The Chair	Crady	Kelly	Rojas
Albright	Crist	Kilmer	Russell
Alexander	Detert	Kyle	Sanderson
Andrews	Dockery	Lacasa	Sembler
Arnall	Farkas	Lynn	Smith, K.
Bainter	Fasano	Maygarden	Sorensen
Ball	Feeney	Melvin	Spratt
Bense	Flanagan	Miller, J.	Stansel
Bilirakis	Fuller	Minton	Sublette
Bitner	Futch	Morroni	Trovillion
Boyd	Garcia	Murman	Tullis
Bradley	Gay	Ogles	Valdes
Bronson	Goode	Patterson	Villalobos
Brummer	Goodlette	Peaden	Wallace
Byrd	Green, C.	Posey	Waters
Cantens	Harrington	Prieguez	Wiles
Casey	Hart	Pruitt	Wise
Chestnut	Johnson	Putnam	
Constantine	Jones	Roberts	

Votes after roll call:
Nays—Littlefield
Nays to Yeas—Wiles

Representative(s) Edwards offered the following:

Amendment 20—On page 33, lines 19-22
remove from the bill: all of said lines

and insert in lieu thereof: resources; protecting air, land, and water quality; and providing lands for natural

Rep. Edwards moved the adoption of the amendment, which failed of adoption.

Representative(s) Edwards offered the following:

Amendment 21—On page 64, lines 19-21
remove from the bill: all of said lines

and insert in lieu thereof: the acquisition lists established pursuant to this chapter, or a significant portion of the lands must

Rep. Edwards moved the adoption of the amendment, which failed of adoption.

Representative(s) Ritter offered the following:

Amendment 22—On page 76, lines 3-9
remove from the bill: all of said lines

and insert in lieu thereof:

(6) All lands acquired pursuant to this section shall be managed for the purpose for which they were acquired.

Rep. Ritter moved the adoption of the amendment, which failed of adoption.

Rep. Warner moved that, under Rule 142(h), a late-filed amendment be allowed for consideration, which was not agreed to.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 2115—A bill to be entitled An act relating to the Stewardship Florida Trust Fund; creating s. 259.1051 F.S.; creating the Stewardship Florida Trust Fund; providing sources of moneys; providing purposes and requirements; providing duties of the Department of Environmental Protection; providing a contingent effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 299—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing legislative intent; providing definitions; requiring licensure by the Department of Banking and Finance to be in the business as a title loan lender; providing for fees; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing a fine; providing for a title loan transaction form; providing requirements; providing for redemption of a repossessed motor vehicle under certain circumstances; providing entitlement to certain excess proceeds of a sale or disposal of a motor vehicle; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges and interest rates; providing a holding period when there is a failure to redeem; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lenders 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; amending ss. 538.03 and 538.16, F.S.; deleting provisions relating to title loan transactions; providing for more restrictive local ordinances; providing an appropriation; repealing ss. 538.03(1)(i), 538.06(5), and 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; providing effective dates.

—was read the second time by title.

The Committee on Financial Services offered the following:

Amendment 1 (with title amendment)—On page 2, line 10,
remove from the bill: everything after the enacting clause,

and insert in lieu thereof:

Section 1. *Short title.—This act may be cited as the "Florida Title Loan Act."*

Section 2. *Legislative intent.—It is the intent of the Legislature that title loans shall be regulated by the provisions of this act. The provisions of this act shall supersede any other provisions of state law affecting title loans to the extent of any conflict.*

Section 3. *Definitions.—As used in this act, unless the context otherwise requires:*

(1) "Commercially reasonable" means a sale or disposal which occurs and can be construed as an arms' length transaction. Nonpublic sales or disposal of titled personal property between licensees and business affiliates or family members are sales and disposal that are presumed not to be in a commercially reasonable fashion.

(2) "Department" means the Department of Banking and Finance.

(3) "Executive officer" means the president, chief executive officer, chief financial officer, chief operating officer, executive vice president, senior vice president, secretary, and treasurer.

(4) "Identification" means a government-issued photographic identification.

(5) "Interest" means the cost of obtaining a title loan and includes any profit or advantage of any kind whatsoever that a title loan lender may charge, contract for, collect, receive, or in any way obtain as a result of a title loan.

(6) "License" means a permit issued under this act to make or service title loans in accordance with this act at a single title loan office.

(7) "Licensee" means a person who is licensed as a title loan lender.

(8) "Loan property" means any motor vehicle certificate of title that is deposited with a title loan lender as a security for a title loan in the course of the title loan lender's business.

(9) "Motor vehicle" means an automobile, motorcycle, mobile home, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the public highways and streets of this state, used to transport persons or property, and propelled by power other than muscular power, but excluding a vehicle which runs only upon a track and a mobile home that is the primary residence of the owner.

(10) "Title loan" means a loan of money secured by bailment of a certificate of title to a motor vehicle.

(11) "Title loan agreement" means a written agreement in which a title loan lender agrees to make a title loan to a borrower.

(12) "Title loan lender" means any person who engages in the business of making or servicing title loans.

(13) "Title loan office" means the location at which, or premises from which, a title loan lender regularly conducts business under this chapter or any other location that is held out to the public as a location at which a lender makes or services title loans.

(14) "Titled personal property" means a motor vehicle that has as evidence of ownership a state-issued certificate of title except for a mobile home that is the primary residence of the borrower.

(15) "Ultimate equitable owner" means a person who, directly or indirectly, owns or controls an ownership interest in a corporation, a foreign corporation, an alien business organization, or any other form of business organization, regardless of whether such person owns or controls such ownership interest through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

Section 4. *License required; license fees.—*

(1) A person may not act as a title loan lender or own or operate a title loan office unless such person has an active title loan lender license issued by the department under this act. A title loan lender may not own or operate more than one title loan office unless the lender obtains a separate title loan lender license for each title loan office.

(2) A person applying for licensure as a title loan lender shall file with the department an application, the bond required by section 5(3), a nonrefundable application fee of $1,200, a nonrefundable investigation fee of $200, and a complete set of fingerprints taken by an authorized law enforcement officer. The department shall submit such fingerprints to the Department of Law Enforcement or the Federal Bureau of Investigation for state and federal processing. The department may waive, by rule, the requirement that applicants must file a set of fingerprints or the requirement that such fingerprints must be processed by the Department of Law Enforcement or the Federal Bureau of Investigation.

(3) If the department determines that an application should be approved, the department shall issue a license for a period not to exceed 2 years.

(4) A license shall be renewed biennially by filing a renewal form and a nonrefundable renewal fee of $1,200. A license that is not renewed by the end of the biennial period shall automatically revert to inactive status. An inactive license may be reactivated within 6 months after becoming inactive by filing a reactivation form, payment of the nonrefundable $1,200 renewal fee, and payment of a nonrefundable reactivation fee of $600. A license that is not reactivated within 6 months after becoming inactive may not be reactivated and shall automatically expire. The department shall establish by rule the procedures for renewal and reactivation of a license and shall adopt a renewal form and a reactivation form.

(5) Each license must be conspicuously displayed at the title loan office. When a licensee wishes to move a title loan office to another location, the licensee shall provide prior written notice to the department.

(6) A license issued pursuant to this act is not transferable or assignable.

(7) Each licensee shall designate and maintain a registered agent in this state for service of process.

(8) Whenever a person or a group of persons, directly or indirectly or acting by or through one or more persons, proposes to purchase or acquire a 25 percent or more interest in a licensee, such person or group shall submit an initial application for licensure under this act prior to such purchase or acquisition. The department shall adopt rules providing for waiver of the application required by this subsection when such purchase or acquisition of a licensee is made by another licensee licensed under this act or when the application is otherwise unnecessary in the public interest.

(9) The department may adopt rules to allow for electronic filing of applications, fees, and forms required by this act.

(10) All moneys collected by the department under this act shall be deposited into the Regulatory Trust Fund of the Department of Banking and Finance.

Section 5. *Application for license.—*

(1) A verified application for licensure under this act, in the form prescribed by department rule, shall:

(a) Contain the name and the residence and business address of the applicant. If the applicant is other than a natural person, the application shall contain the name and the residence and business address of each ultimate equitable owner of 25 percent or more of such entity and each director, general partner, and executive officer of such entity.

(b) State whether any individual identified in paragraph (a) has, within the last 10 years, pleaded nolo contendere to, or has been convicted or found guilty of, a felony, regardless of whether adjudication was withheld.

(c) Identify the county and municipality with the street and number or location where the business is to be conducted.

(d) Contain additional information as the department determines by rule to be necessary to ensure compliance with this act.

(2) Notwithstanding subsection (1), the application need not state the full name and address of each officer, director, and shareholder if the applicant is owned directly or beneficially by a person who as an issuer has a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934 or, pursuant to section 13 or section 15(d) of such act, is an issuer of securities which is required to file reports with the Securities and Exchange Commission, if the person files with the

department any information, documents, and reports required by such act to be filed with the Securities and Exchange Commission.

(3) An applicant for licensure shall file with the department a bond, in the amount of $100,000 for each license, with a surety company qualified to do business in this state. However, in no event shall the aggregate amount of the bond required for a single title loan lender exceed $1 million. In lieu of the bond, the applicant may establish a certificate of deposit or an irrevocable letter of credit in a financial institution, as defined in s. 655.005, Florida Statutes, in the amount of the bond. The original bond, certificate of deposit, or letter of credit shall be filed with the department, and the department shall be the beneficiary to that document. The bond, certificate of deposit, or letter of credit shall be in favor of the department for the use and benefit of any consumer who is injured pursuant to a title loan transaction by the fraud, misrepresentation, breach of contract, financial failure, or violation of any provision of this act by the title loan lender. Such liability may be enforced either by proceeding in an administrative action or by filing a judicial suit at law in a court of competent jurisdiction. However, in such court suit, the bond, certificate of deposit, or letter of credit posted with the department shall not be amenable or subject to any judgment or other legal process issuing out of or from such court in connection with such lawsuit, but such bond, certificate of deposit, or letter of credit shall be amenable to and enforceable only by and through administrative proceedings before the department. It is the intent of the Legislature that such bond, certificate of deposit, or letter of credit shall be applicable and liable only for the payment of claims duly adjudicated by order of the department. The bond, certificate of deposit, or letter of credit shall be payable on a pro rata basis as determined by the department, but the aggregate amount may not exceed the amount of the bond, certificate of deposit, or letter of credit.

(4) The department shall approve an application and issue a license if the department determines that the applicant satisfies the requirements of this act.

Section 6. *Denial, suspension, or revocation of license.—*

(1) The following acts are violations of this act and constitute grounds for the disciplinary actions specified in subsection (2):

(a) Failure to comply with any provision of this act, any rule or order adopted pursuant to this act, or any written agreement entered into with the department.

(b) Fraud, misrepresentation, deceit, or gross negligence in any title loan transaction, regardless of reliance by or damage to the borrower.

(c) Fraudulent misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to a borrower pursuant to this act, regardless of reliance by or damage to the borrower.

(d) Imposition of illegal or excessive charges in any title loan transaction.

(e) False, deceptive, or misleading advertising by a title loan lender.

(f) Failure to maintain, preserve, and keep available for examination all books, accounts, or other documents required by this act, by any rule or order adopted pursuant to this act, or by any agreement entered into with the department.

(g) Aiding, abetting, or conspiring by a title loan lender with a person to circumvent or violate any of the requirements of this act.

(h) Refusal to provide information upon request of the department, to permit inspection of books and records in an investigation or examination by the department, or to comply with a subpoena issued by the department.

(i) Having been convicted of a crime involving fraud, dishonest dealing, or any act of moral turpitude or acting as an ultimate equitable owner of 10 percent or more of a licensee who has been convicted of a crime involving fraud, dishonest dealing, or any act of moral turpitude.

(j) Making or having made material misstatement of fact in an initial or renewal application for a license.

(k) Having been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order by any court of competent jurisdiction or administrative law judge, or by any state or federal agency, involving a violation of any federal or state law relating to title loans or any rule or regulation adopted under such law, or has been the subject of any injunction or adverse administrative order by a state or federal agency regulating banking, insurance, finance or small loan companies, real estate, mortgage brokers, or other related or similar industries for acts involving fraud, dishonest dealing, or any act of moral turpitude.

(l) Pleading nolo contendere to, or being convicted or found guilty of, a crime involving fraud, dishonest dealing, or any act of moral turpitude, regardless of whether adjudication was withheld.

(m) Failing to continuously maintain the bond required by section 5(3).

(n) Failing to timely pay any fee, charge, or fine imposed or assessed pursuant to this act or rules adopted under this act.

(o) Having a license or registration, or the equivalent, to practice any profession or occupation denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction for fraud, dishonest dealing, or any act of moral turpitude.

(p) Having demonstrated unworthiness, as defined by department rule, to transact the business of a title loan lender.

(2) Upon a finding by the department that any person has committed any of the acts set forth in subsection (1), the department may enter an order taking one or more of the following actions:

(a) Denying an application for licensure under this act.

(b) Revoking or suspending a license previously granted pursuant to this act.

(c) Placing a licensee or an applicant for a license on probation for a period of time and subject to such conditions as the department specifies.

(d) Issuing a reprimand.

(e) Imposing an administrative fine not to exceed $5,000 for each separate act or violation.

(3) If a person seeking licensure is anything other than a natural person, the eligibility requirements of this section apply to each direct or ultimate equitable owner of 10 percent or more of the outstanding equity interest of such entity and to each director, general partner, and executive officer.

(4) It is sufficient cause for the department to take any of the actions specified in subsection (2), as to any entity other than a natural person, if the department finds grounds for such action as to any member of such entity, as to any executive officer or director of the entity, or as to any person with power to direct the management or policies of the entity.

(5) Each licensee is subject to the provisions of subsection (2) for the acts of employees and agents of the licensee if the licensee knew or should have known about such acts.

(6) Licensure under this act may be denied or any license issued under this act may be suspended or restricted if an applicant or licensee is charged, in a pending enforcement action or pending criminal prosecution, with any conduct that would authorize denial or revocation under this section.

Section 7. *Remedies for title loans made without licensure.—Any title loan made without benefit of a license is void, in which case the person making the title loan forfeits the right to collect any moneys, including principal and interest charged on the title loan, from the borrower in connection with such agreement. The person making the title loan shall return to the borrower the loan property, the titled personal property pledged or the fair market value of such titled personal property, and all principal and interest paid by the borrower. The borrower is entitled to receive reasonable attorney's fees and costs in any action brought by the*

borrower to recover from the person making the title loan the loan property, the titled personal property, or the principal and interest paid by the borrower.

Section 8. *Title loan agreement.—*

(1) At the time a title loan lender makes a title loan, the lender and the borrower shall execute a title loan agreement, which shall be legibly typed or written in indelible ink and completed as to all essential provisions prior to execution by the borrower and lender. The title loan agreement shall include the following information:

(a) The make, model, and year of the titled personal property to which the loan property relates.

(b) The vehicle identification number, or other comparable identification number, along with the license plate number, if applicable, of the titled personal property to which the loan property relates.

(c) The name, residential address, date of birth, physical description, and social security number of the borrower.

(d) The date the title loan agreement is executed by the title loan lender and the borrower.

(e) The identification number and the type of identification, including the issuing agency, accepted from the borrower.

(f) The amount of money advanced, designated as the "amount financed."

(g) The maturity date of the title loan agreement, which shall be 30 days after the date the title loan agreement is executed by the title loan lender and the borrower.

(h) The total title loan interest payable on the maturity date, designated as the "finance charge."

(i) The amount financed plus finance charge, which must be paid to reclaim the loan property on the maturity date, designated as the "total amount of all payments."

(j) The interest rate, computed in accordance with the regulations adopted by the Federal Reserve Board pursuant to the Federal Truth-in-Lending Act, designated as the "annual percentage rate."

(2) The following information shall also be printed on all title loan agreements:

(a) The name and physical address of the title loan office.

(b) The name and address of the department as well as a telephone number to which consumers may address complaints.

(c) The following statement in not less than 12-point type that:

1. If the borrower does not pay the title loan in full before the maturity date of the title loan agreement, the title loan lender may repossess the motor vehicle.

2. If the title loan agreement is lost, destroyed, or stolen, the borrower should immediately so advise the issuing title loan lender in writing.

(d) The statement that "The borrower represents and warrants that the titled personal property to which the loan property relates is not stolen and has no liens or encumbrances against it, the borrower has the right to enter into this transaction, and the borrower will not apply for a duplicate certificate of title while the title loan agreement is in effect."

(e) A blank line for the signature of the borrower and the title loan lender or the lender's agent.

(3) At the time of the transaction, the title loan lender shall deliver to the borrower an exact copy of the executed title loan agreement.

(4) The title loan lender shall retain the loan property until the loan property is reclaimed by the borrower. The borrower shall have the exclusive right to reclaim the loan property by repaying the loan of money in full and by complying with the title loan agreement. When the loan property is reclaimed, the title loan lender shall release the security interest in the titled personal property and return the loan property to the borrower. The title loan agreement shall provide that upon failure by the borrower to reclaim the certificate of title at the end of the original 30-day-agreement period, or at the end of any 30-day extension of such period, the title loan lender shall be entitled to take possession of the titled personal property. The title loan lender shall retain physical possession of only the loan property for the term of the title loan agreement.

Section 9. *Recordkeeping; reporting; safekeeping of property.—*

(1) Every title loan lender shall maintain, at the lender's title loan office, such books, accounts, and records of the business conducted under the license issued for such place of business as will enable the department to determine the licensee's compliance with this act.

(2) The department may authorize the maintenance of books, accounts, and records at a location other than the lender's title loan office. The department may require books, accounts, and records to be produced and available at a reasonable and convenient location in this state within a reasonable period of time after such a request.

(3) The title loan lender shall maintain the original copy of each completed title loan agreement on the title loan office premises, and shall not obliterate, discard, or destroy any such original copy, for a period of at least 2 years after making the final entry on any loan recorded in such office.

(4) Loan property which is delivered to a title loan lender shall be securely stored and maintained at the title loan office unless the loan property has been forwarded to the appropriate state agency for the purpose of having a lien recorded or deleted.

(5) The department may prescribe by rule the books, accounts, and records, and the minimum information to be shown in the books, accounts, and records, of licensees so that such records will enable the department to determine compliance with the provisions of this act.

Section 10. *Title loan charges.—*

(1) A title loan lender may charge a maximum interest rate of 30 percent per annum computed on the first $2,000 of the principal amount, 24 percent per annum on that part of the principal amount exceeding $2,000 and not exceeding $3,000, and 18 percent per annum on that part of the principal amount exceeding $3,000. The original principal amount is the same amount as the amount financed, as defined by the federal Truth in Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. In determining compliance with the statutory maximum interest, the computations must be simple interest and not add-on interest or any other computations. When two or more interest rates are to be applied to the principal amount, the lender may charge interest at that single annual percentage rate which, if applied according to the actuarial method to each of the scheduled periodic balances of principal, would produce at maturity the same total amount of interest as would result from the application of the two or more rates otherwise permitted, based upon the assumption that all payments are made as agreed.

(2) The annual percentage rate that may be charged for a title loan may equal, but not exceed, the annual percentage rate that must be computed and disclosed as required by the federal Truth in Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. The maximum annual percentage rate of interest that may be charged is 12 times the maximum monthly rate, and the maximum monthly rate must be computed on the basis of one-twelfth of the annual rate for each full month. The Department of Banking and Finance shall establish by rule the rate for each day in a fraction of a month when the period for which the charge is computed is more or less than 1 month.

(3) A title loan agreement may be extended for one or more 30-day periods by mutual consent of the title loan lender and the borrower. Each extension of a title loan agreement shall be executed in a separate extension agreement each of which shall comply with the requirements for executing a title loan agreement as provided in this act. The interest

rate charged in any title loan extension agreement shall not exceed the interest rate charged in the related title loan agreement. A title loan lender may not capitalize in any title loan extension agreement any unpaid interest due on the related title loan agreement or any subsequent extensions to that title loan agreement.

(4) Any interest contracted for or received, directly or indirectly, by a title loan lender, or an agent of the title loan lender, in excess of the amounts authorized under this chapter are prohibited and may not be collected by the title loan lender or an agent of the title loan lender.

(a) If such excess interest resulted from a bona fide error by the title loan lender, or an agent of the title loan lender, the title loan agreement shall be voidable and the lender shall refund the excess interest to the borrower within 20 days after discovery by the lender or borrower of the bona fide error, whichever occurs first.

(b) If such excess interest resulted from an act by the title loan lender, or an agent of the title loan lender, to circumvent the maximum title loan interest allowed by this act, the title loan agreement is void. The lender shall refund to the borrower any interest paid on the title loan and return to the borrower the loan property. The title loan lender forfeits the lender's right to collect any principal owed by the borrower on the title loan.

(c) The department may order a title loan lender, or an agent of the title loan lender, to comply with the provisions of paragraphs (a) and (b).

(5) Any interest contracted for or received, directly or indirectly, by a title loan lender, or an agent of the title loan lender, in excess of the amount allowed by this act constitutes a violation of chapter 687, Florida Statutes, governing interest and usury, and the penalties of that chapter apply.

Section 11. *Repossession, disposal of pledged property; excess proceeds.—*

(1) If a borrower fails to pay the title loan in full by the end of the 30-day title loan agreement period or by the end of any 30-day extension period, the title loan lender may take possession of the titled personal property but shall not be required to retain physical possession of the titled personal property. Every title loan agreement and title loan extension agreement shall contain a notice that discloses the provisions of this section.

(2) If titled personal property is repossessed under subsection (1), the borrower may pay the title loan in full within 60 days after the date of repossession. If a borrower fails to pay the title loan in full by the end of such 60-day period, the lender may sell or dispose of the titled personal property.

(3) The title loan lender shall only take possession of a motor vehicle through an agent who is licensed by the state to repossess motor vehicles. The title loan lender may dispose of the motor vehicle as provided in this section. Any sale or disposal of the motor vehicle shall be made through a motor vehicle dealer licensed under s. 320.27, Florida Statutes.

(4) Any such sale or disposal shall vest in the purchaser the right, title, and interest of the owner and the title loan lender.

(5) The title loan lender shall return to the borrower any proceeds from the sale of the titled personal property in excess of the principal amount of the loan, interest on the loan up to the date of repossession, and reasonable expenses for the repossession, holding, and sale of the motor vehicle. The borrower is entitled to receive reasonable attorney's fees and costs in any action brought to recover the excess amount that results in the title loan lender being ordered to return all or part of such amount.

(6) Except as provided by this section, the taking possession and sale or disposal of the motor vehicle is subject to the requirements of chapter 679, Florida Statutes.

Section 12. *Prohibited acts.—*

(1) A title loan lender, or any agent or employee of a title loan lender, shall not:

(a) Falsify or fail to make an entry of any material matter in a title loan agreement or any extension of such agreement.

(b) Refuse to allow the department to inspect completed title loan agreements, extensions of such agreements, or loan property during the ordinary operating hours of the title loan lender's business or other times acceptable to both parties.

(c) Enter into a title loan agreement with a person under the age of 18 years.

(d) Make any agreement requiring or allowing for the personal liability of a borrower or the waiver of any of the provisions of this act.

(e) Knowingly enter into a title loan agreement with any person who is under the influence of drugs or alcohol when such condition is visible or apparent, or with any person using a name other than such person's own name or the registered name of the person's business.

(f) Fail to exercise reasonable care, as defined by department rule, in the safekeeping of loan property or of titled personal property repossessed pursuant to this act.

(g) Fail to return loan property or repossessed titled personal property to a borrower, with any and all of the title loan lender's liens on the property properly released, upon payment of the full amount due the title loan lender, unless the property has been seized or impounded by an authorized law enforcement agency, taken into custody by a court, or otherwise disposed of by court order.

(h) Sell or otherwise charge for any type of insurance in connection with a title loan agreement.

(i) Charge or receive any finance charge, interest, or fees which are not authorized pursuant to this act.

(j) Act as a title loan lender without an active license issued under this act.

(k) Refuse to accept partial payments toward satisfying any obligation owed under a title loan agreement or extension of such agreement.

(l) Charge a prepayment penalty.

(m) Engage in the business of selling new or used motor vehicles, or parts for motor vehicles.

(n) Act as a title loan lender under this act within a place of business in which the licensee solicits or engages in business outside the scope of this act if the department determines that the licensee's operation of and conduct pertaining to such other business results in an evasion of this act. Upon making such a determination, the department shall order the licensee to cease and desist from such evasion, provided, no licensee shall engage in the pawnbroker business.

(2) Title loan companies may not advertise using the words "interest free loans" or "no finance charges."

Section 13. *Right to reclaim; lost title loan agreement.—*

(1) Any person presenting identification of such person as the borrower and presenting the borrower's copy of the title loan agreement to the title loan lender is presumed to be entitled to reclaim the loan property described in the title loan agreement. However, if the title loan lender determines that the person is not the borrower, the title loan lender is not required to allow the redemption of the loan property by such person. The person reclaiming the loan property must sign the borrower's copy of the title loan agreement which the title loan lender may retain to evidence such person's receipt of the loan property. A person reclaiming the loan property who is not the borrower must show identification to the title loan lender, together with notarized written authorization from the borrower, and the title loan lender shall record that person's name and address on the title loan agreement retained by the title loan lender. In such case, the person reclaiming the borrower's copy of the title loan agreement shall be provided a copy of such signed form as evidence of such agreement.

(2) If the borrower's copy of the title loan agreement is lost, destroyed, or stolen, the borrower must notify the title loan lender, in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt, and receipt of such notice shall invalidate such title loan agreement if the loan property has not previously been reclaimed. Before delivering the loan property or issuing a new title loan agreement, the title loan lender shall require the borrower to make a written statement of the loss, destruction, or theft of the borrower's copy of the title loan agreement. The title loan lender shall record on the written statement the type of identification and the identification number accepted from the borrower, the date the statement is given, and the number or date of the title loan agreement lost, destroyed, or stolen. The statement shall be signed by the title loan lender or the title loan office employee who accepts the statement from the borrower. The title loan lender shall not impose any type of fee for providing the borrower with a copy of the title loan agreement.

Section 14. *Criminal penalties.—*

(1) Any person who acts as a title loan lender without first securing the license prescribed by this act commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(2) In addition to any other applicable penalty, any person who willfully violates any provision of this act or who willfully makes a false entry in any record specifically required by this act commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 15. *Subpoenas; enforcement actions; rules.—*

(1) The department may issue and serve subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before the department in any matter pertaining to this act. The department may administer oaths and affirmations to any person whose testimony is required. If any person refuses to testify, produce books, records, and documents, or otherwise refuses to obey a subpoena issued under this section, the department may enforce the subpoena in the same manner as subpoenas issued under the Administrative Procedure Act are enforced. Witnesses are entitled to the same fees and mileage as they are entitled to by law for attending as witnesses in the circuit court, unless such examination or investigation is held at the place of business or residence of the witness.

(2) In addition to any other powers conferred upon the department to enforce or administer this act, the department may:

(a) Bring an action in any court of competent jurisdiction to enforce or administer this act, any rule or order adopted under this act, or any written agreement entered into with the department. In such action, the department may seek any relief at law or equity, including a temporary or permanent injunction, appointment of a receiver or administrator, or an order of restitution.

(b) Issue and serve upon a person an order requiring such person to cease and desist and take corrective action whenever the department finds that such person is violating, has violated, or is about to violate any provision of this act, any rule or order adopted under this act, or any written agreement entered into with the department.

(c) Whenever the department finds that conduct described in paragraph (b) presents an immediate danger to the public health, safety, or welfare requiring an immediate final order, the department 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 named in the order and shall remain effective for 90 days. If the department begins nonemergency proceedings under paragraph (b), the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57, Florida Statutes.

(3) The department may adopt any rules, pursuant to the Administrative Procedures Act, necessary to implement this act.

Section 16. *Investigations and complaints.—*

(1) The department may make any investigation and examination of any licensee or other person the department deems necessary to determine compliance with this act. For such purposes, the department may examine the books, accounts, records, and other documents or matters of any licensee or other person. The department may compel the production of all relevant books, records, and other documents and materials relative to an examination or investigation. Examinations shall not be made more often than once during any 12-month period unless the department has reason to believe the licensee is not complying with the provisions of this act.

(2) The department shall conduct all examinations at a convenient location in this state unless the department determines that it is more effective or cost-efficient to perform an examination at the licensee's out-of-state location. For an examination performed at the licensee's out-of-state location, the licensee shall pay the travel expense and per diem subsistence at the rate provided by law for up to 30 8-hour days per year for each department examiner who participates in such an examination. However, if the examination involves or reveals possible fraudulent conduct by the licensee, the licensee shall pay the travel expenses and per diem subsistence provided by law, without limitation, for each participating examiner.

(3) Any person having reason to believe that any provision of this act has been violated may file with the department a written complaint setting forth the details of such alleged violation and the department may investigate such complaint.

Section 17. Paragraphs (a) and (h) of subsection (1) of section 538.03, Florida Statutes, 1998 Supplement, are amended to read:

538.03 Definitions; applicability.—

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

(a) "Secondhand dealer" means any person, corporation, or other business organization or entity which is not a secondary metals recycler subject to part II and which is engaged in the business of purchasing, consigning, or pawning secondhand goods ~~or entering into title loan transactions~~. However, secondhand dealers are not limited to dealing only in items defined as secondhand goods in paragraph (g). Except as provided in subsection (2), the term means pawnbrokers, jewelers, precious metals dealers, garage sale operators, secondhand stores, and consignment shops.

(h) "Transaction" means any ~~title loan,~~ purchase, consignment, or pawn of secondhand goods by a secondhand dealer.

Section 18. Subsection (1) of section 538.16, Florida Statutes, is amended to read:

538.16 Secondhand dealers; disposal of property.—

(1) Any personal property pawned with a pawnbroker, whether the pawn is a loan of money or a buy-sell agreement ~~or a motor vehicle which is security for a title loan~~, is subject to sale or disposal if the pawn is a loan of money and the property has not been *reclaimed* ~~redeemed~~ or there has been no payment on account made for a period of 90 days, or if the pawn is a buy-sell agreement ~~or if it is a title loan~~ and the property has not been repurchased from the pawnbroker ~~or the title redeemed from the title lender~~ or there has been no payment made on account within 60 days.

Section 19. *Nothing in this act precludes a county or municipality from adopting ordinances more restrictive than the provisions of this act.*

Section 20. *Effective July 1, 1999, the sum of $500,000 is hereby appropriated for the 1999-2000 fiscal year from the Regulatory Trust Fund of the Department of Banking and Finance to the department to fund eight positions for the purpose of carrying out the provisions of this act.*

Section 21. *Paragraph (i) of subsection (1) of section 538.03, Florida Statutes, 1998 Supplement, subsection (5) of section 538.06, Florida*

Statutes, and subsections (4) and (5) of section 538.15, Florida Statutes, are repealed.

Section 22. Except as otherwise provided in this act, this act shall take effect October 1, 1999.

And the title is amended as follows:

On page 1, line 2, through page 2, line 7,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing legislative intent; providing definitions; requiring licensure by the Department of Banking and Finance to act as a title loan lender; providing for application for licensure; requiring a bond, a nonrefundable application fee, a nonrefundable investigation fee, and fingerprinting; providing for waiver of fingerprinting; providing for inactive licenses; providing for renewal and reactivation of licenses; providing for a renewal fee and a reactivation fee; providing for disposition of certain moneys; providing for acquisition of an interest in a licensee under certain circumstance; providing for denial, suspension, or revocation of license; specifying acts which constitute violations for which certain disciplinary actions may be taken; providing a fine; providing remedies for title loans made or serviced without licensure; providing for a title loan agreement; providing requirements; providing for reclaiming a repossessed motor vehicle under certain circumstances; providing entitlement to certain excess proceeds of a sale or disposal of a motor vehicle; providing for recordkeeping and reporting and safekeeping of property; providing for title loan interest rates; providing requirements and limitations; providing for extensions; providing for return of principal and interest to the borrower under certain circumstance; providing a holding period when there is a failure to reclaim; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to reclaim; providing for lost title loan agreements; providing for a title loan lenders lien; providing for criminal penalties; providing for subpoenas, enforcement of actions, and rules; providing for investigations and complaints; authorizing the department to adopt rules; amending ss. 538.03 and 538.16, F.S.; deleting provisions relating to title loan transactions; providing for more restrictive local ordinances; providing an appropriation; repealing ss. 538.03(1)(i), 538.06(5), and 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; providing effective dates.

Rep. Sublette moved the adoption of the amendment, which failed of adoption.

Representative(s) Sublette offered the following:

Amendment 2 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Short title.—This act may be cited as the "Florida Title Loan Act."*

Section 2. *Legislative intent.—It is the intent of the Legislature that title loans shall be regulated by the provisions of this act. The provisions of this act shall supersede any other provisions of state law affecting title loans to the extent of any conflict.*

Section 3. *Definitions.—As used in this act, unless the context otherwise requires:*

(1) "Commercially reasonable" has the same meaning as used in Article 9, part V of ch. 679, Florida Statutes, in addition, nonpublic sales or disposal of personal property between title loan lenders and their business affiliates or family members are sales and disposal that are presumed not to be in a commercially reasonable fashion.

(2) "Department" means the Department of Banking and Finance.

(3) "Executive officer" means the president, chief executive officer, chief financial officer, chief operating officer, executive vice president, senior vice president, secretary, and treasurer.

(4) "Identification" means a government-issued photographic identification.

(5) "Interest" means the cost of obtaining a title loan and includes any profit or advantage of any kind whatsoever that a title loan lender may charge, contract for, collect, receive, or in any way obtain as a result of a title loan.

(6) "License" means a permit issued under this act to make or service title loans in accordance with this act at a single title loan office.

(7) "Licensee" means a person who is licensed as a title loan lender.

(8) "Loan property" means any motor vehicle certificate of title that is deposited with a title loan lender as a security for a title loan in the course of the title loan lender's business.

(9) "Motor vehicle" means an automobile, motorcycle, mobile home, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the public highways and streets of this state, used to transport persons or property, and propelled by power other than muscular power, but excluding a vehicle which runs only upon a track and a mobile home that is the primary residence of the owner.

(10) "Title loan" or "loan" means a loan of money secured by bailment of a certificate of title to a motor vehicle, except such loans made pursuant to licensees under chapter 516, chapter 520 or chapter 655.

(11) "Title loan agreement" or "agreement" means a written agreement in which a title loan lender agrees to make a title loan to a borrower.

(12) "Title loan lender" or "lender" means any person who engages in the business of making or servicing title loans.

(13) "Title loan office" means the location at which, or premises from which, a title loan lender regularly conducts business under this chapter or any other location that is held out to the public as a location at which a lender makes or services title loans.

(14) "Titled personal property" means a motor vehicle that has as evidence of ownership a state-issued certificate of title except for a mobile home that is the primary residence of the borrower.

(15) "Ultimate equitable owner" means a person who, directly or indirectly, owns or controls an ownership interest in a corporation, a foreign corporation, an alien business organization, or any other form of business organization, regardless of whether such person owns or controls such ownership interest through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

Section 4. *License required; license fees.—*

(1) A person may not act as a title loan lender or own or operate a title loan office unless such person has an active title loan lender license issued by the department under this act. A title loan lender may not own or operate more than one title loan office unless the lender obtains a separate title loan lender license for each title loan office.

(2) A person applying for licensure as a title loan lender shall file with the department an application, the bond required by section 5(3), a nonrefundable application fee of $1,200, a nonrefundable investigation fee of $200, and a complete set of fingerprints taken by an authorized law enforcement officer. The department shall submit such fingerprints to the Department of Law Enforcement or the Federal Bureau of Investigation for state and federal processing. The department may waive, by rule, the requirement that applicants must file a set of fingerprints or the requirement that such fingerprints must be processed by the Department of Law Enforcement or the Federal Bureau of Investigation.

(3) If the department determines that an application should be approved, the department shall issue a license for a period not to exceed 2 years.

(4) A license shall be renewed biennially by filing a renewal form and a nonrefundable renewal fee of $1,200. A license that is not renewed by

the end of the biennial period shall automatically revert to inactive status. An inactive license may be reactivated within 6 months after becoming inactive by filing a reactivation form, payment of the nonrefundable $1,200 renewal fee, and payment of a nonrefundable reactivation fee of $600. A license that is not reactivated within 6 months after becoming inactive may not be reactivated and shall automatically expire. The department shall establish by rule the procedures for renewal and reactivation of a license and shall adopt a renewal form and a reactivation form.

(5) Each license must be conspicuously displayed at the title loan office. When a licensee wishes to move a title loan office to another location, the licensee shall provide prior written notice to the department.

(6) A license issued pursuant to this act is not transferable or assignable.

(7) Each licensee shall designate and maintain a registered agent in this state for service of process.

(8) Whenever a person or a group of persons, directly or indirectly or acting by or through one or more persons, proposes to purchase or acquire a 25 percent or more interest in a licensee, such person or group shall submit an initial application for licensure under this act prior to such purchase or acquisition. The department shall adopt rules providing for waiver of the application required by this subsection when such purchase or acquisition of a licensee is made by another licensee licensed under this act or when the application is otherwise unnecessary in the public interest.

(9) The department may adopt rules to allow for electronic filing of applications, fees, and forms required by this act.

(10) All moneys collected by the department under this act shall be deposited into the Regulatory Trust Fund of the Department of Banking and Finance.

Section 5. *Application for license.—*

(1) A verified application for licensure under this act, in the form prescribed by department rule, shall:

(a) Contain the name and the residence and business address of the applicant. If the applicant is other than a natural person, the application shall contain the name and the residence and business address of each ultimate equitable owner of 25 percent or more of such entity and each director, general partner, and executive officer of such entity.

(b) State whether any individual identified in paragraph (a) has, within the last 10 years, pleaded nolo contendere to, or has been convicted or found guilty of, a felony, regardless of whether adjudication was withheld.

(c) Identify the county and municipality with the street and number or location where the business is to be conducted.

(d) Contain additional information as the department determines by rule to be necessary to ensure compliance with this act.

(2) Notwithstanding subsection (1), the application need not state the full name and address of each officer, director, and shareholder if the applicant is owned directly or beneficially by a person who as an issuer has a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934 or, pursuant to section 13 or section 15(d) of such act, is an issuer of securities which is required to file reports with the Securities and Exchange Commission, if the person files with the department any information, documents, and reports required by such act to be filed with the Securities and Exchange Commission.

(3) An applicant for licensure shall file with the department a bond, in the amount of $100,000 for each license, with a surety company qualified to do business in this state. However, in no event shall the aggregate amount of the bond required for a single title loan lender exceed $1 million. In lieu of the bond, the applicant may establish a certificate of deposit or an irrevocable letter of credit in a financial institution, as defined in s. 655.005, Florida Statutes, in the amount of the bond. The original bond, certificate of deposit, or letter of credit shall be filed with the department, and the department shall be the beneficiary to that document. The bond, certificate of deposit, or letter of credit shall be in favor of the department for the use and benefit of any consumer who is injured pursuant to a title loan transaction by the fraud, misrepresentation, breach of contract, financial failure, or violation of any provision of this act by the title loan lender. Such liability may be enforced either by proceeding in an administrative action or by filing a judicial suit at law in a court of competent jurisdiction. However, in such court suit, the bond, certificate of deposit, or letter of credit posted with the department shall not be amenable or subject to any judgment or other legal process issuing out of or from such court in connection with such lawsuit, but such bond, certificate of deposit, or letter of credit shall be amenable to and enforceable only by and through administrative proceedings before the department. It is the intent of the Legislature that such bond, certificate of deposit, or letter of credit shall be applicable and liable only for the payment of claims duly adjudicated by order of the department. The bond, certificate of deposit, or letter of credit shall be payable on a pro rata basis as determined by the department, but the aggregate amount may not exceed the amount of the bond, certificate of deposit, or letter of credit.

(4) The department shall approve an application and issue a license if the department determines that the applicant satisfies the requirements of this act.

Section 6. *Denial, suspension, or revocation of license.—*

(1) The following acts are violations of this act and constitute grounds for the disciplinary actions specified in subsection (2):

(a) Failure to comply with any provision of this act, any rule or order adopted pursuant to this act, or any written agreement entered into with the department.

(b) Fraud, misrepresentation, deceit, or gross negligence in any title loan transaction, regardless of reliance by or damage to the borrower.

(c) Fraudulent misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to a borrower pursuant to this act, regardless of reliance by or damage to the borrower.

(d) Imposition of illegal or excessive charges in any title loan transaction.

(e) False, deceptive, or misleading advertising by a title loan lender.

(f) Failure to maintain, preserve, and keep available for examination all books, accounts, or other documents required by this act, by any rule or order adopted pursuant to this act, or by any agreement entered into with the department.

(g) Aiding, abetting, or conspiring by a title loan lender with a person to circumvent or violate any of the requirements of this act.

(h) Refusal to provide information upon request of the department, to permit inspection of books and records in an investigation or examination by the department, or to comply with a subpoena issued by the department.

(i) Having been convicted of a crime involving fraud, dishonest dealing, or any act of moral turpitude or acting as an ultimate equitable owner of 10 percent or more of a licensee who has been convicted of a crime involving fraud, dishonest dealing, or any act of moral turpitude.

(j) Making or having made material misstatement of fact in an initial or renewal application for a license.

(k) Having been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order by any court of competent jurisdiction or administrative law judge, or by any state or federal agency, involving a violation of any federal or state law relating to title loans or any rule or regulation adopted under such law, or has been the subject of any injunction or adverse administrative order by a state or federal agency regulating banking, insurance, finance or small loan companies, real estate, mortgage

brokers, or other related or similar industries for acts involving fraud, dishonest dealing, or any act of moral turpitude.

(l) Pleading nolo contendere to, or being convicted or found guilty of, a crime involving fraud, dishonest dealing, or any act of moral turpitude, regardless of whether adjudication was withheld.

(m) Failing to continuously maintain the bond required by section 5(3).

(n) Failing to timely pay any fee, charge, or fine imposed or assessed pursuant to this act or rules adopted under this act.

(o) Having a license or registration, or the equivalent, to practice any profession or occupation denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction for fraud, dishonest dealing, or any act of moral turpitude.

(p) Having demonstrated unworthiness, as defined by department rule, to transact the business of a title loan lender.

(2) Upon a finding by the department that any person has committed any of the acts set forth in subsection (1), the department may enter an order taking one or more of the following actions:

(a) Denying an application for licensure under this act.

(b) Revoking or suspending a license previously granted pursuant to this act.

(c) Placing a licensee or an applicant for a license on probation for a period of time and subject to such conditions as the department specifies.

(d) Issuing a reprimand.

(e) Imposing an administrative fine not to exceed $5,000 for each separate act or violation.

(3) If a person seeking licensure is anything other than a natural person, the eligibility requirements of this section apply to each direct or ultimate equitable owner of 10 percent or more of the outstanding equity interest of such entity and to each director, general partner, and executive officer.

(4) It is sufficient cause for the department to take any of the actions specified in subsection (2), as to any entity other than a natural person, if the department finds grounds for such action as to any member of such entity, as to any executive officer or director of the entity, or as to any person with power to direct the management or policies of the entity.

(5) Each licensee is subject to the provisions of subsection (2) for the acts of employees and agents of the licensee if the licensee knew or should have known about such acts.

(6) Licensure under this act may be denied or any license issued under this act may be suspended or restricted if an applicant or licensee is charged, in a pending enforcement action or pending criminal prosecution, with any conduct that would authorize denial or revocation under this section.

Section 7. *Remedies for title loans made without licensure.—Any title loan made without benefit of a license is void, in which case the person making the title loan forfeits the right to collect any moneys, including principal and interest charged on the title loan, from the borrower in connection with such agreement. The person making the title loan shall return to the borrower the loan property, the titled personal property pledged or the fair market value of such titled personal property, and all principal and interest paid by the borrower. The borrower is entitled to receive reasonable attorney's fees and costs in any action brought by the borrower to recover from the person making the title loan the loan property, the titled personal property, or the principal and interest paid by the borrower.*

Section 8. *Title loan agreement.—*

(1) At the time a title loan lender makes a title loan, the lender and the borrower shall execute a title loan agreement, which shall be legibly typed or written in indelible ink and completed as to all essential provisions prior to execution by the borrower and lender. The title loan agreement shall include the following information:

(a) The make, model, and year of the titled personal property to which the loan property relates.

(b) The vehicle identification number, or other comparable identification number, along with the license plate number, if applicable, of the titled personal property to which the loan property relates.

(c) The name, residential address, date of birth, physical description, and social security number of the borrower.

(d) The date the title loan agreement is executed by the title loan lender and the borrower.

(e) The identification number and the type of identification, including the issuing agency, accepted from the borrower.

(f) The amount of money advanced, designated as the "amount financed."

(g) The maturity date of the title loan agreement, which shall be 30 days after the date the title loan agreement is executed by the title loan lender and the borrower.

(h) The total title loan interest payable on the maturity date, designated as the "finance charge."

(i) The amount financed plus finance charge, which must be paid to reclaim the loan property on the maturity date, designated as the "total amount of all payments."

(j) The interest rate, computed in accordance with the regulations adopted by the Federal Reserve Board pursuant to the Federal Truth-in-Lending Act, designated as the "annual percentage rate."

(2) The following information shall also be printed on all title loan agreements:

(a) The name and physical address of the title loan office.

(b) The name and address of the department as well as a telephone number to which consumers may address complaints.

(c) The following statement in not less than 12-point type that:

1. If the borrower fails to repay the full amount of the title loan on or before the end of the maturity date or any extension thereof and fails to make a payment on the title loan within 30 days after the end of the maturity date or any extension thereof, whichever is later, the title loan lender may take possession of the borrower's motor vehicle and sell it in the manner provided by law. Should the vehicle be sold, the borrower is entitled to any proceeds of the sale in excess of the amount owed on the title loan and the reasonable expenses of repossession and sale.

2. If the title loan agreement is lost, destroyed, or stolen, the borrower should immediately so advise the issuing title loan lender in writing.

(d) The statement that "The borrower represents and warrants that the titled personal property to which the loan property relates is not stolen and has no liens or encumbrances against it, the borrower has the right to enter into this transaction, and the borrower will not apply for a duplicate certificate of title while the title loan agreement is in effect."

(e) A blank line for the signature of the borrower and the title loan lender or the lender's agent.

(3) At the time of the transaction, the title loan lender shall deliver to the borrower an exact copy of the executed title loan agreement.

(4) Upon execution of a title loan agreement, the title loan lender may take possession of the loan property and retain possession of it until the loan property is redeemed. The borrower shall have the exclusive right to redeem the loan property by repaying all amounts legally due under the agreement. When the loan property is redeemed, the lender shall immediately return the loan property and commence action to release any security interest in the titled personal property. During the term of the

agreement or any extension thereof, a title loan lender may retain physical possession of the loan property only. A title loan lender shall not require a borrower to provide any additional security or guaranty as a condition of entering into a title loan transaction.

Section 9. *Recordkeeping; reporting; safekeeping of property.—*

(1) Every title loan lender shall maintain, at the lender's title loan office, such books, accounts, and records of the business conducted under the license issued for such place of business as will enable the department to determine the licensee's compliance with this act.

(2) The department may authorize the maintenance of books, accounts, and records at a location other than the lender's title loan office. The department may require books, accounts, and records to be produced and available at a reasonable and convenient location in this state within a reasonable period of time after such a request.

(3) The title loan lender shall maintain the original copy of each completed title loan agreement on the title loan office premises, and shall not obliterate, discard, or destroy any such original copy, for a period of at least 2 years after making the final entry on any loan recorded in such office.

(4) Loan property which is delivered to a title loan lender shall be securely stored and maintained at the title loan office unless the loan property has been forwarded to the appropriate state agency for the purpose of having a lien recorded or deleted.

(5) The department may prescribe by rule the books, accounts, and records, and the minimum information to be shown in the books, accounts, and records, of licensees so that such records will enable the department to determine compliance with the provisions of this act.

Section 10. *Title loan charges.—*

(1) A title loan lender may charge a maximum interest rate of 30 percent per annum computed on the first $2,000 of the principal amount, 24 percent per annum on that part of the principal amount exceeding $2,000 and not exceeding $3,000, and 18 percent per annum on that part of the principal amount exceeding $3,000. The original principal amount is the same amount as the amount financed, as defined by the federal Truth in Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. In determining compliance with the statutory maximum interest, the computations must be simple interest and not add-on interest or any other computations. When two or more interest rates are to be applied to the principal amount, the lender may charge interest at that single annual percentage rate which, if applied according to the actuarial method to each of the scheduled periodic balances of principal, would produce at maturity the same total amount of interest as would result from the application of the two or more rates otherwise permitted, based upon the assumption that all payments are made as agreed.

(2) The annual percentage rate that may be charged for a title loan may equal, but not exceed, the annual percentage rate that must be computed and disclosed as required by the federal Truth in Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. The maximum annual percentage rate of interest that may be charged is 12 times the maximum monthly rate, and the maximum monthly rate must be computed on the basis of one-twelfth of the annual rate for each full month. The Department of Banking and Finance shall establish by rule the rate for each day in a fraction of a month when the period for which the charge is computed is more or less than 1 month.

(3) A title loan agreement may be extended for one or more 30-day periods by mutual consent of the title loan lender and the borrower. Each extension of a title loan agreement shall be executed in a separate extension agreement each of which shall comply with the requirements for executing a title loan agreement as provided in this act. The interest rate charged in any title loan extension agreement shall not exceed the interest rate charged in the related title loan agreement. A title loan lender may not capitalize in any title loan extension agreement any unpaid interest due on the related title loan agreement or any subsequent extensions to that title loan agreement.

(4) Any interest contracted for or received, directly or indirectly, by a title loan lender, or an agent of the title loan lender, in excess of the amounts authorized under this chapter are prohibited and may not be collected by the title loan lender or an agent of the title loan lender.

(a) If such excess interest resulted from a bona fide error by the title loan lender, or an agent of the title loan lender, the title loan agreement shall be voidable and the lender shall refund the excess interest to the borrower within 20 days after discovery by the lender or borrower of the bona fide error, whichever occurs first.

(b) If such excess interest resulted from an act by the title loan lender, or an agent of the title loan lender, to circumvent the maximum title loan interest allowed by this act, the title loan agreement is void. The lender shall refund to the borrower any interest paid on the title loan and return to the borrower the loan property. The title loan lender forfeits the lender's right to collect any principal owed by the borrower on the title loan.

(c) The department may order a title loan lender, or an agent of the title loan lender, to comply with the provisions of paragraphs (a) and (b).

(5) Any interest contracted for or received, directly or indirectly, by a title loan lender, or an agent of the title loan lender, in excess of the amount allowed by this act constitutes a violation of chapter 687, Florida Statutes, governing interest and usury, and the penalties of that chapter apply.

Section 11. *Repossession, disposal of pledged property; excess proceeds.—*

(1) If a borrower fails to repay all amounts legally due under the title loan agreement on or before the end of the title loan's maturity date or any extension thereof and fails to make a payment on the loan within 30 days after the end of the loan's maturity date or any extension thereof, whichever is later, the title loan lender may take possession of the titled personal property. A lender may take possession of the titled personal property only through an agent who is licensed by the state to repossess motor vehicles.

(2) Prior to engaging a repossession agent, the lender shall afford the debtor an opportunity to make the titled personal property available to the lender at a place, date, and time reasonably convenient to the lender and the borrower. Prior to taking possession of titled personal property, the lender shall afford the borrower a reasonable opportunity to remove from the titled personal property any personal belongings without charge or additional cost to the borrower. Once the lender takes possession of the titled personal property, the lender, at the lender's sole expense and risk, may authorize a third party to retain physical possession of the titled personal property.

(3) Upon taking possession of titled personal property, the lender may dispose of the titled personal property by sale but may do so only through a motor vehicle dealer licensed under s. 320.27. At least 10 days prior to sale, the lender shall notify the borrower of the date, time, and place of the sale and provide the borrower with a written accounting of the principle amount due on the title loan, interest accrued through the date of the lender taking possession of the titled personal property, and any reasonable expenses incurred to date by the lender in taking possession of, preparing for sale, and selling the titled personal property. At any time prior to sale, the lender shall permit the borrower to redeem the titled personal property by tendering a money order or certified check for the principal amount of the title loan, interest accrued through the date of the lender taking possession, and any reasonable expenses incurred to date by the lender in taking possession of, preparing for sale, and selling the titled personal property. Nothing in this act nor in any title loan agreement shall preclude a borrower from purchasing the titled personal property at any sale.

(4) Any such sale or disposal shall vest in the purchaser the right, title, and interest of the owner and the title loan lender.

(5) Within 30 days after the sale of the titled personal property, the borrower is entitled to receive all proceeds from the sale of the motor vehicle in excess of the principal amount due on the loan, interest on the

loan up to the date of the lender taking possession, and the reasonable expenses incurred by the lender in taking possession of, preparing for sale, and selling the titled personal property. The borrower is entitled to reasonable attorney fees and costs incurred in any action brought to recover such proceeds that results the title loan lender being ordered to return all or part of such amount.

(6) The borrower shall not be personally liable to the lender for any balance due on the title loan remaining after applying the proceeds of the sale of the titled personal property to the principal amount due on the title loan, interest accrued through the date of the lender taking possession, and any reasonable expenses incurred by the lender in taking possession of, preparing for sale, and selling the titled personal property unless such balance exceeds $2,000. If such balance exceeds $2,000, the lender shall be entitled to reasonable attorney fees and costs incurred in any action brought to recover such balance that results in a judgment in favor of the lender.

(7) The rights and remedies referred to in this section are cumulative. Except as otherwise provided in this section, the disposal of titled personal property is subject to the provisions of ch. 679, Florida Statutes.

(8) In taking possession and disposing of titled personal property by sale or otherwise, the title loan lender shall at all times proceed in a commercially reasonable manner.

Section 12. *Prohibited acts.—*

(1) A title loan lender, or any agent or employee of a title loan lender, shall not:

(a) Falsify or fail to make an entry of any material matter in a title loan agreement or any extension of such agreement.

(b) Refuse to allow the department to inspect completed title loan agreements, extensions of such agreements, or loan property during the ordinary operating hours of the title loan lender's business or other times acceptable to both parties.

(c) Enter into a title loan agreement with a person under the age of 18 years.

(d) Make any agreement requiring or allowing for the personal liability of a borrower or the waiver of any of the provisions of this act.

(e) Knowingly enter into a title loan agreement with any person who is under the influence of drugs or alcohol when such condition is visible or apparent, or with any person using a name other than such person's own name or the registered name of the person's business.

(f) Fail to exercise reasonable care, as defined by department rule, in the safekeeping of loan property or of titled personal property repossessed pursuant to this act.

(g) Fail to return loan property or repossessed titled personal property to a borrower, with any and all of the title loan lender's liens on the property properly released, upon payment of the full amount due the title loan lender, unless the property has been seized or impounded by an authorized law enforcement agency, taken into custody by a court, or otherwise disposed of by court order.

(h) Sell or otherwise charge for any type of insurance in connection with a title loan agreement.

(i) Charge or receive any finance charge, interest, or fees which are not authorized pursuant to this act.

(j) Act as a title loan lender without an active license issued under this act.

(k) Refuse to accept partial payments toward satisfying any obligation owed under a title loan agreement or extension of such agreement.

(l) Charge a prepayment penalty.

(m) Engage in the business of selling new or used motor vehicles, or parts for motor vehicles.

(n) Act as a title loan lender under this act within a place of business in which the licensee solicits or engages in business outside the scope of this act if the department determines that the licensee's operation of and conduct pertaining to such other business results in an evasion of this act. Upon making such a determination, the department shall order the licensee to cease and desist from such evasion, provided, no licensee shall engage in the pawnbroker business.

(2) Title loan companies may not advertise using the words "interest free loans" or "no finance charges."

Section 13. *Right to reclaim; lost title loan agreement.—*

(1) Any person presenting identification of such person as the borrower and presenting the borrower's copy of the title loan agreement to the title loan lender is presumed to be entitled to reclaim the loan property described in the title loan agreement. However, if the title loan lender determines that the person is not the borrower, the title loan lender is not required to allow the redemption of the loan property by such person. The person reclaiming the loan property must sign the borrower's copy of the title loan agreement which the title loan lender may retain to evidence such person's receipt of the loan property. A person reclaiming the loan property who is not the borrower must show identification to the title loan lender, together with notarized written authorization from the borrower, and the title loan lender shall record that person's name and address on the title loan agreement retained by the title loan lender. In such case, the person reclaiming the borrower's copy of the title loan agreement shall be provided a copy of such signed form as evidence of such agreement.

(2) If the borrower's copy of the title loan agreement is lost, destroyed, or stolen, the borrower must notify the title loan lender, in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt, and receipt of such notice shall invalidate such title loan agreement if the loan property has not previously been reclaimed. Before delivering the loan property or issuing a new title loan agreement, the title loan lender shall require the borrower to make a written statement of the loss, destruction, or theft of the borrower's copy of the title loan agreement. The title loan lender shall record on the written statement the type of identification and the identification number accepted from the borrower, the date the statement is given, and the number or date of the title loan agreement lost, destroyed, or stolen. The statement shall be signed by the title loan lender or the title loan office employee who accepts the statement from the borrower. The title loan lender shall not impose any type of fee for providing the borrower with a copy of the title loan agreement.

Section 14. *Criminal penalties.—*

(1) Any person who acts as a title loan lender without first securing the license prescribed by this act commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(2) In addition to any other applicable penalty, any person who willfully violates any provision of this act or who willfully makes a false entry in any record specifically required by this act commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 15. *Subpoenas; enforcement actions; rules.—*

(1) The department may issue and serve subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before the department in any matter pertaining to this act. The department may administer oaths and affirmations to any person whose testimony is required. If any person refuses to testify, produce books, records, and documents, or otherwise refuses to obey a subpoena issued under this section, the department may enforce the subpoena in the same manner as subpoenas issued under the Administrative Procedure Act are enforced. Witnesses are entitled to the same fees and mileage as they are entitled to by law for attending as witnesses in the circuit court, unless such examination or investigation is held at the place of business or residence of the witness.

(2) In addition to any other powers conferred upon the department to enforce or administer this act, the department may:

(a) Bring an action in any court of competent jurisdiction to enforce or administer this act, any rule or order adopted under this act, or any written agreement entered into with the department. In such action, the department may seek any relief at law or equity, including a temporary or permanent injunction, appointment of a receiver or administrator, or an order of restitution.

(b) Issue and serve upon a person an order requiring such person to cease and desist and take corrective action whenever the department finds that such person is violating, has violated, or is about to violate any provision of this act, any rule or order adopted under this act, or any written agreement entered into with the department.

(c) Whenever the department finds that conduct described in paragraph (b) presents an immediate danger to the public health, safety, or welfare requiring an immediate final order, the department 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 named in the order and shall remain effective for 90 days. If the department begins nonemergency proceedings under paragraph (b), the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57, Florida Statutes.

(3) The department may adopt rules pursuant to ss. 120.54 and 120.536(1) to implement this act.

Section 16. *Investigations and complaints.—*

(1) The department may make any investigation and examination of any licensee or other person the department deems necessary to determine compliance with this act. For such purposes, the department may examine the books, accounts, records, and other documents or matters of any licensee or other person. The department may compel the production of all relevant books, records, and other documents and materials relative to an examination or investigation. Examinations shall not be made more often than once during any 12-month period unless the department has reason to believe the licensee is not complying with the provisions of this act.

(2) The department shall conduct all examinations at a convenient location in this state unless the department determines that it is more effective or cost-efficient to perform an examination at the licensee's out-of-state location. For an examination performed at the licensee's out-of-state location, the licensee shall pay the travel expense and per diem subsistence at the rate provided by law for up to 30 8-hour days per year for each department examiner who participates in such an examination. However, if the examination involves or reveals possible fraudulent conduct by the licensee, the licensee shall pay the travel expenses and per diem subsistence provided by law, without limitation, for each participating examiner.

(3) Any person having reason to believe that any provision of this act has been violated may file with the department a written complaint setting forth the details of such alleged violation and the department may investigate such complaint.

Section 17. Paragraphs (a) and (h) of subsection (1) of section 538.03, Florida Statutes, 1998 Supplement, are amended to read:

538.03 Definitions; applicability.—

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

(a) "Secondhand dealer" means any person, corporation, or other business organization or entity which is not a secondary metals recycler subject to part II and which is engaged in the business of purchasing, consigning, or pawning secondhand goods ~~or entering into title loan transactions~~. However, secondhand dealers are not limited to dealing only in items defined as secondhand goods in paragraph (g). Except as provided in subsection (2), the term means pawnbrokers, jewelers, precious metals dealers, garage sale operators, secondhand stores, and consignment shops.

(h) "Transaction" means any ~~title loan,~~ purchase, consignment, or pawn of secondhand goods by a secondhand dealer.

Section 18. Subsection (1) of section 538.16, Florida Statutes, is amended to read:

538.16 Secondhand dealers; disposal of property.—

(1) Any personal property pawned with a pawnbroker, whether the pawn is a loan of money or a buy-sell agreement ~~or a motor vehicle which is security for a title loan~~, is subject to sale or disposal if the pawn is a loan of money and the property has not been redeemed or there has been no payment on account made for a period of 90 days, or if the pawn is a buy-sell agreement ~~or if it is a title loan~~ and the property has not been repurchased from the pawnbroker ~~or the title redeemed from the title lender~~ or there has been no payment made on account within 60 days.

Section 19. *Nothing in this act precludes a county or municipality from adopting ordinances more restrictive than the provisions of this act.*

Section 20. *Effective July 1, 1999, the sum of $500,000 is hereby appropriated for the 1999-2000 fiscal year from the Regulatory Trust Fund of the Department of Banking and Finance to the department to fund eight positions for the purpose of carrying out the provisions of this act.*

Section 21. *Paragraph (i) of subsection (1) of section 538.03, Florida Statutes, 1998 Supplement, subsection (5) of section 538.06, Florida Statutes, and subsections (4) and (5) of section 538.15, Florida Statutes, are repealed.*

Section 22. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 23. Except as otherwise provided in this act, this act shall take effect October 1, 1999.

And the title is amended as follows:

On page 1, line 2, through page 2, line 7,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing legislative intent; providing definitions; requiring licensure by the Department of Banking and Finance to act as a title loan lender; providing for application for licensure; requiring a bond, a nonrefundable application fee, a nonrefundable investigation fee, and fingerprinting; providing for waiver of fingerprinting; providing for inactive licenses; providing for renewal and reactivation of licenses; providing for a renewal fee and a reactivation fee; providing for disposition of certain moneys; providing for acquisition of an interest in a licensee under certain circumstance; providing for denial, suspension, or revocation of license; specifying acts which constitute violations for which certain disciplinary actions may be taken; providing a fine; providing remedies for title loans made or serviced without licensure; providing for a title loan agreement; providing requirements; providing for reclaiming a repossessed motor vehicle under certain circumstances; providing entitlement to certain excess proceeds of a sale or disposal of a motor vehicle; providing for recordkeeping and reporting and safekeeping of property; providing for title loan interest rates; providing requirements and limitations; providing for extensions; providing for return of principal and interest to the borrower under certain circumstance; providing a holding period when there is a failure to reclaim; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to reclaim; providing for lost title loan agreements; providing for a title loan lenders lien; providing for criminal penalties; providing for subpoenas, enforcement of actions, and rules; providing for investigations and complaints; authorizing the department to adopt rules; amending ss. 538.03 and 538.16, F.S.; deleting provisions relating to title loan transactions; providing for more restrictive local ordinances; providing an appropriation; repealing ss.

538.03(1)(i), 538.06(5), and 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; providing effective dates.

Rep. Sublette moved the adoption of the amendment, which was adopted.

On motion by Rep. Sublette, the rules were suspended and HB 299, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Dennis	Johnson	Ritter
Albright	Detert	Jones	Roberts
Alexander	Diaz de la Portilla	Kelly	Rojas
Andrews	Dockery	Kilmer	Russell
Argenziano	Edwards	Kosmas	Ryan
Arnall	Effman	Kyle	Sanderson
Bainter	Farkas	Lacasa	Sembler
Ball	Fasano	Lawson	Smith, C.
Barreiro	Feeney	Levine	Smith, K.
Bense	Fiorentino	Littlefield	Sobel
Betancourt	Flanagan	Logan	Sorensen
Bilirakis	Frankel	Lynn	Spratt
Bitner	Fuller	Maygarden	Stafford
Bloom	Futch	Merchant	Stansel
Boyd	Garcia	Miller, J.	Starks
Bradley	Gay	Miller, L.	Suarez
Bronson	Goode	Minton	Sublette
Brown	Goodlette	Morroni	Trovillion
Brummer	Gottlieb	Murman	Tullis
Bush	Green, C.	Ogles	Turnbull
Byrd	Greene, A.	Patterson	Valdes
Cantens	Greenstein	Peaden	Villalobos
Casey	Hafner	Posey	Wallace
Chestnut	Harrington	Prieguez	Warner
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	

Nays—None

Votes after roll call:
Yeas—Melvin

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Motions Relating to Committee References

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS/HB 1147 was withdrawn from the Committee on Judiciary and placed on the appropriate Calendar.

Continuation of Special Orders

On motion by Rep. Maygarden, the rules were suspended by the required two-thirds vote and—

CS/HB 21—A bill to be entitled An act relating to school buses; requiring that buses purchased after a specified date and used in transporting certain students be equipped with safety belts that comply with specified standards; providing an exemption for certain school buses; requiring passengers to wear safety belts; providing immunity of a school district, bus operator, and others for injuries to a passenger caused solely because the passenger was not wearing a safety belt; providing immunity to such persons for injury caused by a passenger's dangerous or unsafe use of a safety belt; providing certain provisions for implementation; providing an effective date.

—was taken up out of its regular order and read the second time by title.

The Committee on Education Appropriations offered the following:

Amendment 1 (with title amendment)—On page 1 line 22 of the bill, after the words "safety belts"

insert: *or with any other restraint system approved by the Federal Government*

And the title is amended as follows:

On page 1, line 5 after "belts",

insert: or other restraint system

Rep. Chestnut moved the adoption of the amendment, which was adopted.

The Committee on Education Appropriations offered the following:

Amendment 2 (with title amendment)—On page 1, line 24, page 2, line 2, page 2, line 8, and page 2, line 14, of the bill

after the words "safety belt" insert: *or restraint system*

On page 1, line 29 and page 2, line 18, of the bill

after the words "safety belts" insert: *or restraint system*

And the title is amended as follows:

On page 1, line 8,

after the word "belts" insert: or restraint system

On page 1, line 11, and page 1, line 14

after the word "belt" insert: or restraint system

Rep. Chestnut moved the adoption of the amendment, which was adopted.

The Committee on Education Appropriations offered the following:

Amendment 3—On page 2, line 14 of the bill, after the word "use"

insert: *or non-use*

Rep. Chestnut moved the adoption of the amendment, which was adopted.

The Committee on Education Appropriations offered the following:

Amendment 4 (with title amendment)—On page 2, between lines 19 & 20, of the bill

insert:

Section 2. Paragraph (b) of subsection (1) of section 234.211, Florida Statutes, 1998 Supplement, is amended to read:

234.211 Use of school buses for public purposes.—

(1)

(b) Each school district may enter into agreements with local WAGES coalitions for the provision of transportation services to WAGES program participants as defined in s. 414.0252. Agreements must provide for reimbursement in full or in part for the proportionate share of fixed and operating costs incurred by the school district attributable to the use of buses in accordance with the agreement. *A school district may enter into agreements to provide transportation pursuant to this paragraph only if the point of origin or termination of the trip is within the school district's boundaries.*

And the title is amended as follows:

On page 1, line 15,

after the semicolon insert: amending s. 234.211, F.S.; providing a limitation on the use of school buses for certain public purposes;

Rep. Chestnut moved the adoption of the amendment, which failed of adoption.

The Committee on Education Appropriations offered the following:

Amendment 5—On page 2, between lines 19 and 20 of the bill

insert:

(1)(d) A school district may enter into agreements to provide transportation pursuant to this section only if the point of origin or termination of the trip is within the district's boundries.

Rep. Constantine moved the adoption of the amendment, which was adopted.

The Committee on Judiciary offered the following:

Amendment 6 (with title amendment)—On page 1, line 20, after "*(1)*",

insert: *(a)*
On page 1, between lines 27 & 28,

insert:

(b) As used in this section, "school bus" means a school bus that is owned, leased, operated, or contracted by a school district.

And the title is amended as follows:

On page 1, line 7, after the semicolon,

insert: providing a definition for "school bus" used in the section;

Rep. Chestnut moved the adoption of the amendment, which was adopted.

Representative(s) Fiorentino offered the following:

Amendment 7 (with title amendment)—On page 2, between lines 19 & 20,

insert:

(6) The provisions of this section shall not apply to vehicles not used exclusively for the transportation of public school students as described in s. 234.051(1)(b), Florida Statutes.

And the title is amended as follows:

On page 1, line 15, after the semicolon,

insert: providing an exception to the operation of the act;

Rep. Fiorentino moved the adoption of the amendment.

Representative(s) Chestnut offered the following:

Substitute Amendment 7 (with title amendment)—On page 2, between lines 19 and 20,

insert: *(6) The provisions of this section shall not apply to vehicles as defined in s. 234.051(1)(b), Florida Statutes.*

And the title is amended as follows:

On page 1, line 15, after the semicolon,

insert: providing an exception to the operation of the act;

Rep. Chestnut moved the adoption of the substitute amendment, which was adopted.

Representative(s) Posey offered the following:

Amendment 8—On page 1, line 31, through page 2, line 12,
remove from the bill: all of said lines

and insert in lieu thereof:
The state, the county, a school district, a school employee, a bus driver, a teacher, or a volunteer is not liable for personal injury to a passenger on such a school bus which is caused by the passenger's failure to wear a safety belt.

(3) The state, the county, a school district, school bus operator under contract with a school district, or an agent or employee of a school district or operator, including a teacher or volunteer serving as a chaperone, is not liable in an action for personal injury by a school bus passenger solely because the injured party was not wearing a safety belt.

(4) The state, the county, a school district, school bus operator under contract with a school district, or an agent or employee of a school district or operator, including a teacher or volunteer serving as a chaperone, is not liable in an action for

Rep. Posey moved the adoption of the amendment, which was adopted.

On motion by Rep. Chestnut, the rules were suspended and CS/HB 21, as amended, was read the third time by title. On passage, the vote was:

Yeas—97

The Chair	Detert	Kelly	Ryan
Albright	Diaz de la Portilla	Kilmer	Sembler
Arnall	Edwards	Kosmas	Smith, C.
Bainter	Effman	Kyle	Smith, K.
Ball	Farkas	Lawson	Sobel
Barreiro	Fasano	Levine	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Futch	Melvin	Stansel
Bloom	Garcia	Merchant	Starks
Boyd	Gay	Miller, L.	Suarez
Bradley	Goode	Minton	Sublette
Brown	Goodlette	Murman	Tullis
Brummer	Gottlieb	Ogles	Turnbull
Bush	Green, C.	Patterson	Valdes
Byrd	Greene, A.	Peaden	Villalobos
Cantens	Greenstein	Posey	Wallace
Casey	Hafner	Prieguez	Warner
Chestnut	Hart	Pruitt	Waters
Constantine	Healey	Rayson	Wiles
Cosgrove	Henriquez	Reddick	Wilson
Crady	Heyman	Ritchie	Wise
Crist	Hill	Ritter	
Crow	Johnson	Roberts	
Dennis	Jones	Rojas	

Nays—16

Alexander	Bronson	Fuller	Morroni
Andrews	Dockery	Harrington	Putnam
Argenziano	Feeney	Littlefield	Russell
Bense	Fiorentino	Miller, J.	Sanderson

Votes after roll call:
Yeas—Maygarden

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Explanation of Vote

I am in agreement with the intent of CS/HB 21 to protect our children riding on public school buses; however, it is my opinion that CS/HB 21 is premature due to the school bus safety study currently being conducted by the Department of Education.

As I discussed in the Education Appropriations Committee, I believe it would be more appropriate to purchase and install security cameras on the school buses. The security cameras would assist the drivers with discipline and safety. Upon conclusion of the Department of Education study, I believe that legislation should be drafted to reflect those findings as this study would make certain that the best safety measures are utilized for our children.

Rep. Heather Fiorentino
District 46

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 an effective date.

—was read the second time by title.

The Committee on Utilities & Communications offered the following:

Amendment 1—On page 4, line 26 through 30
remove from the bill: all of said lines

and insert in lieu thereof:

(k) "Order" means:

1. The following orders and rules of the Federal Communications Commission issued in FCC Docket No. 94-102:

a. Order adopted on June 12, 1996, with an effective date of October 1, 1996, the amendments to Section 20.03 and the creation of Section 20.18 of Title 47 of the Code of Federal Regulations adopted by the Federal Communications Commission pursuant to such order.

b. Memorandum and Order No. FCC 97-402 adopted on December 23, 1997.

c. Order No. FCC DA 98-2323 adopted on November 13, 1998.

d. Order No. FCC 98-345 adopted December 31, 1998.

2. Orders and rules subsequently adopted by the Federal Communications Commission relating to the provision of wireless 911 services.

Rep. Logan moved the adoption of the amendment, which was adopted.

The Committee on Community Affairs offered the following:

Amendment 2—On page 9, line 7,
remove from the bill: all of said lines

and insert in lieu thereof: *carry out the powers granted in this section, including but not limited to, consideration of emerging technology and related cost savings*

Rep. Logan moved the adoption of the amendment, which was adopted.

The Committee on Community Affairs offered the following:

Amendment 3—On page 9, line 20,
remove from the bill: *29*

and insert in lieu thereof: *28*

Rep. Logan moved the adoption of the amendment, which was adopted.

The Committee on Utilities & Communications offered the following:

Amendment 4—On page 10, lines 2 and 3 of the bill strike all of said lines

insert:

3. By county, the total number of wireless subscriber billing addresses for the years 1999-2001.

4. A compilation of average service rate information, by license service area, for the years 1999-2001. The board shall request wireless providers submit a representative sample of low, medium and high user rates for the requested period and compliance with such request shall be voluntary.

5. Any other issues related to providing wireless E911 services.

Rep. Logan moved the adoption of the amendment, which was adopted.

The Committee on Utilities & Communications offered the following:

Amendment 5 (with title amendment)—On page 14, between lines 9 and 10 of the bill

insert:

Section 2. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall 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.*

And the title is amended as follows:

On page 1, line 29, after the semicolon

insert: providing for severability;

Rep. Logan moved the adoption of the amendment, which was adopted.

The Committee on General Government Appropriations offered the following:

Amendment 6 (with title amendment)—On page 14, between line 9 and 10 of the bill

insert:

Section 2. *There is hereby appropriated to the Department of Management Services $18,711,000 from the Wireless Emergency Telephone System Trust Fund for the 1999-2000 fiscal year, to include, $8,607,060 for distribution to counties, $9,729,720 for distribution to 911 service providers, and $374,220 for Department of Management Services administrative costs.*

And the title is amended as follows:

On page 1, line 29

after the semicolon insert: providing an appropriation;

Rep. Logan moved the adoption of the amendment, which was adopted.

The Committee on Utilities & Communications offered the following:

Amendment 7—On page 10, lines 1 and 2 of the bill strike all of said lines

insert:

3. By county, the total number of wireless subscriber billing addresses for the years 1999-2001.

4. A compilation of average service rate information, by license service area, for the years 1999-2001. The board shall request wireless providers submit a representative sample of low, medium and high user rates for the requested period and compliance with such request shall be voluntary.

5. Any other issues related to providing wireless E911 services.

Rep. Logan moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Logan, the rules were suspended and HB 621, as amended, was read the third time by title. On passage, the vote was:

Yeas—104

The Chair	Diaz de la Portilla	Jones	Ritter
Albright	Dockery	Kelly	Roberts
Alexander	Edwards	Kilmer	Rojas
Andrews	Effman	Kosmas	Russell
Arnall	Farkas	Kyle	Ryan
Bainter	Fasano	Lawson	Sanderson
Ball	Feeney	Levine	Sembler
Barreiro	Fiorentino	Littlefield	Smith, C.
Betancourt	Flanagan	Logan	Smith, K.
Bilirakis	Frankel	Lynn	Sobel
Bitner	Fuller	Maygarden	Sorensen
Bloom	Futch	Melvin	Spratt
Boyd	Garcia	Miller, J.	Stafford
Bradley	Gay	Miller, L.	Stansel
Bronson	Goode	Minton	Starks
Brown	Gottlieb	Morroni	Suarez
Bush	Green, C.	Murman	Sublette
Cantens	Greene, A.	Ogles	Trovillion
Casey	Greenstein	Patterson	Tullis
Chestnut	Hafner	Peaden	Turnbull
Constantine	Hart	Prieguez	Valdes
Cosgrove	Healey	Pruitt	Villalobos
Crady	Henriquez	Putnam	Waters
Crist	Heyman	Rayson	Wiles
Crow	Hill	Reddick	Wilson
Dennis	Johnson	Ritchie	Wise

Nays—11

Argenziano	Byrd	Harrington	Wallace
Bense	Detert	Merchant	Warner
Brummer	Goodlette	Posey	

Votes after roll call:
Yeas to Nays—Feeney

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 317—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S.; providing that the tax on the lease or rental of or license in real property does not apply when the property is a public or private street or right-of-way used by a franchised cable television company for communication purposes; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

Amendment 1 (with title amendment)—On page 1, line 12 remove from the bill: everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, 1998 Supplement, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way, *and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way,* occupied or used by a utility *or franchised cable television company* for utility *or other communications or television* purposes. *For purposes of this subparagraph, the term utility means any person providing utility services as defined in s. 203.012.*

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to chapter 550, or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For

purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 7-9
remove from the title of the bill: all of said lines

and insert in lieu thereof:
or right of way, or poles, conduits, fixtures, and similar improvements located in a right-of-way used by a cable television company for communications or television purposes; providing a definition for the term utility; providing an effective date.

Rep. Gay moved the adoption of the amendment.

Representative(s) Albright offered the following:

Substitute Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, 1998 Supplement, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way *and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way,* occupied or used by a utility *or franchised cable television company* for utility *or communications or television* purposes. *For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, excluding buildings, wherever located, on which antennas, cables, adjacent accessory structures, or adjacent accessory equipment used in the provision of cellular, enhanced specialized mobile radio, or personal communications services are placed.*

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to chapter 550, or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

Section 2. Paragraph (e) of subsection (1) of section 212.05, Florida Statutes, 1998 Supplement, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(e)1. At the rate of 6 percent on charges for:

a. All telegraph messages and long-distance telephone calls beginning and terminating in this state, telecommunication service as defined in s. 203.012, and those services described in s. 203.012(2)(a), except that the tax rate for charges for telecommunication service is 7 percent. *The tax on calls made with a prepaid telephone calling card shall be collected at the time of sale and remitted by the dealer selling or recharging a prepaid telephone card.*

(I) A prepaid telephone card or authorization number means the right to exclusively make telephone calls that must be paid for in advance and that enable the origination of calls using an access number, prepaid mobile account, or authorization code, whether manually or electronically dialed.

(II) If the sale or recharge of the prepaid telephone calling card does not take place at the dealer's place of business, it shall be deemed to take place at the customer's shipping address or, if no item is shipped, at the customer's address or the location associated with the customer's mobile telephone number.

(III) The prepaid phone card constitutes property in this state and subjects the selling dealer to the jurisdiction of this state for purposes of this subsection.

b. Any television system program service.

c. The installation of telecommunication and telegraphic equipment.

d. Electrical power or energy, except that the tax rate for charges for electrical power or energy is 7 percent.

2. For purposes of this chapter, "television system program service" means the transmitting, by any means, of any audio or video signal to a subscriber for other than retransmission, or the installing, connecting, reconnecting, disconnecting, moving, or changing of any equipment related to such service. For purposes of this chapter, the term "telecommunication service" does not include local service provided through a pay telephone. The provisions of s. 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, shall be equally applicable to any tax paid under the provisions of this section on charges for telecommunication or telegraph services or electric power subsequently found to be uncollectible. The word "charges" in this paragraph does not include any excise or similar tax levied by the Federal Government, any political subdivision of the state, or any municipality upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

3. Telegraph messages and telecommunication services which originate or terminate in this state, other than interstate private communication services, and are billed to a customer, telephone number, or device located within this state are taxable under this paragraph. Interstate private communication services are taxable under this paragraph as follows:

a. One hundred percent of the charge imposed at each channel termination point within this state;

b. One hundred percent of the charge imposed for the total channel mileage between each channel termination point within this state; and

c. The portion of the interstate interoffice channel mileage charge as determined by multiplying said charge times a fraction, the numerator of which is the air miles between the last channel termination point in this state and the vertical and horizontal coordinates, 7856 and 1756, respectively, and the denominator of which is the air miles between the last channel termination point in this state and the first channel termination point outside this state. The denominator of this fraction shall be adjusted, if necessary, by adding the numerator of said fraction to similarly determined air miles in the state in which the other channel termination point is located, so that the summation of the apportionment factor for this state and the apportionment factor for the other state is not greater than one, to ensure that no more than 100 percent of the interstate interoffice channel mileage charge can be taxed by this state and another state.

4. The tax imposed pursuant to this paragraph shall not exceed $50,000 per calendar year on charges to any person for interstate telecommunications services defined in s. 203.012(4) and (7)(b), if the majority of such services used by such person are for communications originating outside of this state and terminating in this state. This exemption shall only be granted to holders of a direct pay permit issued pursuant to this subparagraph. No refunds shall be given for taxes paid prior to receiving a direct pay permit. Upon application, the department may issue a direct pay permit to the purchaser of telecommunications services authorizing such purchaser to pay tax on such services directly to the department. Any vendor furnishing telecommunications services to the holder of a valid direct pay permit shall be relieved of the obligation to collect and remit the tax on such service. Tax payments and returns pursuant to a direct pay permit shall be monthly. For purposes of this subparagraph, the term "person" shall be limited to a single legal entity and shall not be construed as meaning a group or combination of affiliated entities or entities controlled by one person or group of persons.

5. If the sale of a television system program service, as defined in this paragraph, also involves the sale of an item exempt under s. 212.08(7)(j), the tax shall be applied to the value of the taxable service when it is sold separately. If the company does not offer this service separately, the consideration paid shall be separately identified and stated with respect to the taxable and exempt portions of the transaction as a condition of the exemption, except that the amount identified as taxable shall not be less than the cost of the service.

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

And the title is amended as follows:

On page 1, lines 7-9,
remove from the title of the bill: those lines

and insert in lieu thereof: or right-of-way used by a utility or franchised cable television company for utility, television, or communication purposes; providing a definition for the term "utility"; amending s. 212.05, F.S.; providing that the sales tax on prepaid calling cards will be assessed at the point of sale of the card; providing an effective date.

Rep. Albright moved the adoption of the substitute amendment, which was adopted.

The Committee on Utilities & Communications offered the following:

Amendment 2—On page 2, line 7 of the bill after the word "utility"

insert: , *television*,

Rep. Gay moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

On motion by Rep. Gay, the rules were suspended and HB 317, as amended, was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Boyd	Crow	Futch
Albright	Bradley	Dennis	Garcia
Alexander	Bronson	Detert	Gay
Andrews	Brown	Diaz de la Portilla	Goode
Argenziano	Brummer	Dockery	Goodlette
Arnall	Bush	Edwards	Gottlieb
Bainter	Byrd	Effman	Green, C.
Ball	Cantens	Farkas	Greene, A.
Barreiro	Casey	Fasano	Greenstein
Bense	Chestnut	Feeney	Hafner
Betancourt	Constantine	Fiorentino	Harrington
Bilirakis	Cosgrove	Flanagan	Hart
Bitner	Crady	Frankel	Healey
Bloom	Crist	Fuller	Henriquez

Heyman	Miller, J.	Ritter	Suarez
Hill	Miller, L.	Roberts	Sublette
Johnson	Minton	Rojas	Trovillion
Jones	Morroni	Russell	Tullis
Kelly	Murman	Ryan	Turnbull
Kilmer	Ogles	Sanderson	Valdes
Kosmas	Patterson	Sembler	Villalobos
Kyle	Peaden	Smith, C.	Wallace
Lacasa	Posey	Smith, K.	Warner
Lawson	Prieguez	Sobel	Waters
Levine	Pruitt	Sorensen	Wiles
Littlefield	Putnam	Spratt	Wilson
Logan	Rayson	Stafford	Wise
Lynn	Reddick	Stansel	
Maygarden	Ritchie	Starks	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1479—A bill to be entitled An act relating to notices of noncompliance; amending s. 120.695, F.S.; providing that notices of noncompliance apply to violations of regulatory provisions of an agency found in rule or statute; eliminating obsolete provisions relating to review and designation of agency rules for notice issuance purposes; providing exemptions from applicability of the section; creating s. 120.696, F.S.; providing for classification of disciplinary actions as active or inactive; providing for the periodic clearing of minor violations from the disciplinary record; providing rulemaking authority; amending s. 455.225, F.S.; providing for classification of disciplinary actions by the Department of Business and Professional Regulation as active or inactive; providing for the periodic clearing of minor violations from the disciplinary record; providing rulemaking authority; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following:

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 120.695, Florida Statutes, is amended to read:

120.695 Notice of noncompliance.—

(1) It is the policy of the state that the purpose of regulation is to protect the public by attaining compliance with the policies established by the Legislature. Fines and other penalties may be provided in order to *ensure* ~~assure~~ compliance; however, the collection of fines and the imposition of penalties are intended to be secondary to the primary goal of attaining compliance with *the rules or statutes* ~~an agency's rules~~. It is the intent of the Legislature that an agency charged with enforcing *the rules or statutes* ~~rules~~ shall issue a notice of noncompliance as its first response to a minor violation of ~~a rule~~ in any instance in which it is reasonable to assume that the violator was unaware of the rule or *statute, or was* unclear as to how to comply with it.

(2)~~(a)~~ Each agency shall issue a notice of noncompliance as a first response to a minor violation. A "notice of noncompliance" is a notification by the agency ~~charged with enforcing the rule~~ issued to the person or business subject to the rule *or statute in question*. A notice of noncompliance may not be accompanied with a fine or other disciplinary penalty. It must identify the specific *provision found in rule or statute* ~~rule~~ that is being violated, provide information on how to comply with *it* ~~the rule~~, and specify a reasonable time for the violator to comply ~~with the rule. A rule is agency action that regulates a business, occupation, or profession, or regulates a person operating a business, occupation, or profession, and that, if not complied with, may result in a disciplinary penalty~~.

~~(b) Each agency shall review all of its rules and designate those for which a violation would be a minor violation and for which a notice of noncompliance must be the first enforcement action taken against a person or business subject to regulation~~. A violation ~~of a rule~~ is a minor violation if it does not result in economic or physical harm ~~to a person~~ or adversely affect the public health, safety, or welfare, or create a significant threat of such harm. ~~If an agency under the direction of a cabinet officer mails to each licensee a notice of the designated rules at the time of licensure and at least annually thereafter, the provisions of paragraph (a) may be exercised at the discretion of the agency. Such notice shall include a subject-matter index of the rules and information on how the rules may be obtained.~~

~~(c) The agency's review and designation must be completed by December 1, 1995; each agency under the direction of the Governor shall make a report to the Governor, and each agency under the joint direction of the Governor and Cabinet shall report to the Governor and Cabinet by January 1, 1996, on which of its rules have been designated as rules the violation of which would be a minor violation.~~

~~(d) The Governor or the Governor and Cabinet, as appropriate pursuant to paragraph (c), may evaluate the review and designation effects of each agency and may apply a different designation than that applied by the agency.~~

(3)~~(e)~~ This section does not apply to the *Department of Revenue, criminal law, statutes relating to taxes or fees, or the* regulation of law enforcement personnel or teachers.

(f) Designation pursuant to this section is not subject to challenge under this chapter.

Section 2. Section 120.696, Florida Statutes, is created to read:

120.696 Classification of disciplinary actions.—

(1) The legislative intent of this subsection is to clear minor violations from the disciplinary record of certain persons or businesses after a set period of time. A person or business may petition the appropriate agency to review a disciplinary incident to determine whether the specific violation meets the standard of a minor violation as set forth in s. 120.695(2). If the circumstances of the violation meet that standard, and 2 years have passed since the issuance of a final order imposing discipline, the agency shall reclassify that violation as inactive, so long as the person or business has not been disciplined for a subsequent violation of the same nature. Once the agency has reclassified the violation as inactive, it shall no longer be considered as part of the disciplinary record of that person or business, and the person or business may lawfully deny or fail to acknowledge the incident as a disciplinary action. The agency has authority to adopt rules to implement this subsection.

(d) Each agency may establish a schedule classifying violations according to the severity of the violation. After the expiration of set periods of time, the agency may provide for such disciplinary records to become inactive, according to their classification. Once the disciplinary record has become inactive, the agency may clear the violation from the disciplinary record and the subject person or business may lawfully deny or fail to acknowledge such disciplinary actions. Each agency has authority to adopt rules to implement this subsection.

Section 3. Subsection (3) of section 455.225, Florida Statutes, 1998 Supplement, is amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(3)(a) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. A violation is a minor violation if it does not demonstrate a serious inability to practice the profession, result in economic or physical harm ~~to a person~~, or adversely affect the public health, safety, or welfare or create a significant threat of such harm. ~~Each board, or the department if there is no board, shall establish by rule those violations which are minor violations under this provision.~~ Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(b) The department may issue a notice of noncompliance for an initial offense of a minor violation, notwithstanding a board's failure to designate a particular minor violation by rule as provided in paragraph (a).

(c) The legislative intent of this paragraph is to clear minor violations from a licensee's disciplinary record after a set period of time. A licensee may petition the department to review a disciplinary incident to determine whether the specific violation meets the standard of a minor violation as set forth in paragraph (a). If the circumstances of the violation meet that standard, and 2 years have passed since the issuance of a final order imposing discipline, the agency shall reclassify that violation as inactive, so long as the licensee has not been disciplined for a subsequent violation of the same nature. Once the department has reclassified the violation as inactive, it shall no longer be considered as part of the licensee's disciplinary record, and the licensee may lawfully deny or fail to acknowledge the incident as a disciplinary action. The department has authority to adopt rules to implement this paragraph.

(d) Each agency may establish a schedule classifying violations according to the severity of the violation. After the expiration of set periods of time, the agency may provide for such disciplinary records to become inactive, according to their classification. Once the disciplinary record has become inactive, the agency may clear the violation from the disciplinary record and the subject person or business may lawfully deny or fail to acknowledge such disciplinary actions. Each agency has authority to adopt rules to implement this subsection.

Section 4. This act shall take effect July 1, 1999.

And the title is amended as follows:

On page 1, line 1

insert in lieu thereof: An act relating to notices of noncompliance; amending s. 120.695, F.S.; providing that notices of noncompliance apply to violations of regulatory provisions of an agency found in rule or statute; eliminating obsolete provisions relating to review and designation of agency rules for notice issuance purposes; providing exemptions from applicability of the section; creating s. 120.696, F.S.; providing for classification of disciplinary actions as active or inactive; providing for the periodic clearing of minor violations from the disciplinary record; providing rulemaking authority; amending s. 455.225, F.S.; providing for classification of disciplinary actions by the Department of Business and Professional Regulation as active or inactive; providing for the periodic clearing of minor violations from the disciplinary record; providing rulemaking authority; providing an effective date.

Rep. Brown moved the adoption of the amendment.

Representative(s) Brown and Ogles offered the following:

Substitute Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (3) and (4) of section 11.62, Florida Statutes, are amended to read:

11.62 Legislative review of proposed regulation of unregulated functions.—

(3) In determining whether to regulate a profession or occupation, the Legislature shall consider the following factors:

(a) Whether the unregulated practice of the profession or occupation will substantially harm or endanger the public health, safety, or welfare, and whether the potential for harm is recognizable and not remote;

(b) Whether the practice of the profession or occupation requires specialized skill or training, and whether that skill or training is readily measurable or quantifiable so that examination or training requirements would reasonably assure initial and continuing professional or occupational ability;

(c) Whether the regulation will have an unreasonable effect on job creation or job retention in the state or will place unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to find employment;

(d)~~(c)~~ Whether the public is or can be effectively protected by other means; and

(e)~~(d)~~ Whether the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers, will be favorable.

(4) The proponents of legislation that provides for the regulation of a profession or occupation not already expressly subject to state regulation shall provide, upon request, the following information in writing to the state agency that is proposed to have jurisdiction over the regulation and to the legislative committees to which the legislation is referred:

(a) The number of individuals or businesses that would be subject to the regulation;

(b) The name of each association that represents members of the profession or occupation, together with a copy of its codes of ethics or conduct;

(c) Documentation of the nature and extent of the harm to the public caused by the unregulated practice of the profession or occupation, including a description of any complaints that have been lodged against persons who have practiced the profession or occupation in this state during the preceding 3 years;

(d) A list of states that regulate the profession or occupation, and the dates of enactment of each law providing for such regulation and a copy of each law;

(e) A list and description of state and federal laws that have been enacted to protect the public with respect to the profession or occupation and a statement of the reasons why these laws have not proven adequate to protect the public;

(f) A description of the voluntary efforts made by members of the profession or occupation to protect the public and a statement of the reasons why these efforts are not adequate to protect the public;

(g) A copy of any federal legislation mandating regulation;

(h) An explanation of the reasons why other types of less restrictive regulation would not effectively protect the public;

(i) The cost, availability, and appropriateness of training and examination requirements;

(j)~~(i)~~ The cost of regulation, including the indirect cost to consumers, and the method proposed to finance the regulation;

(k) The cost imposed on applicants or practitioners or on employers of applicants or practitioners as a result of the regulation;

(l)~~(j)~~ The details of any previous efforts in this state to implement regulation of the profession or occupation; and

(m)~~(k)~~ Any other information the agency or the committee considers relevant to the analysis of the proposed legislation.

Section 2. Subsection (4) of section 455.201, Florida Statutes, is amended to read:

455.201 Professions and occupations regulated by department; legislative intent; requirements.—

(4)*(a) Neither the department nor any board may* ~~No board, nor the department, shall~~ create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. *Neither the department nor any board may* ~~No board, nor the department, shall~~ take any action *that* ~~which~~ tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

(b) Neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention in the state or that places unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to find employment.

(c) The Legislature shall evaluate proposals to increase regulation of already regulated professions or occupations to determine their effect on job creation or retention and employment opportunities.

Section 3. Subsection (4) of section 455.517, Florida Statutes, is amended to read:

455.517 Professions and occupations regulated by department; legislative intent; requirements.—

(4)*(a) Neither the department nor any board may* ~~No board, nor the department, shall~~ create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. *Neither the department nor any board may* ~~No board, nor the department, shall~~ take any action *that* ~~which~~ tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

(b) Neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention in the state or that places unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a profession or occupation to find employment.

(c) The Legislature shall evaluate proposals to increase the regulation of regulated professions or occupations to determine the effect of increased regulation on job creation or retention and employment opportunities.

Section 4. Section 455.2035, Florida Statutes, is created to read:

455.2035 Rulemaking authority for professions not under a board.—The department may adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the regulatory requirements of any profession within the department's jurisdiction which does not have a statutorily authorized regulatory board.

Section 5. Section 455.2123, Florida Statutes, is created to read:

455.2123 Continuing education.—A board, or the department when there is no board, may provide by rule that distance learning may be used to satisfy continuing education requirements.

Section 6. Section 455.2124, Florida Statutes, is created to read:

455.2124 Proration of continuing education.—A board, or the department when there is no board, may:

(1) Prorate continuing education for new licensees by requiring half of the required continuing education for any applicant who becomes licensed with more than half the renewal period remaining and no continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or

(2) Require no continuing education until the first full renewal cycle of the licensee.

These options shall also apply when continuing education is first required or the number of hours required is increased by law or the board, or the department when there is no board.

Section 7. Subsection (10) is added to section 455.213, Florida Statutes, 1998 Supplement, to read:

455.213 General licensing provisions.—

(10) For any profession requiring fingerprints as part of the registration, certification, or licensure process or for any profession requiring a criminal history record check to determine good moral character, a fingerprint card containing the fingerprints of the applicant must accompany all applications for registration, certification, or licensure. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for registration, certification, or licensure.

Section 8. Paragraph (e) of subsection (2) of section 468.453, Florida Statutes, 1998 Supplement, is amended to read:

468.453 Licensure required; qualifications; examination; bond.—

(2) A person shall be licensed as an athlete agent if the applicant:

(e) Has ~~provided sufficient information which must be~~ submitted *to* ~~by~~ the department *a fingerprint card* for a criminal *history* records check ~~through the Federal Bureau of Investigation~~. *The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.*

Section 9. Paragraph (a) of subsection (1) of section 475.175, Florida Statutes, is amended to read:

475.175 Examinations.—

(1) A person shall be entitled to take the license examination to practice in this state if the person:

(a) Submits to the department the appropriate notarized application and fee, two photographs of herself or himself taken within the preceding year, and *a fingerprint card. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for examination.* ~~fingerprints for processing through appropriate law enforcement agencies; and~~

Section 10. Subsection (3) of section 475.615, Florida Statutes, 1998 Supplement, is amended to read:

475.615 Qualifications for registration, licensure, or certification.—

(3) Appropriate fees, as set forth in the rules of the board pursuant to s. 475.6147, and *a fingerprint card* ~~fingerprints for processing through appropriate law enforcement agencies~~ must accompany all applications for registration, ~~licensure, and~~ certification, *or licensure. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for registration, certification, or licensure.*

Section 11. Section 455.2255, Florida Statutes, is created to read:

455.2255 Classification of disciplinary actions.—

(1) A licensee may petition the department to review a disciplinary incident to determine whether the specific violation meets the standard of a minor violation as set forth in s. 455.225(3). If the circumstances of the violation meet that standard and 2 years have passed since the issuance of a final order imposing discipline, the department shall reclassify that violation as inactive if the licensee has not been disciplined for any subsequent minor violation of the same nature. After the department has reclassified the violation as inactive, it is no longer considered to be part of the licensee's disciplinary record, and the licensee may lawfully deny or fail to acknowledge the incident as a disciplinary action.

(2) The department may establish a schedule classifying violations according to the severity of the violation. After the expiration of set periods of time, the department may provide for such disciplinary records to become inactive, according to their classification. After the disciplinary record has become inactive, the department may clear the violation from the disciplinary record and the subject person or business may lawfully deny or fail to acknowledge such disciplinary actions. The department may adopt rules to implement this subsection.

(3) Notwithstanding s. 455.017, this section applies to the disciplinary records of all persons or businesses licensed by the department.

Section 12. Subsection (3) of section 455.227, Florida Statutes, is amended to read:

455.227 Grounds for discipline; penalties; enforcement.—

(3)*(a)* In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time.

(b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(c) The department shall not issue or renew a license to any person against whom or business against which the board has assessed a fine, interest, or costs associated with investigation and prosecution until the person or business has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or business complies with or satisfies all terms and conditions of the final order.

Section 13. Paragraph (k) of subsection (2) of section 455.557, Florida Statutes, is amended to read:

455.557 Standardized credentialing for health care practitioners.—

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

(k) "Health care practitioner" means any person licensed, *or, for credentialing purposes only, any person applying for licensure,* under chapter 458, chapter 459, chapter 460, or chapter 461 or any person licensed *or applying for licensure* under a chapter subsequently made subject to this section by the department with the approval of the applicable board, *except a person registered or applying for registration pursuant to ss. 458.345 or 459.021.*

Section 14. Subsection (6) of section 455.564, Florida Statutes, 1998 Supplement, is amended to read:

455.564 Department; general licensing provisions.—

(6) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic Medicine, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years~~, which may include up to 1 hour of risk management or cost containment and up to 2 hours of other topics related to the applicable medical specialty, if required by board rule~~. *The boards may require by rule that up to 1 hour of the required 40 or more hours be in the area of risk management or cost containment. This provision shall not be construed to limit the number of hours that a licensee may obtain in risk management or cost containment to be credited toward satisfying the 40 or more required hours. This provision shall not be construed to require the boards to impose any requirement on licensees except for the completion of at least 40 hours of continuing education every 2 years.* Each of such boards shall determine whether any specific *continuing education* ~~course~~ requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any *continuing education* ~~course~~ mandated by such board. Notwithstanding any other provision of law, the board, or the department when there is no board, may approve by rule alternative methods of obtaining continuing education credits in risk management. The alternative methods may include attending a board meeting at which *another* ~~a~~ licensee is disciplined, serving as a volunteer expert witness for the department in a disciplinary case, or serving as a member of a probable cause panel following the expiration of a board member's term. *Other boards within the Division of Medical Quality Assurance, or the department if there is no board, may adopt rules granting continuing education hours in risk management for attending a board meeting at which another licensee is disciplined, for serving as a volunteer expert witness for the department in a disciplinary case, or for serving as a member of a probable cause panel following the expiration of a board member's term.*

Section 15. Subsection (1) of section 455.565, Florida Statutes, 1998 Supplement, is amended to read:

455.565 Designated health care professionals; information required for licensure.—

(1) Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 461, *except a person applying for registration pursuant to ss. 458.345 and 459.021* must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, *except a person registered pursuant to ss. 458.345 and 459.021* must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:

(a)1. The name of each medical school that the applicant has attended, with the dates of attendance and the date of graduation, and a description of all graduate medical education completed by the applicant, excluding any coursework taken to satisfy medical licensure continuing education requirements.

2. The name of each hospital at which the applicant has privileges.

3. The address at which the applicant will primarily conduct his or her practice.

4. Any certification that the applicant has received from a specialty board that is recognized by the board to which the applicant is applying.

5. The year that the applicant began practicing medicine.

6. Any appointment to the faculty of a medical school which the applicant currently holds and an indication as to whether the applicant has had the responsibility for graduate medical education within the most recent 10 years.

7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be

reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

8. A description of any final disciplinary action taken within the previous 10 years against the applicant by the agency regulating the profession that the applicant is or has been licensed to practice, whether in this state or in any other jurisdiction, by a specialty board that is recognized by the American Board of Medical Specialities, the American Osteopathic Association, or a similar national organization, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of medical staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.

(b) In addition to the information required under paragraph (a), each applicant who seeks licensure under chapter 458, chapter 459, or chapter 461, and who has practiced previously in this state or in another jurisdiction or a foreign country must provide the information required of licensees under those chapters pursuant to s. 455.697. An applicant for licensure under chapter 460 who has practiced previously in this state or in another jurisdiction or a foreign country must provide the same information as is required of licensees under chapter 458, pursuant to s. 455.697.

Section 16. Section 455.601, Florida Statutes is amended to read:

455.601 Hepatitis B or human immunodeficiency carriers.—

(1) The department and each appropriate board within the Division of Medical Quality Assurance shall have the authority to establish procedures to handle, counsel, and provide other services to health care professionals within their respective boards who are infected with hepatitis B or the human immunodeficiency virus.

(2) Any person licensed by the department and any other person employed by a health care facility who contracts a blood-borne infection shall have a rebuttable presumption that the illness was contracted in the course and scope of his or her employment, provided that the person, as soon as practicable, reports to the person's supervisor or the facility's risk manager any significant exposure, as that term is defined in s. 381.004(2)(c), to blood or body fluids. The employer may test the blood or body fluid to determine if it is infected with the same disease contracted by the employee. The employer may rebut the presumption by the perponderance of the evidence. Except as expressly provided in this subsection, there shall be no presumption that a blood-borne infection is a job-related injury or illness.

Section 17. Subsections (4) and (6) of section 477.013, Florida Statutes, 1998 Supplement, are amended, and subsections (12) and (13) are added to that section, to read:

477.013 Definitions.—As used in this chapter:

(4) "Cosmetology" means the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, *and* hair relaxing~~, hair removing pedicuring, and manicuring,~~ for compensation. *This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin-care services.*

(6) "Specialty" means the practice of one or more of the following:

(a) Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.

(b) Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.

(c) Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, *and skin care services.*

(12) "Body wrapping" means a treatment program that uses herbal wraps for the purposes of weight loss and of cleansing and beautifying the skin of the body, but does not include:

(a) The application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps; or

(b) Manipulation of the body's superficial tissue, other than that arising from compression emanating from the wrap materials.

(13) "Skin care services" means the treatment of the skin of the body, other than the head, face, and scalp, by the use of a sponge, brush, cloth, or similar device to apply or remove a chemical preparation or other substance, except that chemical peels may be removed by peeling an applied preparation from the skin by hand. Skin care services must be performed by a licensed cosmetologist or facial specialist within a licensed cosmetology or specialty salon, and such services may not involve massage, as defined in s. 480.033(3), through manipulation of the superficial tissue.

Section 18. Section 477.0132, Florida Statutes, 1998 Supplement, is amended to read:

477.0132 Hair braiding, ~~and~~ hair wrapping, *and body wrapping* registration.—

(1)(a) Persons whose occupation or practice is confined solely to hair braiding must register with the department, pay the applicable registration fee, and take a two-day 16-hour course. The course shall be board approved and consist of 5 hours of HIV/AIDS and other communicable diseases, 5 hours of sanitation and sterilization, 4 hours of disorders and diseases of the scalp, and 2 hours of studies regarding laws affecting hair braiding.

(b) Persons whose occupation or practice is confined solely to hair wrapping must register with the department, pay the applicable registration fee, and take a one-day 6-hour course. The course shall be board approved and consist of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.

(c) Unless otherwise licensed or exempted from licensure under this chapter, any person whose occupation or practice is body wrapping must register with the department, pay the applicable registration fee, and take a two-day 12-hour course. The course shall be board approved and consist of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting body wrapping.

(2) Hair braiding, ~~and~~ hair wrapping, *and body wrapping* are not required to be practiced in a cosmetology salon or specialty salon. When hair braiding, ~~or~~ hair wrapping, *or body wrapping* is practiced outside a cosmetology salon or specialty salon, disposable implements must be used or all implements must be sanitized in a disinfectant approved for hospital use or approved by the federal Environmental Protection Agency.

(3) Pending issuance of registration, a person is eligible to practice hair braiding, ~~or~~ hair wrapping, *or body wrapping* upon submission of a registration application that includes proof of successful completion of the education requirements and payment of the applicable fees required by this chapter.

Section 19. Paragraph (c) of subsection (7) of section 477.019, Florida Statutes, 1998 Supplement, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)

(c) Any person whose occupation or practice is confined solely to hair braiding, ~~or~~ hair wrapping, *or body wrapping* is exempt from the continuing education requirements of this subsection.

Section 20. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, 1998 Supplement, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(f) For hair braiders, ~~and~~ hair wrappers, *and body wrappers,* fees for registration shall not exceed $25.

Section 21. Paragraph (g) is added to subsection (1) of section 477.0265, Florida Statutes, to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(g) Advertise or imply that skin care services or body wrapping, as performed under this chapter, have any relationship to the practice of massage therapy as defined in s. 480.033(3), except those practices or activities defined in s. 477.013.

Section 22. Paragraph (a) of subsection (1) of section 477.029, Florida Statutes, 1998 Supplement, is amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a cosmetologist, specialist, hair wrapper, ~~or~~ hair braider, *or body wrapper* unless duly licensed or registered, or otherwise authorized, as provided in this chapter.

Section 23. This act shall take effect July 1, 1999.

And the title is amended as follows:

On page 1, line 1
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 11.62, F.S.; providing criteria for evaluating proposals for new regulation of a profession or occupation based on the effect of such regulation on job creation or retention; requiring proponents of legislation to regulate a profession or occupation not already regulated to provide additional cost information; amending ss. 455.201, 455.517, F.S.; prohibiting the Department of Business and Professional Regulation and the Department of Health and their regulatory boards from creating any regulation that has an unreasonable effect on job creation or retention or on employment opportunities; providing for evaluation of proposals to increase the regulation of already regulated professions to determine the effect of such regulation on job creation or retention and employment opportunities; creating s. 455.2035, F.S.; providing rulemaking authority to the Department of Business and Professional Regulation for the regulation of any profession under its jurisdiction which does not have a regulatory board; creating s. 455.2123, F.S.; authorizing the use of distance learning to satisfy continuing education requirements; creating s. 455.2124, F.S.; authorizing proration of continuing education requirements; amending s. 455.213, F.S.; requiring fingerprint cards with applications for registration, certification, or licensure in certain professions; providing for use of such cards for criminal history record checks of applicants; amending s. 468.453, F.S.; applying such fingerprint card requirements to applicants for licensure as an athlete agent; amending s. 475.175, F.S.; applying such fingerprint card requirements to persons applying to take the examination for licensure as a real estate broker or salesperson; amending s. 475.615, F.S.; applying such fingerprint card requirements to applicants for registration, certification, or licensure as a real estate appraiser; creating s. 455.2255, F.S.; providing for the department to classify disciplinary actions according to severity; providing for the periodic clearing of certain violations from the disciplinary record; amending s. 455.227, F.S.; providing for denial or renewal of a license under certain circumstances; amending ss. 455.557 and 455.565, F.S.; ensuring that an intern in a hospital is not subject to the credentialing or profiling laws; amending s. 455.564, F.S.; clarifying continuing education requirements; amending s. 455.601, F.S.; providing the basis for presuming a blood-borne infection is contracted in the course of employment; amending s. 477.013, F.S.; redefining the terms "cosmetology" and "specialty" and defining the terms "body wrapping" and "skin care services"; amending s. 477.0132, F.S.; requiring registration of persons whose occupation or practice is body wrapping; requiring a registration fee and certain education; amending s. 477.019, F.S.; exempting persons whose occupation or practice is confined solely to body wrapping from certain continuing education requirements; amending s. 477.026, F.S.; providing for the registration fee; amending s. 477.0265, F.S.; prohibiting advertising or implying that skin care services or body wrapping have any relationship to the practice of massage therapy; providing penalties; amending s. 477.029, F.S.; prohibiting holding oneself out as a body wrapper unless licensed, registered, or otherwise authorized under chapter 477, F.S.; providing penalties; providing rulemaking authority; providing an effective date.

Rep. Brown moved the adoption of the substitute amendment, which was adopted.

On motion by Rep. Brown, the rules were suspended and HB 1479, as amended, was read the third time by title. On passage, the vote was:

Yeas—111

The Chair	Crow	Heyman	Reddick
Albright	Dennis	Hill	Ritchie
Alexander	Detert	Johnson	Ritter
Andrews	Diaz de la Portilla	Jones	Roberts
Argenziano	Dockery	Kelly	Rojas
Arnall	Edwards	Kilmer	Russell
Bainter	Effman	Kosmas	Ryan
Ball	Farkas	Kyle	Sanderson
Barreiro	Fasano	Lacasa	Sembler
Bense	Feeney	Lawson	Smith, C.
Betancourt	Fiorentino	Levine	Sobel
Bilirakis	Flanagan	Littlefield	Sorensen
Bitner	Frankel	Lynn	Stafford
Bloom	Fuller	Maygarden	Stansel
Boyd	Futch	Merchant	Suarez
Bradley	Garcia	Miller, J.	Sublette
Bronson	Gay	Miller, L.	Trovillion
Brown	Goode	Minton	Tullis
Brummer	Goodlette	Morroni	Turnbull
Bush	Gottlieb	Murman	Valdes
Byrd	Green, C.	Ogles	Villalobos
Cantens	Greene, A.	Patterson	Wallace
Casey	Greenstein	Peaden	Warner
Chestnut	Hafner	Posey	Waters
Constantine	Harrington	Prieguez	Wiles
Cosgrove	Hart	Pruitt	Wilson
Crady	Healey	Putnam	Wise
Crist	Henriquez	Rayson	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1883—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; creating the Florida Retirement System Actuarial Assumption Conference; providing for duties and members; 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), and 121.071(1), F.S., relating to contribution rates; amending ss. 121.052, 121.055, and 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 and correcting 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) and (12), F.S., relating to Florida Retirement System membership eligibility and retirement contribution payments for blind vending facility operators; repealing s. 121.027, F.S., relating to rulemaking authority for that act; providing an effective date.

—was read the second time by title.

The Committee on General Appropriations offered the following:

Amendment 1—On page 8, lines 20 through 31
remove from the bill: all of said lines

and insert in lieu thereof: *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.*

Rep. Posey moved the adoption of the amendment, which was adopted.

The Committee on General Appropriations offered the following:

Amendment 2 (with title amendment)—On page 40, between lines 8 and 9 of the bill

insert:

Section 18. *The Governor, Comptroller, and Treasurer, sitting as the Board of Trustees of the State Board of Administration, shall review the actuarial valuation report prepared in accordance with the provisions of chapter 121, Florida Statutes. The Board shall review the process by which Florida Retirement System contribution rates are determined and recommend and submit any comments regarding the process to the Legislature.*

And the title is amended as follows:

On page 2, line 27,

after the semicolon, insert: requiring the Board of Trustees of the State Board of Administration to review the actuarial valuation of the Florida Retirement System; requiring the Board to review the process of retirement contribution rates and comment to the legislature;

Rep. Posey moved the adoption of the amendment, which was adopted.

Representative(s) Posey offered the following:

Amendment 3 (with title amendment)—On page 40, between lines 6 & 7,

insert:

Section 17. 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 18. 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.

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;

Rep. Posey moved the adoption of the amendment, which was adopted.

Representative(s) Posey and Fiorentino offered the following:

Amendment 4 (with directory language and title amendments)—On page 31, line 16 through page 32, line 4
remove from the bill: all of said lines

and insert in lieu thereof:

1. The member is not a renewed member of the Florida Retirement System under s. 121.122, or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age *52* ~~50~~ for Special Risk Class members. For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section. A member who fails to make an election within such 12-month limitation period shall forfeit all rights to participate in the DROP. The member shall advise his or her employer and the division in writing of the date on which the DROP shall begin. Such beginning date may be subsequent to the 12-month election period, but must be within the 60-month limitation period as provided in subparagraph (b)1. When establishing eligibility of the member to participate in the DROP or the 60-month maximum participation period, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in DROP within 12 months after attaining normal retirement date in either class.

3. The employer of a member electing to participate in the DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in the DROP begins and the date the member's employment and DROP participation will terminate.

4. Simultaneous employment of a participant by additional Florida Retirement System employers subsequent to the commencement of participation in the DROP shall be permissible provided such employers acknowledge in writing a DROP termination date no later than the participant's existing termination date or the 60-month limitation period as provided in subparagraph (b)1.

5. A DROP participant may change employers while participating in the DROP, subject to the following:

a. A change of employment must take place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation shall cease unless the employer verifies a continuation of the employment relationship for such participant pursuant to s. 121.021(39)(b).

b. Such participant and new employer shall notify the division on forms required by the division as to the identity of the new employer.

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the original 60-month period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and shall be subject to the adjustment required in sub-subparagraph *(c)5.d.* ~~(c)4.d.~~

And the directory language is amended as follows:

On page 27, lines 22 and 23
remove: all of said lines

and insert in lieu thereof: (f) of subsection (7), and paragraphs (a) and (i) of subsection (13) of section 121.091,

And the title is amended as follows:

On page 2, between lines 9 and 10

insert: increasing the age at which a Special Risk Class Member must elect whether to participate in the Deferred Retirement Option Program;

Rep. Posey moved the adoption of the amendment, which was adopted.

Representative(s) Lynn offered the following:

Amendment 5 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (b) of subsection (1) of section 121.055, Florida Statutes, 1998 Supplement, is 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 policymaking 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.

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

And the title is amended as follows:
remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; revising provisions with respect to the Senior Management Service Class to permit certain local government senior managers to withdraw from the Florida Retirement System altogether; providing for matters relative thereto; providing an effective date.

Rep. Lynn moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Fasano, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Fasano offered the following:

Amendment 6 (with title amendment)—On page 40, between lines 8 & 9

insert:

Section 18. Section 112.18, Florida Statutes, is amended to read:

112.18 Firefighters *and law enforcement officers*; special provisions relative to disability.—

(1) Any condition or impairment of health of any Florida *state,* municipal, county, port authority, special tax district, or fire control district firefighter *or law enforcement officer* caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter *or law enforcement officer* shall have successfully passed a physical examination upon entering into any such service as a firefighter *or law enforcement officer,* which examination failed to reveal any evidence of any such condition. Such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(2) This section shall be construed to authorize the above governmental entities to negotiate policy contracts for life and disability insurance to include accidental death benefits or double indemnity coverage which shall include the presumption that any condition or impairment of health of any firefighter caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

And the title is amended as follows:

On page 2, line 26, after the semicolon

insert: amending s. 112.18, F.S.; providing presumptions that certain illnesses incurred by law enforcement officers are done so in the line of duty;

Rep. Fasano moved the adoption of the amendment, which was adopted.

On motion by Rep. Fasano, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Fasano offered the following:

Amendment 7—On page 22, line 17,
remove from the bill: "*20.14%*"

and insert in lieu thereof: *20.22%*

Rep. Fasano moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Casey, **HB 1931** was temporarily postponed under Rule 141 and the second reading nullified.

HB 985—A bill to be entitled An act relating to the promotion and development of Florida's entertainment industry; creating s. 288.125, F.S.; defining "entertainment industry"; creating s. 288.1251, F.S.; creating the Office of the Film Commissioner; providing procedure for selection of the Film Commissioner; providing powers and duties of the office; creating s. 288.1252, F.S.; creating the Florida Film Advisory Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and duties of the council; creating s. 288.1253, F.S.; providing definitions; requiring the Office of Tourism,

Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Office of the Film Commissioner; requiring approval of such rules by the Comptroller; requiring an annual report; authorizing the acceptance and use of specified goods and services by employees and representatives of the Office of the Film Commissioner; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; amending s. 14.2015, F.S.; revising purposes of the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; amending ss. 288.108 and 288.90152, F.S.; correcting cross references; repealing s. 288.051, F.S., which provides a short title; repealing s. 288.052, F.S., relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the administration and powers of the Florida Film and Television Investment Board; repealing s. 288.055, F.S., relating to the Florida Film and Investment Trust Fund; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., requiring an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; repealing s. 288.12285, F.S., relating to confidentiality of identities of donors to the direct-support organization; providing an effective date.

—was read the second time by title.

The Committee on Transportation & Economic Development Appropriations offered the following:

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

insert: Section 9. *Effective July 1, 1999, 3 full-time-equivalent positions are hereby appropriated to the Executive Office of the Governor in order to implement the provisions of this act.*

And the title is amended as follows:

On page 2, line 26, after the semicolon,

insert: providing an appropriation;

Rep. Starks moved the adoption of the amendment, which was adopted.

Representative(s) Starks offered the following:

Amendment 2 (with title amendment)—On page 3, Before line 1

insert: Section 1. *Short title.—This act may be cited as the "Entertainment Florida Act of 1999."*

Section 2. *Legislative findings and intent.—The Legislature finds that the entertainment industry is comprised of multiple components, including, but not limited to, the operation of motion picture or television studios; the production of motion pictures, made-for-TV motion pictures, televisions series, commercial advertising, music videos, and sound recordings; the attendance at, participation in, and hosting of professional and amateur sporting events; and the attendance by in-state and out-of-state visitors at commercial and other attractions in the state. The Legislature further finds that these interrelated components form an entertainment industry cluster with the potential to contribute significantly to the efforts of the state to develop its economy and create employment opportunities for its residents. It is the intent of the Legislature to recognize the economic development significance of the entertainment industry and to adopt policies designed to facilitate its growth.*

RENUMBER SUBSEQUENT SECTIONS

And the title is amended as follows:

On page 1, line 4 After "industry;"

insert: providing a short title; providing legislative findings and intent;

Rep. Starks moved the adoption of the amendment, which was adopted.

Representative(s) Starks offered the following:

Amendment 3—On page 6, Between lines 14 and 15 of the bill

insert: *9. Assist rural communities and other small communities in the state in developing expertise and capacity necessary for such communities to develop, market, promote, and provide services to the state's entertainment industry.*

Rep. Starks moved the adoption of the amendment, which was adopted.

Representative(s) Starks offered the following:

Amendment 4—On page 8, line 12 of the bill after *associations,*

insert: *a representative of the broadcast industry,*

Rep. Starks moved the adoption of the amendment, which was adopted.

Representative(s) Starks offered the following:

Amendment 5—On page 9, lines 6 and 7
remove from the bill: Said lines

and insert in lieu thereof: *(e) The Film Commissioner, a representative of Enterprise Florida, Inc., and a representative of the Florida Tourism Industry Marketing Corporation shall serve as ex-officio, non-voting members of the council, and shall be in addition to the 17 appointed members of the council.*

Rep. Starks moved the adoption of the amendment, which was adopted.

Representative(s) Starks offered the following:

Amendment 6 (with title amendment)—On page 15, line 24 through page 19, line 3
remove from the bill: All of said lines

and insert in lieu thereof: sports industry in the state, *to promote the participation of Florida's citizens in amateur athletic competition, and to promote Florida as a host for national and international amateur athletic competitions.*

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

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

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

(e)~~(f)~~ Plan and conduct at least three meetings per calendar year of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a

common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(f)~~(g)~~1. Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, tax incentives under the Certified Capital Company Act in chapter 288, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Job Siting and Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law.

(g)~~(h)~~ Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year. The office shall provide the President of the Senate and the Speaker of the House of Representatives with a report by February 1 of each year on the status of these contracts, including the extent to which specific contract performance measures have been met by these contractors.

(h) Provide administrative oversight for the Office of the Film Commissioner, created under s. 288.1251, to develop, promote, and provide services to the state's entertainment industry and to administratively house the Florida Film Advisory Council created under s. 288.1252.

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

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

(7) The Office of Tourism, Trade, and Economic Development shall develop performance measures, standards, and sanctions for each program it administers under this act and, in conjunction with the applicable entity, for each program for which it contracts with another entity under this act. The performance measures, standards, and sanctions shall be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of *the strategic plan for the Office of the Film Commissioner and* each contract entered into for delivery of programs authorized by this act.

Section 6. Subsections (1) and (2) of section 288.1229, Florida Statutes, are amended, and subsections (8) and (9) are added to that section, to read:

288.1229 Promotion and development of sports-related industries; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in*:*

(a) The promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(b) The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.

(2) To be authorized as a direct-support organization, an organization must:

(a) Be incorporated as a corporation not for profit pursuant to chapter 617.

(b) Be governed by a board of directors, which must consist of *up to* 15 members appointed by the Governor and up to 15 members appointed by the existing board of directors. In making appointments, the board must consider a potential member's background in community service and sports activism in, and financial support of, the sports industry, *professional sports, or organized amateur athletics.* Members must be residents of the state and highly knowledgeable about or active in professional *or organized amateur* sports. The board must contain representatives of all geographical regions of the state and must represent ethnic and gender diversity. The terms of office of the members shall be 4 years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(c) Have as its purpose, as stated in its articles of incorporation, to receive, hold, invest, and administer property; to raise funds and receive gifts; and to promote and develop the sports industry and related industries for the purpose of increasing the economic presence of these industries in Florida.

(d) Have a prior determination by the Office of Tourism, Trade, and Economic Development that the organization will benefit the office and act in the best interests of the state as a direct-support organization to the office.

(8) To promote amateur sports and physical fitness, the direct-support organization shall:

(a) Develop, foster, and coordinate services and programs for amateur sports for the people of Florida.

(b) Sponsor amateur sports workshops, clinics, conferences, and other similar activities.

(c) Give recognition to outstanding developments and achievements in, and contributions to, amateur sports.

(d) Encourage, support, and assist local governments and communities in the development of or hosting of local amateur athletic events and competitions.

(e) Promote Florida as a host for national and international amateur athletic competitions. As part of this effort, the direct-support organization shall:

1. Assist and support Florida cities or communities bidding or seeking to host the Summer Olympics or Pan American Games.

2. Annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of the efforts of cities or communities bidding to host the Summer Olympics or Pan

American Games, including, but not limited to, current financial and infrastructure status, projected financial and infrastructure needs, and recommendations for satisfying the unmet needs and fulfilling the requirements for a successful bid in any year that the Summer Olympics or Pan American Games are held in this state.

(f) Develop a statewide program of amateur athletic competition to be known as the "Sunshine State Games."

(g) Continue the successful amateur sports programs previously conducted by the Florida Governor's Council on Physical Fitness and Amateur Sports created under s. 14.22.

(h) Encourage and continue the use of volunteers in its amateur sports programs to the maximum extent possible.

(i) Develop, foster, and coordinate services and programs designed to encourage the participation of Florida's youth in Olympic sports activities and competitions.

(j) Foster and coordinate services and programs designed to contribute to the physical fitness of the citizens of Florida.

(9)(a) The Sunshine State Games shall be patterned after the Summer Olympics with variations as necessitated by availability of facilities, equipment, and expertise. The games shall be designed to encourage the participation of athletes representing a broad range of age groups, skill levels, and Florida communities. Participants shall be residents of this state. Regional competitions shall be held throughout the state, and the top qualifiers in each sport shall proceed to the final competitions to be held at a site in the state with the necessary facilities and equipment for conducting the competitions.

(b) The Executive Office of the Governor is authorized to permit the use of property, facilities, and personal services of or at any State University System facility or institution by the direct-support organization operating the Sunshine State Games. For the purposes of this paragraph, personal services includes full-time or part-time personnel as well as payroll processing.

Section 7. Paragraph (a) of subsection (6) of section 320.08058, Florida Statutes, 1998 Supplement, is amended to read:

320.08058 Specialty license plates.—

(6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE PLATES.—

(a) Because the United States Olympic Committee has selected this state to participate in a combined fundraising program that provides for one-half of all money raised through volunteer giving to stay in this state and be administered by the *direct-support organization established under s. 288.1229* ~~Sunshine State Games Foundation~~ to support amateur sports, and because the United States Olympic Committee and the *direct-support organization* ~~Sunshine State Games Foundation~~ are nonprofit organizations dedicated to providing athletes with support and training and preparing athletes of all ages and skill levels for sports competition, and because the *direct-support organization* ~~Sunshine State Games Foundation~~ assists in the bidding for sports competitions that provide significant impact to the economy of this state, and the Legislature supports the efforts of the United States Olympic Committee and the *direct-support organization* ~~Florida Sunshine State Games Foundation~~, the Legislature establishes a Florida United States Olympic Committee license plate for the purpose of providing a continuous funding source to support this worthwhile effort. Florida United States Olympic Committee license plates must contain the official United States Olympic Committee logo and must bear a design and colors that are approved by the department. The word "Florida" must be centered at the top of the plate.

(b) The license plate annual use fees are to be annually distributed as follows:

1. The first $5 million collected annually must be paid to the *direct-support organization* ~~Florida Governor's Council on Physical Fitness and Amateur Sports~~ to be distributed as follows:

a. Fifty percent must be distributed to the *direct-support organization to be used* ~~Sunshine State Games Foundation~~ for Florida's *Sunshine State Games* ~~Olympic Sports Festival for Amateur Athletes~~.

b. Fifty percent must be distributed to the United States Olympic Committee.

2. Any additional fees must be deposited into the General Revenue Fund.

Section 8. *Any funds or property held in trust by the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports shall revert to the direct-support organization, created under section 288.1229, Florida Statutes, upon expiration or cancellation of the contract with the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports, to be used for the promotion of amateur sports in Florida.*

Section 9. *Section 14.22, Florida Statutes, is repealed.*

And the title is amended as follows:

On page 2, line 2 After the semicolon

insert: amending s. 288.1229, F.S.; revising the purposes of the direct-support organization authorized to assist the Office of Tourism, Trade, and Economic Development in the promotion and development of the sports industry and related industries; specifying the duties of the direct-support organization with respect to the promotion of sports industry, amateur sports, and physical fitness; providing requirements with respect to the Sunshine State Games; providing authority of the Executive Office of the Governor with respect to the use of specified property, facilities, and personal services; amending s. 320.08058, F.S.; revising provisions relating to the Florida United States Olympic Committee license plate to remove references to the Sunshine State Games Foundation; revising the distribution of annual use fees from the sale of the Florida United States Olympic Committee license plate; providing for the reversion of funds and property of the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports to the direct-support organization; specifying use of such funds and property; repealing s. 14.22, F.S.; removing provisions relating to the Florida Governor's Council on Physical Fitness and Amateur Sports within the Office of the Governor, the Sunshine State Games, national and international amateur athletic competitions and Olympic development centers, direct-support organizations, and the Olympics and Pan American Games Task Force;

Rep. Starks moved the adoption of the amendment, which was adopted.

On motion by Rep. Starks, the rules were suspended and HB 985, as amended, was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Bush	Feeney	Henriquez
Alexander	Byrd	Fiorentino	Heyman
Andrews	Cantens	Flanagan	Hill
Argenziano	Casey	Frankel	Johnson
Arnall	Chestnut	Fuller	Jones
Bainter	Constantine	Futch	Kelly
Ball	Cosgrove	Garcia	Kilmer
Barreiro	Crady	Gay	Kosmas
Bense	Crist	Goode	Kyle
Betancourt	Crow	Goodlette	Lacasa
Bilirakis	Dennis	Gottlieb	Lawson
Bitner	Detert	Green, C.	Levine
Bloom	Diaz de la Portilla	Greene, A.	Littlefield
Boyd	Dockery	Greenstein	Lynn
Bradley	Edwards	Hafner	Maygarden
Bronson	Effman	Harrington	Melvin
Brown	Farkas	Hart	Merchant
Brummer	Fasano	Healey	Miller, J.

Miller, L.	Rayson	Smith, K.	Turnbull
Minton	Reddick	Sobel	Valdes
Morroni	Ritchie	Sorensen	Villalobos
Murman	Ritter	Spratt	Wallace
Ogles	Roberts	Stafford	Warner
Patterson	Rojas	Stansel	Waters
Peaden	Russell	Starks	Wiles
Posey	Ryan	Suarez	Wilson
Prieguez	Sanderson	Sublette	Wise
Pruitt	Sembler	Trovillion	
Putnam	Smith, C.	Tullis	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1007—A bill to be entitled An act relating to community college distance learning; amending s. 240.311, F.S.; authorizing the State Board of Community Colleges to develop and produce certain work products related to distance learning; authorizing fees for such materials for purposes of educational use; requiring annual postaudits; requiring the adoption of rules; requiring the submission of a report; requiring the State Board of Community Colleges to submit an annual report to the Legislature; providing an effective date.

—was read the second time by title.

The Committee on Education Appropriations offered the following:

Amendment 1—On page 3, lines 16 - 20, of the bill delete said lines and insert in lieu thereof:

(d) The State Board of Community Colleges shall report on the implementation of this subsection, by December 31, 1999 and annually thereafter, to the Speaker of the House of Representatives and the President of the Senate.

Section 2. Section 364.508, Florida Statutes, is transferred, renumbered as Section 241.001, and amended to read:

241.001 ~~364.508~~ Definitions.—As used in this part:

(1) "Commission" means the Public Service Commission.

~~(2) "Network" means the Florida Distance Learning Network.~~

(2)~~(3)~~ "Telecommunications company" means any entity certified under this chapter to provide telecommunications service.

(3)~~(4)~~ "Cable company" means a cable television company providing cable service as defined in 47 U.S.C. s. 522.

(4)~~(5)~~ "Advanced telecommunications services" are defined as network-based or wireless services that provide additional communications capabilities enabling the use of applications such as distance learning, video conferencing, data communications, and access to Internet.

~~(6) "Plan" means the Education Facilities Infrastructure Improvement Plan, a document that includes a needs assessment report and identifies telecommunications companies', cable companies', and other providers' present and projected deployment of technologies necessary for delivery of advanced telecommunications services to eligible facilities who request such services.~~

(5)~~(7)~~ "Eligible facilities" means all approved campuses and instructional centers of all public universities, public community colleges, area technical centers, public elementary schools, middle schools, and high schools, including school administrative offices, public libraries, teaching hospitals, the research institute described in s. 240.512, and rural public hospitals as defined in s. 395.602. If no rural public hospital exists in a community, the public health clinic which is responsible for individuals before they can be transferred to a regional hospital shall be considered eligible.

Section 3. Section 364.509, Florida Statutes, is transferred, renumbered as section 241.002, and amended to read:

(Substantial rewording of section. See s. 364.509, F.S., for present text.)

241.002 ~~364.509~~ *Duties of the Department of Education.—The duties of the Department of Education concerning distance learning include, but are not limited to:*

(1) Facilitate the implementation of a statewide coordinated system and resource system for cost-efficient advanced telecommunications services and distance education which will increase overall student access to education.

(2) Coordinate the use of existing resources, including, but not limited to, the state's satellite transponders on the education satellites, the SUNCOM Network, the Florida Information Resource Network (FIRN), the Department of Management Services, the Department of Corrections, and the Department of Children and Family Services' satellite communication facilities to support a statewide advanced telecommunications services and distance learning network.

(3) Assist in the coordination of the utilization of the production and uplink capabilities available through Florida's public television stations, eligible facilities, independent colleges and universities, private firms, and others as may be needed.

(4) Seek the assistance and cooperation of Florida's cable television providers in the implementation of the statewide advanced telecommunications services and distance learning network.

(5) Seek the assistance and cooperation of Florida's telecommunications carriers to provide affordable student access to advanced telecommunications services and to distance learning.

(6) Coordinate partnerships for development, acquisition, use, and distribution of distance learning.

(7) Secure and administer funding for programs and activities for distance learning from federal, state, local, and private sources and from fees derived from services and materials.

(8) Manage the state's satellite transponder resources and enter into lease agreements to maximize the use of available transponder time. All net revenue realized through the leasing of available transponder time, after deducting the costs of performing the management function, shall be recycled to support the public education distance learning in this state based upon an allocation formula of one-third to the Department of Education, one-third to the State Board of Community Colleges, and one-third to the State University System.

(9) Hire appropriate staff which may include a position that shall be exempt from part II of chapter 110 and is included in the Senior Management Service in accordance with s. 110.205.

(10) Nothing in ss. 364.506-364.514 shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, the State Board of Community Colleges, or the Board of Regents.

Section 4. Section 364.510, Florida Statutes, is transferred, renumbered

Section 4. Section 364.510, Florida Statutes, is transferred, renumbered as 241.003, and amended to read:

(Substantial rewording of section. See s. 364.510, F.S., for present text.)

241.003 ~~364.510~~ *The Florida Distance Learning Network Advisory Council; creation; membership; organization; meetings.—*

(1) The Florida Distance Learning Network Advisory Council is created in the Department of Education to advise and assist the department in carrying out its duties relating to distance learning.

(a) Composition.—The advisory council, to be appointed by and serve at the pleasure of the Commissioner of Education, shall not exceed 13 members, selected from the various entities who have interests in distance learning, and who are, when possible, leading members of statewide or regional organizations representing institutional consumers and providers so as to establish a broadly based and representative distance learning advisory council.

(b) Representation.—The organizations represented on the advisory council may include, but are not limited to, public and private elementary and secondary schools; public and private postsecondary institutions, including vocational and technical centers; state agencies; libraries; the health care community, including urban, rural, and teaching hospitals; the cable telecommunications industry; the local exchange telecommunications industry; and the interexchange industry. Two members shall be the Chancellor of the State University System or the chancellor's designee and the Executive Director of the Florida Community College System or the executive director's designee. One member may be a lay citizen.

(c) Organization, procedure, and compensation.—

1. The advisory council shall meet at least annually.

2. The advisory council shall elect a chair, a vice-chair, and a secretary from its membership for 1-year terms. Officers may be re-elected.

3. The advisory council shall meet at the call of its chair, at the request of the majority of its membership, the commissioner, or at such times as its membership may prescribe.

(2) The advisory council may study and recommend to the department on:

(a) A marketing program statewide, nationally, and internationally, as deemed appropriate.

(b) The recipients of the Educational Technology Grant Program provided in s. 364.514.

(c) Suggested legislation concerning distance learning.

(d) Any other issue regarding distance learning that the council deems appropriate.

(3) The department shall provide administrative and support services to the advisory council.

Section 5. Subsection (2) of section 364.514, Florida Statutes, is transferred, renumbered as 241.004, and amended to read:

241.004 ~~364.514~~ Educational Technology Grant Program.—

(2)(a) The *Department of Education* ~~Florida Distance Learning Network~~ shall annually award grants to school districts, area technical centers, community colleges, state universities, and independent institutions eligible to participate in state student assistance programs established in part IV of chapter 240. The *department* ~~board of directors of the corporation~~ shall give priority to cooperative proposals submitted by two or more institutions or delivery systems. The proposals shall include:

1. Information which describes the educational significance of the program or service in addressing state educational priorities.

2. The target population for the program.

3. The program content to be transmitted.

4. The support services to be provided.

5. Provisions to use at least 20 percent of any funds awarded for training both faculty and student learners in the use and application of the products developed.

(b) Programs and courses developed through the grant program shall be marketed statewide and nationwide with a portion of any profits from the sale or use of such programs retained by the developing institutions or systems and a portion reinvested in the grant program for further program development. The distribution of any revenues received shall be determined by formal agreement between the *department* ~~board of directors~~ and the developing *system or* institution.

(c) The *department* ~~board of directors~~ shall identify state educational priorities and issue a request for proposals by June 1 in every year in which funds are available for grants. The *department* ~~board~~ shall ensure the quality of the programs and courses produced through the grants and produce an annual status report by March 1 describing the projects funded and accounting for any proceeds.

Section 6. *Sections 364.511, 364.512, and 364.513, Florida Statutes, are repealed.*

Section 7. This act shall take effect July 1, 1999.

Rep. Melvin moved the adoption of the amendment, which was adopted.

Representative(s) Posey offered the following:

Amendment 2 (with title amendment)—On page 3, between lines 15 and 16, of the bill

insert:

Section 2. *Each community college must submit to the Executive Office of the Governor, with copies to the President of the Senate, the Speaker of the House of Representatives, the Auditor General, and the Office of Program Policy Analysis and Government Accountability, a one-page summary of all moneys that were expended or encumbered by the community college, or for which the community college was otherwise responsible, during the preceding fiscal year and an estimate of such moneys projected by the community college for the current fiscal year. All such expenditures and estimates of such expenditures must be divided by program and expressed in line items by unit costs for each output measure approved pursuant to s. 216.0166(3), Florida Statutes. Unit-cost totals must equal the total amount of moneys that were expended or projected to be expended by each community college and must include expenditures or projected expenditures of state funds by subordinate governmental entities and contractors, as applicable. Moneys that community colleges receive but are not responsible for, such as reversions or pass-throughs to entities over which the community college has no authority or responsibility, shall be shown in separate line items and expressed in total amounts only. At the regular session immediately following the submission of the summary, the Legislature shall reduce in the General Appropriations Act for the ensuing fiscal year, by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year, the funding of each community college that fails to submit the summary required by this section. The Executive Office of the Governor, in consultation with the Office of Program Policy Analysis and Government Accountability, the Auditor General, the Department of Banking and Finance, and the legislative appropriations committees, shall develop instructions as to the calculation of the unit-cost information and the format and presentation of the summary required by this section.*

And the title is amended as follows:

On page 1, line 10,

after the semicolon insert: requiring each community college to submit a summary; providing sanctions for failure to submit the summary; providing for the development of procedures for the summary;

Rep. Posey moved the adoption of the amendment.

Representative(s) Wise and Posey offered the following:

Substitute Amendment 2 (with title amendment)—On page 3, between line 15 & 16, of the bill

insert:

Section 2. *Each community college through the Division of Community Colleges must submit to the Executive Office of the Governor,*

with copies to the President of the Senate, the Speaker of the House of Representatives, the Auditor General, and the Office of Program Policy Analysis and Government Accountability, a one-page summary of all moneys that were expended or encumbered by the community college, or for which the community college was otherwise responsible, during the preceding fiscal year and an estimate of such moneys projected by the community college for the current fiscal year. All such expenditures and estimates of such expenditures must be divided by program and expressed in line items by unit costs for each output measure approved pursuant to s. 216.0166(3), Florida Statutes. Unit-cost totals must equal the total amount of moneys that were expended or projected to be expended by each community college and must include expenditures or projected expenditures of state funds by subordinate governmental entities and contractors, as applicable. Moneys that community colleges receive but are not responsible for, such as reversions or pass-throughs to entities over which the community college has no authority or responsibility, shall be shown in separate line items and expressed in total amounts only. At the regular session immediately following the submission of the summary, the Legislature shall reduce in the General Appropriations Act for the ensuing fiscal year, by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year, the funding of each community college that fails to submit the information required by this section.

And the title is amended as follows:

On page 1, line 10,

after the semicolon insert: requiring each community college to submit a summary; providing sanctions for failure to submit the summary;

Rep. Posey moved the adoption of the substitute amendment, which was adopted.

On motion by Rep. Harrington, the rules were suspended and HB 1007, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Detert	Jones	Ritter
Albright	Diaz de la Portilla	Kelly	Roberts
Alexander	Dockery	Kilmer	Rojas
Andrews	Edwards	Kosmas	Russell
Argenziano	Effman	Kyle	Ryan
Arnall	Farkas	Lacasa	Sanderson
Bainter	Fasano	Lawson	Sembler
Ball	Feeney	Levine	Smith, C.
Barreiro	Fiorentino	Littlefield	Smith, K.
Bense	Flanagan	Logan	Sobel
Betancourt	Frankel	Lynn	Sorensen
Bilirakis	Fuller	Maygarden	Spratt
Bitner	Futch	Melvin	Stafford
Bloom	Garcia	Merchant	Stansel
Boyd	Gay	Miller, J.	Starks
Bronson	Goode	Miller, L.	Suarez
Brown	Goodlette	Minton	Sublette
Brummer	Gottlieb	Morroni	Trovillion
Bush	Green, C.	Murman	Tullis
Byrd	Greene, A.	Ogles	Turnbull
Cantens	Greenstein	Patterson	Valdes
Casey	Hafner	Peaden	Villalobos
Chestnut	Harrington	Posey	Wallace
Constantine	Hart	Prieguez	Warner
Cosgrove	Healey	Pruitt	Waters
Crady	Henriquez	Putnam	Wiles
Crist	Heyman	Rayson	Wilson
Crow	Hill	Reddick	Wise
Dennis	Johnson	Ritchie	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 847—A bill to be entitled An act relating to juvenile detention; amending s. 985.211, F.S.; requiring a probable cause affidavit or written report to be made within a time certain; requiring such affidavit or report to be filed with the clerk of circuit court within a time certain; amending s. 985.215, F.S.; providing for increased holding times for children charged with offenses of certain severity; amending s. 985.218, F.S.; requiring petitions for delinquency to be filed within a time certain under certain circumstances; authorizing the court to extend such times under certain circumstances; requiring release from custody under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Law Enforcement & Crime Prevention offered the following:

Amendment 1—On page 4, lines 24-27
remove from the bill: all of said lines

and insert in lieu thereof: *periods may be extended by the court. If the petition is not filed within such time periods, the juvenile shall be released from custody, unless the state has filed a notice, to direct file, waive or indict the juvenile.*

Rep. Ryan moved the adoption of the amendment.

Representative(s) Crist and Ryan offered the following:

Substitute Amendment 1 (with title amendment)—On page 4, line 20 through 27
remove from the bill: all of said lines

and insert in lieu thereof: delinquency by the state attorney. *The Legislature strongly recommends that in cases in which the juvenile is securely detained that petitions for delinquency should be filed by the state attorney within 14 days after the arrest or within 25 days after the arrest if the state attorney determines that forensic evidence is required. The state attorney in each circuit shall report every case in which the juvenile is securely detained and a petition for delinquency was not filed within this recommended time to the Florida Prosecuting Attorneys Association and the House Juvenile Justice Committee and the Senate Criminal Justice Committee. The failure to file a petition within this recommended time shall not entitle a juvenile to release from custody or a dismissal of any charges.*

And the title is amended as follows:

On page 1 lines 11 through 16
remove from the title of the bill: all of said lines

and insert in lieu thereof: recommending that petitions for delinquency be filed within a time certain; requiring reporting of petitions not filed within recommended time limitations; providing an effective date.

Rep. Ryan moved the adoption of the substitute amendment.

On motion by Rep. Ryan, further consideration of **HB 847**, with pending amendments, was temporarily postponed under Rule 141.

Reconsideration of HB 621

On motion by Rep. Gay, the House reconsidered the vote by which **HB 621**, as amended, passed earlier today.

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 an effective date.

The question recurred on the passage of HB 621.

On motion by Rep. Gay, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 4** was adopted. The question recurred on the adoption of the amendment, which failed of adoption by the required two-thirds vote.

On motion by Rep. Gay, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 7** failed of adoption. The question recurred on the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 621. The vote was:

Yeas—107

The Chair	Diaz de la Portilla	Jones	Ritter
Albright	Dockery	Kelly	Roberts
Alexander	Edwards	Kilmer	Rojas
Andrews	Effman	Kosmas	Russell
Arnall	Farkas	Kyle	Ryan
Bainter	Fasano	Lacasa	Sanderson
Ball	Fiorentino	Lawson	Sembler
Barreiro	Flanagan	Levine	Smith, C.
Betancourt	Frankel	Littlefield	Smith, K.
Bilirakis	Fuller	Logan	Sobel
Bitner	Futch	Lynn	Sorensen
Bloom	Garcia	Maygarden	Spratt
Boyd	Gay	Merchant	Stafford
Bradley	Goode	Miller, J.	Stansel
Bronson	Goodlette	Miller, L.	Starks
Brown	Gottlieb	Minton	Suarez
Bush	Green, C.	Morroni	Sublette
Cantens	Greene, A.	Murman	Trovillion
Casey	Greenstein	Ogles	Tullis
Chestnut	Hafner	Patterson	Turnbull
Constantine	Harrington	Peaden	Valdes
Cosgrove	Hart	Prieguez	Villalobos
Crady	Healey	Pruitt	Waters
Crist	Henriquez	Putnam	Wiles
Crow	Heyman	Rayson	Wilson
Dennis	Hill	Reddick	Wise
Detert	Johnson	Ritchie	

Nays—8

Argenziano	Brummer	Feeney	Wallace
Bense	Byrd	Posey	Warner

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 2185—A bill to be entitled An act relating to medical negligence actions; amending s. 766.102, F.S.; providing requirements for expert witness testimony in actions based on medical negligence; providing a definition; amending s. 766.106, F.S.; providing requirements with respect to notice before filing action for medical malpractice; regulating unsworn statements of treating physicians; amending s. 766.207, F.S.; revising language with respect to voluntary binding arbitration of medical malpractice claims; providing for the effect of an offer to submit to voluntary binding arbitration with respect to allegations contained in the claimant's notice of intent letter; amending s. 455.667, F.S.; permitting unsworn statements of treating physicians without written authorization; providing effective dates.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 869—A bill to be entitled An act relating to child care; amending s. 212.08, F.S.; providing a sales tax exemption for educational materials purchased by child care facilities, under certain conditions; creating s. 240.3821, F.S.; providing for establishment of Institutes of Excellence in Infant and Toddler Development, subject to available appropriations; providing functions; amending s. 402.281, F.S.; providing for Gold Seal Quality Care designation for family group day care homes; amending s. 402.3015, F.S.; increasing the maximum family income for participation in the subsidized child care program; creating s. 402.3016, F.S.; providing for Early Head Start collaboration grants, contingent upon specific appropriations; providing duties of the Department of Children and Family Services; providing for rules; creating s. 402.3017, F.S.; directing the department to establish health care coverage for employees of certain subsidized child care providers through the state employees health insurance program; providing eligibility requirements; providing a schedule of premium participation; amending s. 402.302, F.S.; defining "family group day care home"; creating s. 402.3027, F.S.; directing the department to establish a system for the behavioral observation and developmental assessment of young children in subsidized child care programs; providing definitions; providing principles and procedures; amending s. 402.305, F.S.; revising minimum training requirements for child care personnel; providing minimum training requirements for child care facility directors; providing for development of minimum standards for specialized child care facilities for mildly ill children; amending s. 402.3051, F.S.; providing for child care market rate reimbursement for child care providers who hold a Gold Seal Quality Care designation; amending ss. 402.3055, 943.0585, and 943.059, F.S.; correcting cross references; creating s. 402.3108, F.S.; establishing a toll-free telephone line to provide consultation to child care centers and family day care homes, contingent upon specific appropriations; providing for contracts; amending s. 402.313, F.S.; revising requirements relating to the training course for operators of family day care homes; providing a compliance schedule; creating s. 402.3131, F.S.; providing for licensure of family group day care homes; providing a penalty; providing requirements and standards; providing duties of the department; providing for screening of certain persons; providing for rules; providing an effective date.

—was read the second time by title.

The Committee on Health & Human Services Appropriations offered the following:

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (2) of section 110.151, Florida Statutes, is amended to read:

110.151 State officers' and employees' child care services.—

(2) Child care programs may be located in state-owned office buildings, educational facilities and institutions, custodial facilities and institutions, and, with the consent of the President of the Senate and the Speaker of the House of Representatives, in buildings or spaces used for legislative activities. In addition, centers may be located in privately owned buildings conveniently located to the place of employment of those officers and employees to be served by the centers. If a child care program is located in a state-owned office building, educational facility or institution, or custodial facility or institution, or in a privately owned building leased by the state, a portion of the service provider's rental fees for child care space may be waived by the sponsoring agency in accordance with the rules of the Department of Management Services. *Additionally,* the sponsoring state agency may be responsible for the maintenance, utilities, and other operating costs associated with the ~~physical facility of the~~ child care center.

Section 2. Section 196.095 is created to read:

196.095 Exemption for a licensed child care facility operating in an enterprise zone.—

(1) Any real estate used and owned as a child care facility as defined in s. 402.302 which operates in an enterprise zone pursuant to chapter 290 is exempt from taxation.

(2) To claim an enterprise zone child care property tax exemption authorized by this section, a child care facility must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the child care center is located. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to this section and meets the criteria set out in this section. The governing body or agency shall certify all applications that contain the information required pursuant to this section and meet the criteria set out in this section as eligible to receive an ad valorem tax exemption. The child care center shall be responsible for forwarding all application materials to the governing body or enterprise zone development agency.

(3) The production by the child care facility operator of a current license by the Department of Children and Family Services or local licensing authority and certification by the governing body or enterprise zone where the child care center is located is prima facie evidence that the child care facility owner is entitled to such exemptions.

Section 3. Paragraph (zz) is added to subsection (5) of section 212.08, Florida Statutes, 1998 Supplement, to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

(zz) Educational materials, such as glue, paper, paints, crayons, unique craft items, scissors, books, and educational toys, purchased by a child care facility that meets the standards delineated in s. 402.305, is licensed under s. 402.308, holds a current Gold Seal Quality Care designation pursuant to s. 402.281, and provides basic health insurance to all employees are exempt from the taxes imposed by this chapter. For purposes of this paragraph, the term "basic health insurance" shall be defined and promulgated in rules developed jointly by the Department of Children and Family Services, the Agency for Health Care Administration, and the Department of Insurance.

Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.

Section 4. Section 402.26, Florida Statutes, is amended to read:

402.26 Child care; legislative intent.—

(1) The Legislature recognizes the critical importance to the citizens of the state of both safety and quality in child care. Child care in Florida is in the midst of continuing change and development, driven by extraordinary changes in demographics. Many parents with children under age 6 are employed outside the home. For the majority of Florida's children, child care will be a common experience. For many families, child care is an indispensable part of the effort to meet basic economic obligations or to make economic gains. State policy continues to recognize the changing composition of the labor force and the need to respond to the concerns of Florida's citizens as they enter the child care market. In particular, the Legislature recognizes the need to have more working parents employed in family-friendly workplaces. In addition, the Legislature recognizes the abilities of public and private employers to assist the family's efforts to balance family care needs with employment opportunities.

(2) The Legislature also recognizes the effects of both safety and quality in child care in reducing the need for special education, public assistance, and dependency programs and in reducing the incidence of delinquency and educational failure. In a budgetary context that spends billions of dollars to address the aftermath of bad outcomes, safe, quality child care is one area in which the often maligned concept of cost-effective social intervention can be applied. It is the intent of the Legislature, therefore, that state policy should be firmly embedded in the recognition that child care is a voluntary choice of the child's parents. For parents who choose child care, it is the intent of the Legislature to protect the health and welfare of children in care.

(3) To protect the health and welfare of children, it is the intent of the Legislature to develop a regulatory framework that promotes the growth and stability of the child care industry and facilitates the safe physical, intellectual, motor, and social development of the child.

(4) It is also the intent of the Legislature to promote the development of child care options in the private sector and disseminate information that will assist the public in determining appropriate child care options.

(5) It is the further intent of the Legislature to provide and make accessible child care opportunities for children at risk, economically disadvantaged children, and other children traditionally disenfranchised from society. In achieving this intent, the Legislature shall develop a subsidized child care system, a range of child care options, support services, and linkages with other programs to fully meet the child care needs of this population.

(6) It is the intent of the Legislature that a child care facility licensed pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316, that achieves Gold Seal Quality status pursuant to s. 402.281, be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax pursuant to s. 196.198.

Section 5. Subsection (2) of section 402.281, Florida Statutes, is amended to read:

402.281 Gold Seal Quality Care program.—

(2) Child care facilities, *large family child care homes,* or family day care homes *that* ~~which~~ are accredited by a nationally recognized accrediting association whose standards substantially meet or exceed the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission shall receive a separate "Gold Seal Quality Care" designation to operate as a gold seal child care facility*, large family child care home,* or family day care home.

Section 6. Subsection (1) of section 402.3015, Florida Statutes, is amended to read:

402.3015 Subsidized child care program; purpose; fees; contracts.—

(1) The purpose of the subsidized child care program is to provide quality child care to enhance the development, including language, cognitive, motor, social, and self-help skills of children who are at risk of abuse or neglect and children of low-income families, and to promote financial self-sufficiency and life skills for the families of these children, unless prohibited by federal law. Priority for participation in the subsidized child care program shall be accorded to children under 13 years of age who are:

(a) Determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the department's Children and Families ~~Services~~ Program Office;

(b) Children at risk of welfare dependency, including children of participants in the WAGES Program, children of migrant farmworkers, children of teen parents, and children from other families at risk of welfare dependency due to a family income of less than 100 percent of the federal poverty level; ~~and~~

(c) Children of working families whose family income is equal to or greater than 100 percent, but does not exceed 150 percent, of the federal poverty level*; and*~~.~~

(d) Children of working families enrolled in the Child Care Executive Partnership Program whose family income does not exceed 200 percent of the federal poverty level.

Section 7. Section 402.3016, Florida Statutes, is created to read:

402.3016 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriations, the Department of Children and Family Services shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(2) Public and private nonprofit agencies providing Early Head Start programs applying for collaborative grants must:

(a) Ensure quality performance by meeting the requirements in the Head Start program performance standards and other applicable rules and regulations;

(b) Ensure collaboration with other service providers at the local level; and

(c) Ensure that a comprehensive array of health, nutritional, and other services are provided to the program's pregnant women and very young children, and their families.

(3) The department shall report to the Legislature on an annual basis the number of agencies receiving Early Head Start collaboration grants and the number of children served.

(4) The department may adopt rules as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 8. Present subsections (8) through (15) of section 402.302, Florida Statutes, 1998 Supplement, are renumbered as subsections (9) through (16), respectively, and a new subsection (8) is added to that section to read:

402.302 Definitions.—

(8) "Large family child care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 12 years of age who are related to the caregiver:

(a) A maximum of 8 children from birth to 24 months of age.

(b) A maximum of 12 children, with no more than 4 children under 24 months of age.

Section 9. Section 402.3027, Florida Statutes, is created to read:

402.3027 Observation and assessment of young children in subsidized child care programs.—The Department of Children and Family Services is directed to establish a system for the behavioral observation and developmental assessment of young children in subsidized child care programs, to assist in determining appropriate developmental age level, the need for formal developmental assessment, or the need to make referrals for necessary early intervention programs and specialized services.

(1) DEFINITIONS.—

(a) "Developmental assessment test" means a standardized assessment test designed to identify normal child development or developmental delays.

(b) "Developmental milestones" means behaviors that a child should be exhibiting by a certain age in the cognitive, physical/psychomotor, and social domains.

(c) "Developmental observation checklist" means a behavioral observation instrument used to identify developmental milestones.

(d) "Diagnostic assessments test" means a test designed to identify children with specific special needs, determine the nature of the problem, suggest the cause of the problem, and propose remediation strategies.

(e) "School readiness tests" means tests designed to assess a child's level of preparedness for an academic program.

(2) PRINCIPLES.—In the development of a system for the behavioral observation and developmental assessment of young children in subsidized child care, the department shall adhere to the following principles:

(a) Informed consent of the child's parent shall be secured prior to all Level II and Level III assessments.

(b) All standardized tests used in early childhood programs must be reliable and valid according to the technical standards of test development.

(c) It is the responsibility of the program operator and child care staff to be knowledgeable regarding child development and the use of behavioral observation instruments.

(d) Standardized assessment tests and diagnostic assessments tests shall only be administered by professional and trained staff.

(e) Testing of young children must be conducted by individuals who are knowledgeable about and sensitive to the developmental needs of young children and are qualified to administer tests.

(f) Parents shall be full partners in the assessment process and parent training shall be made available.

(3) PROCEDURES.—The department shall implement the following assessment procedures for all children in a subsidized child care arrangement:

(a) Level I assessment.—

1. The purpose of Level I assessment is to identify and monitor normal development or possible developmental delay.

2. All children in care who are between the ages of 1 year and 4 years, inclusive, shall be screened every 6 months using a department-approved developmental observation checklist.

3. The results indicated by the checklist shall be reviewed by the facility's child development associate or by the community child care coordinating agency.

4. The department shall establish procedures to provide feedback to parents regarding observed development and activities, including parent training, to enhance the child's cognitive, psychomotor, and social skills.

(b) Level II assessment.—

1. The purpose of Level II assessment is to determine whether a delay identified in a Level I assessment can be addressed by the child care facility or family day care home or whether a special service or further assessment is needed.

2. Level II assessment shall be conducted by trained professional staff.

3. The department shall establish procedures to:

a. Develop individualized learning plans for implementation by the primary caregiver.

b. Adopt and offer a program of intensive language or math activities provided by visiting specialist.

c. Adopt and offer a program of parent training and home visits.

(c) Level III assessment.—When indicated by a Level II assessment, the department shall establish procedures to refer a child to Level III assessment providers such as Florida Diagnostic and Learning Resource Services, Medicaid/Early Periodic Screening, Diagnosis, and Testing (EPSDT), Children's Medical Services, and other health services, to determine eligibility for an early intervention program.

Section 10. Paragraph (d) of subsection (2) of section 402.305, Florida Statutes, 1998 Supplement, is amended, paragraph (f) is added to subsection (2), present subsections (17) and (18) are renumbered as subsections (18) and (19), respectively, and a new subsection (17) is added to that section, to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(d) Minimum ~~staff~~ training requirements *for child care personnel.*

1. Such minimum standards for training shall ensure that all child care personnel and operators of family day care homes serving at-risk children in a subsidized child care program pursuant to s. 402.3015 take an approved *40-clock-hour* ~~30-clock-hour~~ introductory course in child care, which course covers at least the following topic areas:

a. State and local rules and regulations which govern child care.

b. Health, safety, and nutrition.

c. Identifying and reporting child abuse and neglect.

d. Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.

e. Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child's developmental age level.

f.~~e.~~ Specialized areas, as determined by the department, for owner-operators and child care personnel of a child care facility.

Within 90 days of employment, child care personnel shall begin training to meet the training requirements and shall complete such training within 1 year of the date on which the training began. Exemption from all or a portion of the required training shall be granted to child care personnel based upon educational credentials or passage of competency examinations.

2. The introductory course in child care shall stress, to the extent possible, an interdisciplinary approach to the study of children.

3. On an annual basis in order to further their child care skills and, if appropriate, administrative skills, child care personnel who have fulfilled the requirements for the child care training shall be required to take an additional approved 8 clock hours of inservice training or an equivalent as determined by the department.

4. Procedures for ensuring the training of qualified child care professionals to provide training of child care personnel, including onsite training, shall be included in the minimum standards. It is recommended that the state community child care coordination agencies (central agencies) be contracted by the department to coordinate such training when possible. Other district educational resources, such as community colleges and vocational-technical programs, can be designated in such areas where central agencies may not exist or are determined not to have the capability to meet the coordination requirements set forth by the department.

5. Training requirements shall not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors.

6. The State Coordinating Council for Early Childhood Services, in coordination with the department, shall evaluate or contract for an evaluation for the general purpose of determining the status of and means to improve staff training requirements and testing procedures. The evaluation shall be completed by October 1, 1992, and conducted every 2 years thereafter. The evaluation shall include, but not be limited to, determining the availability, quality, scope, and sources of current staff training; determining the need for specialty training; and determining ways to increase inservice training and ways to increase the accessibility, quality, and cost-effectiveness of current and proposed staff training. The evaluation methodology shall include a reliable and valid survey of child care personnel.

7. The child care operator shall be required to take basic training in serving children with disabilities within 5 years after employment, either as a part of the introductory training or the annual 8 hours of inservice training.

(f) By January 1, 2000, a credential for child care facility directors. By January 1, 2003, the credential shall be a required minimum standard for licensing.

(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF MILDLY ILL CHILDREN.—Minimum standards shall be developed by the department, in conjunction with the Department of Health, for specialized child care facilities for the care of mildly ill children. The minimum standards shall address the following areas: personnel requirements; staff-to-child ratios; staff training and credentials; health and safety; physical facility requirements, including square footage; client eligibility, including a definition of "mildly ill children"; sanitation and safety; admission and recordkeeping; dispensing of medication; and a schedule of activities.

Section 11. Subsection (2) of section 402.3051, Florida Statutes, is amended to read:

402.3051 Child care market rate reimbursement; child care grants.—

(2) The department shall establish procedures to reimburse *licensed, exempt, or registered child care providers who hold a Gold Seal Quality Care designation at the market rate for child care services for children who are eligible to receive subsidized child care; and* licensed, exempt, or registered child care providers at the prevailing market rate for child care services for children who are eligible to receive subsidized child care, unless prohibited by federal law under s. 402.3015. The department shall establish procedures to reimburse providers of unregulated child care at not more than 50 percent of the market rate. The payment system may not interfere with the parents' decision as to the appropriate child care arrangement, regardless of the level of available funding for child care. The child care program assessment tool may not be used to determine reimbursement rates.

Section 12. Paragraphs (b), (d), and (g) of subsection (2) of section 402.3055, Florida Statutes, are amended to read:

402.3055 Child care personnel requirements.—

(2) EXCLUSION FROM OWNING, OPERATING, OR BEING EMPLOYED BY A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM; HEARINGS PROVIDED.—

(b) When the department or the local licensing agency has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the applicant, licensee, or other child care program and the child care personnel affected, stating the specific record which indicates noncompliance with the standards in s. 402.305*(2)*~~(1)~~.

(d) When a local licensing agency is the agency initiating the statement regarding noncompliance of an employee with the standards contained in s. 402.305*(2)*~~(1)~~, the employee, applicant, licensee, or other child care program has 15 days from the time of written notification of the agency's finding to make a written request for a hearing. If a request for a hearing is not received in that time, the permanent employee, applicant, licensee, or other child care program is presumed to accept the finding.

(g) Refusal on the part of an applicant or licensee to dismiss child care personnel who have been found to be in noncompliance with personnel standards of s. 402.305*(2)*~~(1)~~ shall result in automatic denial or revocation of the license in addition to any other remedies pursued by the department or local licensing agency.

Section 13. Section 402.3018, Florida Statutes, is created to read:

402.3018 Consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues.—

(1) Contingent upon specific appropriations, the department is directed to contract with the statewide resource information and referral agency for a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs.

(2) The purpose of the Warm-Line is to provide advice to child care personnel concerning strategies, curriculum, and environmental adaptations that allow a child to derive maximum benefit from the child care experience.

(3) The department shall inform child care centers and family day care homes of the availability of this service, on an annual basis.

(4) Contingent upon specific appropriations, the department shall expand or contract for the expansion of the Warm-Line from one statewide site to one Warm-Line site in each child care resource and referral agency region.

(5) Each regional Warm-Line shall provide assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs. Regional Warm-Line staff shall provide onsite technical assistance, when requested, to assist child care centers and family day care homes with inquiries relative to the strategies, curriculum, and environmental adaptations the child care centers and family day care homes may need as they serve children with disabilities and other special needs.

Section 14. Subsections (1) and (4) of section 402.313, Florida Statutes, are amended to read:

402.313 Family day care homes.—

(1) Family day care homes shall be licensed under this act if they are presently being licensed under an existing county licensing ordinance, if they are participating in the subsidized child care program, or if the board of county commissioners passes a resolution that family day care homes be licensed. If no county authority exists for the licensing of a family day care home, the department shall have the authority to license family day care homes under contract for the purchase-of-service system in the subsidized child care program.

(a) If not subject to license, family day care homes shall register annually with the department, providing the following information:

1. The name and address of the home.~~,~~

2. The name of the operator.~~,~~

3. The number of children served.~~,~~

4. Proof of a written plan to provide at least one other competent adult to be available to substitute for the operator in an emergency. This plan shall include the name, address, and telephone number of the designated substitute.~~,~~

5. Proof of screening and background checks.~~,~~

6. Proof of completion of the *30-hour* ~~3-hour~~ training course, *which shall include:*

a. State and local rules and regulations that govern child care.

b. Health, safety, and nutrition.

c. Identifying and reporting child abuse and neglect.

d. Child development, including typical and atypical language development; and cognitive, motor, social, and self-help skills development.

e. Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine a child's developmental level.

f. Specialized areas, as determined by the department, for owner-operators of family day care homes. ~~and~~

7. Proof that immunization records are kept current.

(b) The department or local licensing agency may impose an administrative fine, not to exceed $100, for failure to comply with licensure or registration requirements.

(c) A family day care home not participating in the subsidized child care program may volunteer to be licensed under the provisions of this act.

(d) The department may provide technical assistance to counties and family day care home providers to enable counties and family day care providers to achieve compliance with family day care homes standards.

(4) Operators of family day care homes shall take an approved *30-clock-hour* ~~3-clock-hour~~ introductory course in child care. *Family day care homes licensed or registered on June 30, 1999, shall have until June 30, 2001, to comply with this course requirement, except that the department shall exempt family day care homes in this category that can demonstrate that the operator has received at least 30 hours of training. Family day care homes initially licensed or registered on or after July 1, 1999, but before October 1, 1999, shall have until October 1, 1999, to comply with the 30-clock-hour course requirement. Family day care homes initially licensed or registered on or after October 1, 1999, must comply with the 30-clock-hour course requirement before caring for children.*

Section 15. Section 402.3131, Florida Statutes, is created to read:

402.3131 Large family child care homes.—

(1) Large family child care homes shall be licensed under this section.

(a) The department or local licensing agency may impose an administrative fine, not to exceed $1,000, for failure to comply with licensure requirements.

(b) A licensed family day care home must first have operated for a minimum of 2 consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home.

(c) The department may provide technical assistance to counties and family day care home providers to enable the counties and providers to achieve compliance with minimum standards for large family child care homes.

(2) Child care personnel in large family child care homes shall be subject to the applicable screening provisions contained in ss. 402.305(2) and 402.3055. For purposes of screening child care personnel in large family child care homes, the term "child care personnel" includes any member of a large family child care home operator's family 12 years of age or older, or any person 12 years of age or older residing with the operator in the large family child care home. Members of the operator's family, or persons residing with the operator, who are between the ages of 12 years and 18 years, inclusive, shall not be required to be fingerprinted, but shall be screened for delinquency records.

(3) Operators of large family child care homes shall take an approved 40-clock-hour introductory course in group child care.

(4) The department shall prepare a brochure on large family child care homes for distribution to the general public.

(5) The department shall, by rule, establish minimum standards for large family child care homes. The standards shall include, at a minimum, requirements for staffing, maintenance of immunization records, minimum health standards, minimum safety standards, minimum square footage, and enforcement of standards.

(6) Prior to being licensed by the department, large family child care homes must be approved by the state or local fire marshal in accordance with standards established for child care facilities.

Section 16. Paragraph (a) of subsection (4) of section 943.0585, Florida Statutes, 1998 Supplement, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s. 402.302*(3)*~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.1075(4), s. 985.407, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity that licenses child care facilities.

Section 17. Paragraph (a) of subsection (4) of section 943.059, Florida Statutes, 1998 Supplement, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s. 402.302*(3)*~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.103, s. 985.407, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity which licenses child care facilities.

Section 18. *The Department of Insurance shall conduct a study and report to the President of the Senate, the Speaker of the House of Representatives, and the appropriate substantive and fiscal committees of the Senate and the House of Representatives, by January 31, 2000, regarding how to make affordable health insurance available to the staff of child care providers. The study shall include consideration of a program for providing medical savings accounts.*

Section 19. This act shall take effect July 1, 1999.

And the title is amended as follows:
remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to child care; amending s. 110.151, F.S.; modifying duties of state agencies regarding child care programs sponsored by the agencies; creating s. 196.095, F.S.; providing for a tax exemption for real estate used and owned by a child care facility operating in an enterprise zone; providing procedures for application for the tax exemption; amending s. 212.08, F.S.; providing a sales tax exemption for educational materials purchased by child care facilities, under certain conditions; amending s. 402.26, F.S.; providing legislative intent that certain licensed child care facilities be considered an educational institution for the purpose of qualifying for exemption from ad valorem taxation; amending s. 402.281, F.S.; providing for Gold Seal Quality Care designation for large family child care homes; amending s. 402.3015, F.S.; increasing the maximum family income for participation in the subsidized child care program; creating s. 402.3016, F.S.; providing for Early Head Start collaboration grants, contingent upon specific appropriations; providing duties of the Department of Children and Family Services; providing for rules; amending s. 402.302, F.S.; defining the term "large family child care home"; creating s. 402.3027, F.S.; directing the department to establish a system for the behavioral observation and developmental assessment of young children in subsidized child care programs; providing definitions; providing principles and procedures; amending s. 402.305, F.S.; revising minimum training requirements for child care personnel; providing minimum training requirements for child care facility directors; providing for development of minimum standards for specialized child care facilities for mildly ill children; amending s. 402.3051, F.S.; providing for child care market rate reimbursement for child care providers who hold a Gold Seal Quality Care designation; amending ss. 402.3055, 943.0585, 943.059, F.S.; conforming cross-references; creating s. 402.3108, F.S.; establishing a toll-free telephone line to provide consultation to child care centers and family day care homes, contingent upon specific appropriations; providing for contracts; amending s. 402.313, F.S.; revising requirements relating to the training course for operators of family day care homes; providing a compliance schedule; creating s. 402.3131, F.S.; providing for licensure of large family child care homes; providing a penalty; providing requirements and standards; providing duties of the department; providing for screening of certain persons; providing for rules; requiring the Department of Insurance to conduct a study on health insurance for child care provider staff; requiring a report; providing an effective date.

Rep. Murman moved the adoption of the amendment.

On motion by Rep. Murman, under Rule 142(h), the following late-filed amendment to the amendment was considered.

Representative(s) Lynn and Murman offered the following:

Amendment 1 to Amendment 1 (with title amendment)—On page 7, line 15,
remove from the amendment: *Department of Children and Family Services*

and insert in lieu thereof: *Florida Partnership for School Readiness*

And the title is amended as follows:

On page 28, line 1, of the amendment
remove: Department of Children and Family Services

and insert in lieu thereof: Florida Partnership for School Readiness

Rep. Murman moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Murman, under Rule 142(h), the following late-filed amendment to the amendment was considered.

Representative(s) Lynn and Murman offered the following:

Amendment 2 to Amendment 1—On page 8, line 2 and on page 8 line 5
remove from the amendment: *department*

and insert in lieu thereof: *partnership*

Rep. Murman moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

The Committee on Finance & Taxation offered the following:

Amendment 2 (with title amendment)—On page 28, between lines 27 & 28 of the bill

insert:

Section 16. Section 402.26, F.S., is amended to read:
402.26 Child care; legislative intent.—

(6) It is the intent of the Legislature that a licensed child care facility pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316 that achieves Gold Seal Quality status pursuant to s. 402.281 be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax pursuant to s. 196.198, F.S.

And the title is amended as follows:

On page 2, line 27

insert after the semicolon:
amending s. 402.26, F.S.; providing legislative intent that certain licensed child care facilities be considered an educational institution for the purpose of qualifying for exemption from ad valorem taxation;

Rep. Murman moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

The Committee on Finance & Taxation offered the following:

Amendment 3 (with title amendment)—On page 28, between lines 27 & 28 of the bill

insert:

Section 16. Section 196.095 is created to read:

196.095 Exemption for a licensed child care facility operating in an enterprise zone.—

(1) Any real estate used and owned as a child care facility as defined in s. 402.302 which operates in an enterprise zone pursuant to chapter 290 is exempt from taxation.

(2) To claim an enterprise zone child care property tax exemption authorized by this section, a child care facility must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the child care center is located. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to this section and meets the criteria set out in this section. The governing body or agency shall certify all applications that contain the information required pursuant to this section and meet the criteria set out in this section as eligible to receive an ad valorem tax exemption. The child care center shall be responsible for forwarding all application materials to the governing body or enterprise zone development agency.

(3) The production by the child care facility operator of a current license by the Department of Children & Families or local licensing authority and certification by the governing body or enterprise zone where the child care center is located is prima facie evidence that the child care facility owner is entitled to such exemptions.

And the title is amended as follows:

On page 2, line 27

insert after the semicolon:
creating s. 196.095, F.S.; providing for a tax exemption for real estate used and owned by a child care facility operating in an enterprise zone; providing procedures for application for the tax exemption;

Rep. Murman moved the adoption of the amendment. Subsequently, **Amendment 3** was withdrawn.

On motion by Rep. Murman, the rules were suspended and HB 869, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Crady	Harrington	Ogles
Albright	Crist	Hart	Patterson
Alexander	Crow	Healey	Peaden
Andrews	Dennis	Henriquez	Posey
Argenziano	Detert	Heyman	Prieguez
Arnall	Diaz de la Portilla	Hill	Pruitt
Bainter	Dockery	Johnson	Putnam
Ball	Edwards	Jones	Rayson
Barreiro	Effman	Kelly	Reddick
Bense	Farkas	Kilmer	Ritchie
Betancourt	Fasano	Kosmas	Ritter
Bilirakis	Feeney	Kyle	Roberts
Bitner	Fiorentino	Lacasa	Rojas
Bloom	Flanagan	Lawson	Russell
Boyd	Frankel	Levine	Ryan
Bradley	Fuller	Littlefield	Sanderson
Bronson	Futch	Logan	Sembler
Brown	Garcia	Lynn	Smith, C.
Brummer	Gay	Maygarden	Smith, K.
Bush	Goode	Melvin	Sobel
Byrd	Goodlette	Merchant	Sorensen
Cantens	Gottlieb	Miller, J.	Spratt
Casey	Green, C.	Miller, L.	Stafford
Chestnut	Greene, A.	Minton	Stansel
Constantine	Greenstein	Morroni	Starks
Cosgrove	Hafner	Murman	Suarez
Sublette	Turnbull	Warner	Wilson
Trovillion	Valdes	Waters	Wise
Tullis	Villalobos	Wiles	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1853—A bill to be entitled An act relating to school district best financial management practices reviews; amending s. 11.51, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to conduct or contract for best financial management practices reviews of school districts; correcting a cross reference; amending s. 11.515, F.S.; revising references to "performance reviews" to "best financial management practices reviews"; clarifying and conforming the authorization for contracting for reviews; revising the scope of such reviews; amending s. 230.23025, F.S.; providing the purpose of a best financial management practices review; authorizing OPPAGA to develop best practices for review and adoption by the Commissioner of Education; revising areas addressed by the review; establishing a timeframe for school district review; requiring districts to be reviewed to be specified in the General Appropriations Act; providing funding requirements; revising reporting requirements; revising provisions relating to the "Seal of Best Financial Management"; amending s. 230.23026, F.S.; conforming terminology; amending s. 235.2197, F.S.; correcting cross references; repealing s. 230.2302, F.S., relating to performance reviews; providing an effective date.

—was read the second time by title.

The Committee on Education Appropriations offered the following:

Amendment 1—On page 4, lines 30 - 31,
remove from the bill: all of said lines

and insert in lieu thereof:

(2) It is the intent of the Legislature that each school district shall be subject to a best financial management practices review.

Rep. Melvin moved the adoption of the amendment, which was adopted.

THE SPEAKER PRO TEMPORE IN THE CHAIR

Representative(s) Lynn offered the following:

Amendment 2 (with title amendment)—On page 3, between lines 16 and 17,

insert a new section:

Subsection (2) of section 230.22, Florida Statutes, 1998 Supplement, is amended to read: 230.22 General powers of school board.—The school board, after considering recommendations submitted by the superintendent, shall exercise the following general powers:

(1) Determine policies and programs deemed necessary by it for the efficient operation and general improvement of the district school system.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it to supplement those prescribed by the state board and the commissioner. *School boards may adopt rules for governance and operations, general school administration, fiscal management, support services, facilities management, personnel, instructional programs, student management, parent relations, school-community relations, court orders, and federal mandates.*

And the title is amended as follows:

On page 1, line 14 after "reviews;"
remove from the title of the bill:

and insert in lieu thereof: amending s.230.22, F.S.; authorizing school boards to adopt specified rules pursuant to the Administrative Procedures Act;

Rep. Lynn moved the adoption of the amendment.

Representative(s) Lynn offered the following:

Substitute Amendment 2 (with title amendment)—On page 3, between lines 16 and 17, of the bill

insert:

Subsection (2) of section 230.22, Florida Statutes, 1998 Supplement, is amended to read: 230.22 General powers of school board.—The school board, after considering recommendations submitted by the superintendent, shall exercise the following general powers:

(1) Determine policies and programs deemed necessary by it for the efficient operation and general improvement of the district school system.

(2) Adopt rules pursuant to ~~ss. 120.536(1) and~~ 120.54 to implement the provisions of law conferring duties upon it to supplement those prescribed by the state board and the commissioner. *School boards may adopt rules for governance and operations, general school administration, fiscal management, support services, facilities management, personnel, instructional programs, student management, parent relations, school-community relations, court orders, and federal mandates.*

And the title is amended as follows:

On page 1, line 14 after "reviews;"
remove from the title of the bill:

and insert in lieu thereof: amending s.230.22, F.S.; authorizing school boards to adopt specified rules pursuant to the Administrative Procedures Act;

Rep. Lynn moved the adoption of the substitute amendment, which was adopted.

Representative(s) Melvin offered the following:

Amendment 3—On page 5, line 2,
remove from the bill: "*5-year*"

and insert in lieu thereof: *10-year*

Rep. Melvin moved the adoption of the amendment, which was adopted.

Representative(s) Harrington offered the following:

Amendment 4 (with title amendment)—On page 8, between lines 18 and 19, of the bill

insert:

Section 5. 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.

And the title is amended as follows:

On page 1, line 26,

after the second 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;

Rep. Harrington moved the adoption of the amendment.

Point of Order

Rep. Ritter raised a point of order, under Rule 145, that the amendment by Rep. Harrington was not germane to the bill.

The Chair [Speaker pro tempore Jones] referred the point to the Chair of the Committee on Rules & Calendar. Pending a ruling, further consideration of the bill, with pending amendment, was temporarily postponed.

CS/HB 327—A bill to be entitled An act relating to conflicts of interests in the representation of indigent defendants; amending s. 27.53, F.S.; requiring that the court review an alleged conflict of interest without disclosing confidential communications; providing for withdrawal of the public defender unless the court determines that the conflict is not prejudicial to the indigent defendant; requiring each circuit conflict committee to assess the circuit's conflict representation system; requiring that the committees report findings and recommendations to the Legislature; providing an effective date.

—was read the second time by title.

Representative(s) Warner and Goodlette offered the following:

Amendment 1—On page 1, line 31 after the word "inquire"

insert:

or conduct a hearing

Rep. Warner moved the adoption of the amendment, which was adopted.

On motion by Rep. Warner, the rules were suspended and CS/HB 327, as amended, was read the third time by title. On passage, the vote was:

Yeas—113

Albright	Detert	Kelly	Roberts
Alexander	Diaz de la Portilla	Kilmer	Rojas
Andrews	Dockery	Kosmas	Russell
Argenziano	Edwards	Kyle	Ryan
Arnall	Effman	Lacasa	Sanderson
Bainter	Farkas	Lawson	Sembler
Ball	Fasano	Levine	Smith, C.
Barreiro	Feeney	Littlefield	Smith, K.
Bense	Fiorentino	Logan	Sobel
Betancourt	Flanagan	Lynn	Sorensen
Bilirakis	Frankel	Maygarden	Spratt
Bitner	Fuller	Melvin	Stafford
Bloom	Futch	Merchant	Stansel
Boyd	Garcia	Miller, J.	Starks
Bradley	Gay	Miller, L.	Suarez
Bronson	Goode	Minton	Sublette
Brown	Goodlette	Morroni	Trovillion
Brummer	Gottlieb	Murman	Tullis
Bush	Green, C.	Ogles	Turnbull
Byrd	Greene, A.	Patterson	Valdes
Cantens	Greenstein	Peaden	Villalobos
Casey	Hafner	Posey	Wallace
Chestnut	Harrington	Prieguez	Warner
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wise
Crist	Heyman	Reddick	
Crow	Hill	Ritchie	
Dennis	Johnson	Ritter	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 393—A bill to be entitled An act relating to Workforce Development Education; amending s. 236.081; providing for reimbursement for certain instruction outside the required number of school days; amending s. 239.105, F.S.; defining "literacy completion point"; amending s. 239.115, F.S.; providing for adult general education programs to include courses that lead to a literacy completion point; revising performance output measures for adult general education courses of study; authorizing formulas for the distribution of workforce development education performance funds to provide performance exemptions for new programs; amending s. 239.117, F.S.; revising requirements regarding fee schedules for workforce development education; requiring that fees for continuing workforce education be locally determined; providing an effective date.

—was read the second time by title.

The Committee on Education Innovation offered the following:

Amendment 1—On page 2, line 17 after the period through line 23, remove from the bill: All of said lines.

Rep. Harrington moved the adoption of the amendment, which was adopted.

The Committee on Education Innovation offered the following:

Amendment 2—On page 4, line 17,
remove from the bill: *programs*

and insert in lieu thereof: *workforce development education programs as defined in section 239.105; and for a period of time not to exceed two years from the addition of the new program*

Rep. Harrington moved the adoption of the amendment, which was adopted.

The Committee on Education Innovation offered the following:

Amendment 3 (with title amendment)—On page 7, line 1,

insert: a new section:

Section 5. Section 239.514, Florida Statutes, 1998 Supplement, is amended to read:

239.514 Workforce Development Capitalization Incentive Grant Program.—The Legislature recognizes that the need for school districts and community colleges to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts and community colleges on a competitive basis to fund some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs. *Funds may also be used to upgrade workforce development programs to established industry standards in accordance with program updates conducted by the Division of Community Colleges or the Division of Workforce Development.*

(1) Funds awarded for a workforce development capitalization incentive grant may be used for instructional equipment, laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation, *upgrade,* or expansion of a workforce development program. Expansion of a program may include either the expansion of enrollments in a program or expansion into new areas of specialization within a program. No grant funds may be used for recurring instructional costs or for institutions' indirect costs.

And the title is amended as follows:

On page 1, line 19, after the semicolon

insert: amending s.239.514, F.S.; authorizing capitalization grant funds to be spent on program upgrade;

Rep. Harrington moved the adoption of the amendment, which was adopted.

The Committee on Education Appropriations offered the following:

Amendment 4 (with title amendment)—On page 5, line 15 after the word "amended"

insert: , and subsection (18) and (19) are added,
On page 6, line 31 after the period

insert:

(18) If a school district or community college enrolls students who reside in a border county of another state that does not charge nonresident fees to Florida students, that school district or community college may exempt those students from out-of-state fees for workforce development programs.

(19) A school district or community college that provides workforce development education programs to employees of a business or industrial firm with headquarters in Florida may charge resident fees to a student employed by that firm, even if the student works in an out-of-state location.

And the title is amended as follows:

On page 1, line 19 after the ";"

insert: exempting certain out-of-state fee requirements;

Rep. Harrington moved the adoption of the amendment, which was adopted.

Representative(s) Posey offered the following:

Amendment 5 (with title amendment)—On page 6, after line 31, of the bill

insert:

Section 5. *Each school district and community college must include a one-page summary of all moneys that were expended or encumbered for workforce development programs for which the school district or community college was responsible during the preceding fiscal year and an estimate of such moneys projected by the school district or community college for the current fiscal year. All such expenditures and estimates of such expenditures must be expressed in line items by unit costs for each output measure approved pursuant to ss. 216.0166(3) and 239.115. Unit-cost totals must equal the total amount of moneys that were expended or projected to be expended by the school district or community college and must include expenditures or projected expenditures of state funds by subordinate governmental entities and contractors, as applicable. At the regular session immediately following the submission of the summary, the Legislature shall reduce in the General Appropriations Act for the ensuing fiscal year, by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year, the funding of each school district or community college that fails to submit the summary required by this section. The Executive Office of the Governor, in consultation with the Office of Program Policy Analysis and Government Accountability, the Auditor General, the Department of Banking and Finance, and the legislative appropriations committees, shall develop instructions as to the calculation of the unit-cost information and the format and presentation of the summary required under this section.*

And the title is amended as follows:

On page 1, line 19,

after the semicolon insert: requiring each school district and community college with responsibility for a workforce development program to submit a report; providing sanctions for failure to submit the report; providing for the development of procedures for the report;

Rep. Posey moved the adoption of the amendment.

Representative(s) Wise and Posey offered the following:

Substitute Amendment 5 (with title amendment)—On page 6, after line 31, of the bill

insert:

Section 5. *Each school district and community college through the Division of Workforce Development and the Division of Community Colleges must include a one-page summary of all moneys that were expended or encumbered for workforce development programs for which the school district or community college was responsible during the preceding fiscal year and an estimate of such moneys projected by the school district or community college for the current fiscal year. All such expenditures and estimates of such expenditures must be expressed in line items by unit costs for each output measure approved pursuant to ss. 216.0166(3) and 239.115. Unit-cost totals must equal the total amount of moneys that were expended or projected to be expended by the school district or community college and must include expenditures or projected expenditures of state funds by subordinate governmental entities and contractors, as applicable. At the regular session immediately following the submission of the summary, the Legislature shall reduce in the General Appropriations Act for the ensuing fiscal year, by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year, the funding of each school district or community college that fails to submit the information required by this section.*

And the title is amended as follows:

On page 1, line 19,

after the semicolon insert: requiring each school district and community college with responsibility for a workforce development program to submit a report; providing sanctions for failure to submit the report;

Rep. Posey moved the adoption of the substitute amendment, which was adopted.

On motion by Rep. Harrington, the rules were suspended and HB 393, as amended, was read the third time by title. On passage, the vote was:

Yeas—111

Albright	Dennis	Johnson	Ritchie
Alexander	Detert	Kelly	Roberts
Andrews	Diaz de la Portilla	Kilmer	Russell
Argenziano	Dockery	Kosmas	Ryan
Arnall	Edwards	Kyle	Sanderson
Bainter	Effman	Lacasa	Sembler
Ball	Farkas	Lawson	Smith, C.
Barreiro	Fasano	Levine	Smith, K.
Bense	Feeney	Littlefield	Sobel
Betancourt	Fiorentino	Logan	Sorensen
Bilirakis	Flanagan	Lynn	Spratt
Bitner	Frankel	Maygarden	Stafford
Bloom	Fuller	Melvin	Stansel
Boyd	Futch	Merchant	Starks
Bradley	Garcia	Miller, J.	Suarez
Bronson	Gay	Miller, L.	Sublette
Brown	Goode	Minton	Trovillion
Brummer	Gottlieb	Morroni	Tullis
Bush	Green, C.	Murman	Turnbull
Byrd	Greene, A.	Ogles	Valdes
Cantens	Greenstein	Patterson	Villalobos
Casey	Hafner	Peaden	Wallace
Chestnut	Harrington	Posey	Warner
Constantine	Hart	Prieguez	Waters
Cosgrove	Healey	Pruitt	Wiles
Crady	Henriquez	Putnam	Wilson
Crist	Heyman	Rayson	Wise
Crow	Hill	Reddick	

Nays—None

Votes after roll call:
Yeas—Goodlette

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

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 read the second time by title.

THE SPEAKER IN THE CHAIR

The Committee on Health Care Licensing & Regulation offered the following:

Amendment 1—On page 1, line 25 through page 2, line 7
remove from the bill: all of said lines

and insert in lieu thereof:

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 7 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 employed by any governmental entity in community or public

health, as defined by this chapter, and those on the active teaching faculty of an accredited pharmacy school, or

2. Has completed an internship meeting the requirements of 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.

Rep. Morroni moved the adoption of the amendment.

The Committee on Governmental Rules & Regulations offered the following:

Amendment 1 to Amendment 1—On page 1, line 23,
remove from the amendment: *7*

and insert in lieu thereof: *5*

Rep. Morroni moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Kelly offered the following:

Amendment 2 to Amendment 1—On page 1, line 30, through page 2, line 1,
remove from the amendment: all of said lines

and insert in lieu thereof: *community or public health, as defined by this chapter; or*

Rep. Kelly moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Bitner offered the following:

Amendment 3 to Amendment 1—On page 2, lines 2-7,
remove from the amendment: all of said lines

and insert in lieu thereof:

2. Has completed an internship meeting the requirements of s. 465.007(1)(c) within the 2 years immediately preceding application;

(d) Has obtained a passing score on the pharmacy jurisprudence portions of the licensure examination as required by board rule; and

(e) Has been a resident of this state for a period of 1 year.

Rep. Bitner moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Representative(s) Wallace offered the following:

Amendment 2 (with title amendment)—On page 2, between lines 18 and 19, of the bill

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 ensure the highest level of patient care and safety.

And the title is amended as follows:

On page 1, line 5, after the semicolon

insert: amending s. 465.022, F.S.; requiring the Board of Pharmacy to adopt rules relating to the duties of a pharmacist and responsibilities of a pharmacy;

Rep. Wallace moved the adoption of the amendment, which failed of adoption.

Rep. Gay moved that, under Rule 142(h), late-filed Amendment 3 be allowed for consideration, which was not agreed to.

Representative(s) Morroni offered the following:

Amendment 4—On page 2, between lines 18 and 19,

insert:

(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.

Rep. Morroni moved the adoption of the amendment, which was adopted.

Representative(s) Sanderson offered the following:

Amendment 5 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *The Board of Pharmacy shall conduct a study on the issue of licensure by endorsement for pharmacists in this state. In conducting its study, the board shall review issues including, but not limited to, the following: impacts on employment of pharmacists currently practicing in this state; impacts on the colleges of pharmacy located in this state, including employment opportunities for currently enrolled students; and differences in the training, education, and continuing education of pharmacists licensed outside this state. The board shall seek input from all interested parties, including, but not limited to, currently licensed pharmacists, owners of pharmacies, manufacturers, wholesalers, and any other person involved in the distribution of pharmaceutical drugs in this state. Staffing for the study and any costs involved shall be borne by the board. The board shall submit a report of its findings and recommendations by February 15, 2000, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:
remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to pharmacy practice; requiring the Board of Pharmacy to conduct a study on the issue of licensure by endorsement for pharmacists in this state; requiring a report; providing an effective date.

Rep. Sanderson moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Morroni, the rules were suspended and HB 463, as amended, was read the third time by title. On passage, the vote was:

Yeas—89

The Chair	Cantens	Feeney	Hill
Albright	Casey	Fiorentino	Johnson
Alexander	Constantine	Frankel	Jones
Andrews	Cosgrove	Fuller	Kosmas
Argenziano	Crady	Futch	Kyle
Arnall	Crist	Garcia	Lacasa
Bainter	Crow	Gottlieb	Lawson
Ball	Dennis	Greene, A.	Levine
Betancourt	Detert	Greenstein	Littlefield
Bitner	Diaz de la Portilla	Hafner	Lynn
Bradley	Dockery	Harrington	Melvin
Bronson	Edwards	Hart	Merchant
Brown	Effman	Healey	Miller, J.
Brummer	Farkas	Henriquez	Miller, L.
Byrd	Fasano	Heyman	Minton

Morroni	Ritchie	Sorensen	Warner
Murman	Ritter	Stafford	Waters
Ogles	Rojas	Stansel	Wiles
Peaden	Russell	Starks	Wilson
Prieguez	Ryan	Trovillion	Wise
Pruitt	Smith, C.	Tullis	
Putnam	Smith, K.	Valdes	
Rayson	Sobel	Villalobos	

Nays—24

Barreiro	Gay	Maygarden	Sembler
Bense	Goode	Patterson	Spratt
Bilirakis	Goodlette	Posey	Suarez
Boyd	Green, C.	Reddick	Sublette
Bush	Kelly	Roberts	Turnbull
Flanagan	Kilmer	Sanderson	Wallace

Votes after roll call:
Nays—Chestnut

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 287—A bill to be entitled An act relating to pharmacy practice; providing a short title; amending s. 465.003, F.S.; defining the term "data communication device"; amending s. 465.016, F.S.; providing that using or releasing a patient's records except as authorized by chapter 455 or chapter 465, F.S., constitutes a ground for disciplinary action against a pharmacist, for which there are penalties; amending s. 465.017, F.S.; providing additional persons to whom and entities to which records relating to the filling of prescriptions and the dispensing of medicinal drugs that are maintained by a pharmacy may be furnished; specifying authorized uses of patient records by pharmacy owners; providing restrictions on such records when transmitted through a data communication device; amending ss. 465.014, 465.015, 465.0196, 468.812, and 499.003, F.S.; correcting cross references, to conform; providing an effective date.

—was read the second time by title.

Representative(s) Johnson, Gay, and Kelly offered the following:

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *This act may be cited as the "Pharmacy Patient Privacy Act of 1999."*

Section 2. Subsection (12) of section 465.003, Florida Statutes, is amended, subsections (4) through (14) of said section are renumbered as subsections (5) through (15), respectively, and a new subsection (4) is added to said section, to read:

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

(4) "Data communication device" means an electronic device that receives electronic information from one source and transmits or routes it to another, including, but not limited to, any such bridge, router, switch, or gateway.

(13)~~(12)~~ "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug*;* ~~and~~ consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders*; and other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient's drug therapy and communication with the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. However, nothing in this subsection may be interpreted to permit an alteration of a prescriber's directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, the practice of medicine, or the practice of osteopathic medicine, unless otherwise permitted by law. "Practice of the profession of pharmacy"* ~~The phrase~~ also includes any other act, service, operation, *research,* or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients.

Section 3. Effective upon this act becoming a law, paragraph (l) of subsection (1) of section 465.016, Florida Statutes, is amended to read:

465.016 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(l) Placing in the stock of any pharmacy any part of any prescription compounded or dispensed which is returned by a patient; however, in a hospital, nursing home, *correctional facility,* or extended care facility in which unit-dose medication is dispensed to inpatients, each dose being individually sealed and the individual unit dose or unit-dose system labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any, the unused unit dose of medication may be returned to the pharmacy for redispensing. Each pharmacist shall maintain appropriate records for any unused or returned medicinal drugs.

Section 4. Paragraph (q) is added to subsection (1) of section 465.016, Florida Statutes, to read:

465.016 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(q) Using or releasing a patient's records except as authorized by this chapter and chapter 455.

Section 5. Subsection (2) of section 465.017, Florida Statutes, is amended to read:

465.017 Authority to inspect.—

(2) Except as permitted by this chapter, and chapters 406, 409, 455, 499, and 893, records maintained *by* ~~in~~ a pharmacy relating to the filling of prescriptions and the dispensing of medicinal drugs shall not be furnished*, except upon the written authorization of the patient,* to any person other than to the patient for whom the drugs were dispensed, ~~or~~ her or his legal representative, ~~or to the department pursuant to existing law,~~ or, in the event that the patient is incapacitated or unable to request *such* ~~said~~ records, her or his spouse*; to the department pursuant to law; to health care practitioners and pharmacists consulting with or dispensing to the patient, including physicians who are part of independent practice associations, physician hospital organizations, or other such organized provider groups; to entities that provide compliance services; to insurance carriers or other payors authorized by the patient to receive such records; or to a health care researcher, investigator, or sponsor investigator where use of the information is for a research project or clinical investigation regulated under 21 C.F.R. ss. 50 and 56 or 45 C.F.R s. 46. For purposes of this section, records held in a pharmacy shall be considered owned by the owner of the pharmacy. The pharmacy owner may use such records in the aggregate without patient identification data, regardless of where such records are held, for purposes reasonably related to the business and practice of pharmacy or health care research that meets the requirements of s. 455.667(5)(d)* ~~except upon the written authorization of such patient~~. Such records may be furnished in any civil or criminal proceeding, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or her or his legal representative by the party seeking such records. *Such records or any part thereof, if transmitted through a data communication device not*

under the control or ownership of a pharmacy or affiliated company or not directly between a pharmacy and a treating practitioner, may not be accessed, used, or maintained by the operator or owner of the data communication device unless specifically authorized by this section. It is the intent of this subsection to allow the use and sharing of such records to improve patient care, provided the pharmacist acts in the best interests of her or his patient. Nothing in this subsection may be construed to authorize or expand solicitation or marketing to patients or potential patients in any manner not otherwise specifically authorized by law.

Section 6. Section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—No person other than a licensed pharmacist or pharmacy intern may engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to nonlicensed pharmacy technicians those duties, tasks, and functions which do not fall within the purview of s. 465.003*(13)*~~(12)~~. All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his or her supervision. A pharmacy technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill authorization requests. No licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one but not more than three pharmacy technicians.

Section 7. Paragraph (c) of subsection (2) of section 465.015, Florida Statutes, is amended to read:

465.015 Violations and penalties.—

(2) It is unlawful for any person:

(c) To sell or dispense drugs as defined in s. 465.003*(8)*~~(7)~~ without first being furnished with a prescription.

Section 8. Section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits.—Any person desiring a permit to operate a pharmacy which does not fall within the definitions set forth in s. 465.003*(11)*~~(10)~~(a)1., 2., and 3. shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for such duties.

Section 9. Subsection (3) of section 468.812, Florida Statutes, is amended to read:

468.812 Exemptions from licensure.—

(3) The provisions of this act relating to orthotics or pedorthics do not apply to any licensed pharmacist or to any person acting under the supervision of a licensed pharmacist. The practice of orthotics or pedorthics by a pharmacist or any of the pharmacist's employees acting under the supervision of a pharmacist shall be construed to be within the meaning of the term "practice of the profession of pharmacy" as set forth in s. 465.003*(13)*~~(12)~~, and shall be subject to regulation in the same manner as any other pharmacy practice. The Board of Pharmacy shall develop rules regarding the practice of orthotics and pedorthics by a pharmacist. Any pharmacist or person under the supervision of a pharmacist engaged in the practice of orthotics or pedorthics shall not be precluded from continuing that practice pending adoption of these rules.

Section 10. Subsection (19) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in ss. 499.001-499.081.—As used in ss. 499.001-499.081, the term:

(19) "Legend drug," "prescription drug," or "medicinal drug" means any drug, including, but not limited to, finished dosage forms, or active ingredients subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003*(8)*~~(7)~~, s. 499.007(12), or s. 499.0122(1)(b) or (c).

Section 11. Paragraph (a) of subsection (1) and subsection (5) of section 499.012, Florida Statutes, 1998 Supplement, are amended to read:

499.012 Wholesale distribution; definitions; permits; general requirements.—

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

(a) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

1. Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.014:

a. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

b. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

c. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this section, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

d. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services prices pursuant to s. 602 of Pub. L. No. 102-585 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

(I) The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this sub-subparagraph from the Secretary of Health or his or her designee.

(II) The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

(III) In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

(IV) A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.

(V) The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or

administered by patient identifier, which must be submitted to the agency or entity quarterly.

(VI) The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under sub-sub-subparagraph (V).

(VII) The prescription drugs transferred pursuant to this sub-subparagraph may not be billed to Medicaid.

(VIII) In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this sub-subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this sub-subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

2. Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with rules established by the department:

a. The sale, purchase, or trade of a prescription drug among federal, state, or local government health care entities that are under common control and are authorized to purchase such prescription drug.

b. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug for emergency medical reasons.~~;~~ For purposes of this *sub-subparagraph* ~~subparagraph~~, the term "emergency medical reasons" includes transfers of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage.

c. The *transfer* ~~purchase or acquisition~~ of a prescription drug *acquired* by *a medical director on behalf of a licensed* ~~an~~ emergency medical services *provider to that* ~~medical director for use by~~ emergency medical services *provider and its transport vehicles for use in accordance with the provider's license under* ~~providers acting within the scope of their professional practice pursuant to~~ chapter 401.

d. The revocation of a sale or the return of a prescription drug to the person's prescription drug wholesale supplier.

e. The donation of a prescription drug by a health care entity to a charitable organization that has been granted an exemption under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that is authorized to possess prescription drugs.

f. The transfer of a prescription drug by a person authorized to purchase or receive prescription drugs to a person licensed or permitted to handle reverse distributions or destruction under the laws of the jurisdiction in which the person handling the reverse distribution or destruction receives the drug.

~~3. The dispensing of a prescription drug pursuant to a prescription;~~

3.~~4.~~ The distribution of prescription drug samples by manufacturers' representatives or distributors' representatives *conducted in accordance with s. 499.028.*~~; or~~

4.~~5.~~ The sale, purchase, or trade of blood and blood components intended for transfusion. As used in this *subparagraph* ~~section~~, the term "blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing, and the term "blood components" means that part of the blood separated by physical or mechanical means.

5. The lawful dispensing of a prescription drug in accordance with chapter 465.

(5) The department may adopt rules governing the recordkeeping, storage, and handling with respect to each of the distributions of prescription drugs specified in subparagraphs (1)(a)*1.-4.*~~1., 2., 4., and 5.~~

Section 12. Except as otherwise provided herein, this act shall take effect July 1, 1999.

And the title is amended as follows:
remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to pharmacy practice; providing a short title; amending s. 465.003, F.S.; defining the term "data communication device"; 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; providing that using or releasing a patient's records except as authorized by chapter 455 or chapter 465, F.S., constitutes a ground for disciplinary action against a pharmacist, for which there are penalties; amending s. 465.017, F.S.; providing additional persons to whom and entities to which records relating to the filling of prescriptions and the dispensing of medicinal drugs that are maintained by a pharmacy may be furnished; specifying authorized uses of patient records by pharmacy owners; providing restrictions on such records when transmitted through a data communication device; amending ss. 465.014, 465.015, 465.0196, 468.812, and 499.003, F.S.; correcting cross references, to conform; 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.

Rep. Johnson moved the adoption of the amendment.

Representative(s) Johnson offered the following:

Amendment 1 to Amendment 1—On page 4, lines 15-17,
remove from the amendment: all of said lines

and insert in lieu thereof: *or 45 C.F.R. s. 46. For purposes of this section, the pharmacy permitholder shall be considered the custodian of records maintained in a pharmacy. The pharmacy owner may use such records in the*

Rep. Johnson moved the adoption of the amendment to the amendment.

Further consideration of **CS/HB 287**, with pending amendments, was temporarily postponed under Rule 141.

REPRESENTATIVE L. MILLER IN THE CHAIR

HB 1643—A bill to be entitled An act relating to road designations; designating a portion of State Road 9 from 58th Street to County Line Road as the "Carrie P. Meek Road"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following:

Amendment 1 (with title amendment)—On page 2, lines 3 through 6,
remove from the bill: all of said lines,

and insert in lieu thereof:

Section 1. *(1) State Road 9 from Northwest 58th Street to County Line Road (at the Dade/Broward County boundary) is designated as the "Carrie P. Meek Boulevard."*

(2) The Department of Transportation is directed to erect suitable markers designating the "Carrie P. Meek Boulevard."

And the title is amended as follows:

On page 1, lines 3 through 5,
remove from the title of the bill: all of said lines,

and insert in lieu thereof: designating a portion of State Road 9 from Northwest 58th Street to County Line Road as the "Carrie P. Meek Boulevard"; directing the Department of

Rep. Bush moved the adoption of the amendment, which was adopted.

Representative(s) Bush offered the following:

Amendment 2 (with title amendment)—On page 2, lines 3-6,
remove from the bill: all of said lines

and insert in lieu thereof:

(1) Northwest 27th Avenue from Northwest 54th Street to County Line Road (Miami-Dade/Broward County) is designated as the "Carrie P. Meek Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating the "Carrie P. Meek Boulevard."

And the title is amended as follows:

On page 1, lines 3-5,
remove from the title of the bill: all of said lines

and insert in lieu thereof: designating Northwest 27th Avenue from 54th Street to County Line Road as the "Carrie P. Meek Boulevard"; directing the Department of

Rep. Bush moved the adoption of the amendment, which was adopted.

On motion by Rep. Bush, the rules were suspended and HB 1643, as amended, was read the third time by title. On passage, the vote was:

Yeas—113

Albright	Detert	Jones	Rojas
Alexander	Diaz de la Portilla	Kelly	Russell
Andrews	Dockery	Kilmer	Ryan
Argenziano	Edwards	Kosmas	Sanderson
Arnall	Effman	Kyle	Sembler
Bainter	Farkas	Lacasa	Smith, C.
Ball	Fasano	Lawson	Smith, K.
Barreiro	Feeney	Levine	Sobel
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Fuller	Maygarden	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Minton	Sublette
Bronson	Goode	Morroni	Trovillion
Brown	Goodlette	Murman	Tullis
Brummer	Gottlieb	Ogles	Turnbull
Bush	Green, C.	Patterson	Valdes
Byrd	Greene, A.	Peaden	Villalobos
Cantens	Greenstein	Posey	Wallace
Casey	Hafner	Prieguez	Warner
Chestnut	Harrington	Pruitt	Waters
Constantine	Hart	Putnam	Wiles
Cosgrove	Healey	Rayson	Wilson
Crady	Henriquez	Reddick	Wise
Crist	Heyman	Ritchie	
Crow	Hill	Ritter	
Dennis	Johnson	Roberts	

Nays—None

Votes after roll call:
Yeas—L. Miller

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

THE SPEAKER IN THE CHAIR

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 second time by title.

The Committee on Governmental Rules & Regulations offered the following:

Amendment 1—On page 9, lines 1-3,
remove from the bill: all of said lines

and insert in lieu thereof:

(10) RULES.—The department has authority to adopt rules to implement this section. Such rules may include sanitation

Rep. Valdes moved the adoption of the amendment, which was adopted.

On motion by Rep. Valdes, the rules were suspended and HB 489, as amended, was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Dennis	Jones	Rojas
Albright	Detert	Kelly	Russell
Alexander	Diaz de la Portilla	Kilmer	Ryan
Andrews	Dockery	Kosmas	Sanderson
Argenziano	Edwards	Kyle	Sembler
Arnall	Effman	Lacasa	Smith, C.
Bainter	Farkas	Lawson	Smith, K.
Ball	Fasano	Levine	Sobel
Barreiro	Feeney	Littlefield	Sorensen
Bense	Fiorentino	Lynn	Spratt
Betancourt	Flanagan	Maygarden	Stafford
Bilirakis	Frankel	Melvin	Stansel
Bitner	Fuller	Merchant	Starks
Bloom	Futch	Miller, J.	Suarez
Boyd	Garcia	Miller, L.	Sublette
Bradley	Gay	Minton	Trovillion
Bronson	Goode	Morroni	Tullis
Brown	Goodlette	Murman	Turnbull
Brummer	Gottlieb	Ogles	Valdes
Bush	Green, C.	Patterson	Villalobos
Byrd	Greene, A.	Peaden	Wallace
Cantens	Greenstein	Posey	Warner
Casey	Hafner	Prieguez	Waters
Chestnut	Harrington	Pruitt	Wiles
Constantine	Hart	Putnam	Wilson
Cosgrove	Healey	Rayson	Wise
Crady	Henriquez	Reddick	
Crist	Hill	Ritchie	
Crow	Johnson	Roberts	

Nays—2

Heyman	Ritter

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 325—A bill to be entitled An act relating to trust funds; reenacting and amending s. 373.41495, F.S.; creating the Lake Belt Mitigation Trust Fund within the South Florida Water Management District; providing for sources of moneys and purposes; providing an exemption from termination; providing a contingent effective date.

—was read the second time by title.

The Committee on Environmental Protection offered the following:

Amendment 1—On page 2, lines 4 through 5
remove from the bill: all of said lines

and insert in lieu thereof:

HB _____ or similar legislation becomes law.

Rep. Dockery moved the adoption of the amendment, which failed of adoption.

Representative(s) Villalobos offered the following:

Amendment 2 (with title amendment)—On page 1, line 13
remove from the bill: "reenacted and"

And the title is amended as follows:

On page 1, line 2
remove from the title of the bill: "reenacting and"

Rep. Dockery moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Villalobos, the rules were suspended and HB 325 was read the third time by title.

Pending roll call, further consideration of **HB 325** was temporarily postponed under Rule 141.

HB 329—A bill to be entitled An act relating to limerock mining; amending s. 373.4149, F.S., relating to the Miami-Dade County Lake Belt Plan; providing legislative intent; revising description of land included in the Miami-Dade County Lake Belt Area; providing for local land use jurisdiction and for land use compatibility within the Lake Belt Area; requiring certain notice of mining activities; revising membership of the Miami-Dade County Lake Belt Plan Implementation Committee; providing additional requirements for Phase II of the Lake Belt Plan; extending the existence of the implementation committee; deleting requirement for development of a comprehensive mitigation plan; creating s. 373.41492, F.S.; imposing a mitigation fee on commercial extraction of limerock and sand from the Lake Belt Area; providing an exemption; providing procedures for collection, report, and disposition of fees; providing for enforcement and penalties; providing duties and authority of the Department of Revenue; providing for rules; providing for annual indexed fee increases after a specified date; providing purpose of fees for wetlands mitigation and specifying uses; requiring approval of expenditures by an interagency committee; providing membership of the committee; providing that payment of the fee satisfies certain mitigation requirements; providing for suspension of the fee under certain circumstances; requiring interagency committee reports to the South Florida Water Management District and the Legislature; amending ss. 373.4415 and 378.4115, F.S.; correcting references to conform to the county's name change; providing severability; providing an effective date.

—was read the second time by title.

The Committee on Environmental Protection offered the following:

Amendment 1—On page 4, line 11
remove from the bill: all of said line

and insert in lieu thereof:

Division of *Water Facilities* ~~Resource Management~~ or its successor division

Rep. Dockery moved the adoption of the amendment, which failed of adoption.

The Committee on Environmental Protection offered the following:

Amendment 2—On page 11, line 28
remove from the bill: all of said line

and insert in lieu thereof:

(b) Expenditures must be approved by an interagency committee that

Rep. Dockery moved the adoption of the amendment, which failed of adoption.

The Committee on General Government Appropriations offered the following:

Amendment 3 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 373.4149, Florida Statutes, is amended to read:

373.4149 *Miami-Dade* ~~Dade~~ County Lake Belt Plan.—

(1) The Legislature hereby accepts and adopts the recommendations contained in the Phase I Lake Belt Report and Plan, known as the "*Miami-Dade* ~~Dade~~ County Lake Plan," dated February 1997 and submitted by the *Miami-Dade* ~~Dade~~ County Lake Belt Plan Implementation Committee.

(2)(a) The Legislature recognizes that deposits of limestone and sand suitable for production of construction aggregates, cement, and road base materials are located in limited areas of the state.

(b) The Legislature recognizes that the deposit of limestone available in South Florida is limited due to urbanization to the east and the Everglades to the west.

(3) The *Miami-Dade* ~~Dade~~ County Lake Belt Area is that area bounded by the Florida Turnpike to the east, the *Miami-Dade-Broward* ~~Dade-Broward~~ County line to the north, Krome Avenue to the west and Tamiami Trail to the south together with the land south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18, Township 54 South, Range 39 East, ~~and in~~ sections ~~11, 12, 13, 14, 23,~~ 24, 25, ~~26, 35,~~ and 36, Township 54 South, Range 38 East *less those portions of section 10, except the west one-half, section 11, except the northeast one-quarter and the east one-half of the northwest one-quarter, and tracts 38 through 41, and tracts 49 through 64 inclusive, section 13, except tracts 17 through 35 and tracts 46 through 48, and section 14, except the west three quarters, Township 52 South, Range 39 East, lying north of the Miami Canal, sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East and Government Lots 1 and 2, lying between Townships 53 and 54 South, Range 39 East and those portions of sections 1 and 2, Township 54 South, Range 39 East, lying north of Tamiami Trail.*

(4) The identification of the Miami-Dade County Lake Belt Area shall not preempt local land use jurisdiction, planning, or regulatory authority in regard to the use of land for other purposes by private land owners; provided, however, local comprehensive plans, zoning regulations, development regulations, and other local regulations shall accommodate limestone mining activities and ancillary operations, such as lake excavation, including use of explosives, rock processing, cement, concrete and asphalt products manufacturing, and ancillary activities, within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection. Rezonings or amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade Lake Belt Area shall be compatible with limestone mining activities. No rezonings, variances, or amendments to local comprehensive plans for any residential purpose may be approved for any property located in sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East until such time as there is no active mining within 2 miles of the property. This section does not preclude residential development that complies with current regulations.

(5) Beginning October 1, 1999, before the sale, lease, or the issuance of a development order, including the approval of a change in land use designation or zoning, for any real property located inside the Miami-Dade Lake Belt Area or within 2 miles of the boundary of the Miami-Dade Lake Belt Area, the entity holding title to the real property is required to submit a written affidavit of disclosure to Miami-Dade County in a form prescribed by the county that is suitable for recording:

(a) Acknowledging the existence of limestone mining activities involving the use of explosives within close proximity of the real property proposed to be sold, leased, used, or developed;

(b) Agreeing to provide copies of the affidavit of disclosure to all subsequent parties to whom whole or part interest in the real property is transferred, by sale, lease, or any other means; and

(c) Acknowledging potential civil liability, as well as fines and penalties that could result from failure to provide disclosure under this section.

Failure to substantially comply with the provisions of this subsection makes the sale of the real property or interest therein voidable at the purchaser's option for a period of 7 years from the date of the affidavit of disclosure.

(6)~~(4)~~ The *Miami-Dade* ~~Dade~~ County Lake Belt Plan Implementation Committee shall be appointed by the governing board of the South Florida Water Management District to develop a strategy for the design and implementation of the *Miami-Dade* ~~Dade~~ County Lake Belt Plan. The committee shall consist of the chair of the governing board of the South Florida Water Management District, who shall serve as chair of the committee, the policy director of Environmental and Growth Management in the office of the Governor, the secretary of the Department of Environmental Protection, the director of the Division of Resource Management or its successor division within the Department of Environmental Protection, the director of the Office of Tourism, Trade, and Economic Development within the office of the Governor, the secretary of the Department of Community Affairs, the executive director of the Game and Freshwater Fish Commission, the director of the Department of Environmental Resource Management of *Miami-Dade* ~~Dade~~ County, the director of the *Miami-Dade* ~~Dade~~ County Water and Sewer Department, the Director of Planning in *Miami-Dade* ~~Dade~~ County, a representative of the Friends of the Everglades, a representative of the Florida Audubon Society, a representative of the Florida chapter of the Sierra Club, *four representatives* ~~a representative~~ of the nonmining private landowners within the *Miami-Dade* ~~Dade~~ County Lake Belt Area, and four representatives from the limestone mining industry to be appointed by the governing board of the South Florida Water Management District. Two ex officio seats on the committee will be filled by one member of the Florida House of Representatives to be selected by the Speaker of the House of Representatives from among representatives whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3), and one member of the Florida Senate to be selected by the President of the Senate from among senators whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3). The committee may appoint other ex officio members, as needed, by a majority vote of all committee members. A committee member may designate in writing an alternate member who, in the member's absence, may participate and vote in committee meetings.

(7)~~(5)~~ The committee shall develop Phase II of the Lake Belt Plan which shall:

(a) Include a detailed master plan to further implementation;

(b) Consider the feasibility of a common mitigation plan for nonrock mining uses, including a nonrock mining mitigation fee. Any mitigation fee shall be for the limited purpose of offsetting the loss of wetland functions and values and not as a revenue source for other purposes.

(c)~~(b)~~ Further address compatible land uses, opportunities, and potential conflicts;

(d)~~(c)~~ Provide for additional wellfield protection;

(e)~~(d)~~ Provide measures to prevent the reclassification of the Northwest *Miami-Dade* ~~Dade~~ County wells as groundwater under the direct influence of surface water*;*~~.~~

(f)~~(e)~~ Secure additional funding sources; ~~and~~

(g)~~(f)~~ Consider the need to establish a land authority*; and*~~.~~

(h) Analyze the hydrological impacts resulting from the future mining included in the Lake Belt Plan and recommend appropriate mitigation measures, if needed, to be incorporated into the Lake Belt Mitigation Plan.

(8)~~(6)~~ The committee shall remain in effect until January 1, *2002* ~~2001~~, and shall meet as deemed necessary by the chair. The committee shall monitor and direct progress toward developing and implementing the plan. The committee shall submit progress reports to the governing board of the South Florida Water Management District and the Legislature by December 31 of each year. These reports shall include a summary of the activities of the committee, updates on all ongoing studies, any other relevant information gathered during the calendar year, and the committee recommendations for legislative and regulatory revisions. The committee shall submit a Phase II report and plan to the governing board of the South Florida Water Management District and the Legislature by December 31, 2000, to supplement the Phase I report submitted on February 28, 1997. The Phase II report must include the detailed master plan for the *Miami-Dade* ~~Dade~~ County Lake Belt Area together with the final reports on all studies, the final recommendations of the committee, the status of implementation of Phase I recommendations and other relevant information, and the committee's recommendation for legislative and regulatory revisions.

(9)~~(7)~~ The committee shall report to the governing board of the South Florida Water Management District semiannually.

(10)~~(8)~~ In carrying out its work, the committee shall solicit comments from scientific and economic advisors and governmental, public, and private interests. The committee shall provide meeting notes, reports, and the strategy document in a timely manner for public comment.

(11)~~(9)~~ The committee is authorized to seek from the agencies or entities represented on the committee any grants or funds necessary to enable it to carry out its charge.

~~(10) The Department of Environmental Protection, in conjunction with the South Florida Water Management District and the Dade County Department of Environmental Resources Management, is directed to develop a comprehensive mitigation plan for the Dade County Lake Belt Plan, subject to approval by the Legislature, which offsets the loss of wetland functions and values resulting from rock mining in mining-supported and allowable areas.~~

(12)~~(11)~~ The secretary of the Department of Environmental Protection, the secretary of the Department of Community Affairs, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Game and Freshwater Fish Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the provisions of this section.

(13)~~(12)~~(a) All agencies of the state shall review the status of their landholdings within the boundaries of the *Miami-Dade* ~~Dade~~ County Lake Belt. Those lands for which no present or future use is identified must be made available, together with other suitable lands, to the committee for its use in carrying out the objectives of this act.

(b) It is the intent of the Legislature that lands provided to the committee be used for land exchanges to further the objectives of this act.

Section 2. Section 373.41492, Florida Statutes, is created to read:

373.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.—

(1) The Legislature finds that the impact of mining within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by s. 373.4149(1) can best be offset by the implementation of a comprehensive mitigation plan as recommended in the 1998 Progress Report to the Florida Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee. The Lake Belt Mitigation Plan consists of those provisions contained in subsections (2)-(9). The per-ton mitigation fee assessed on limestone sold from the Miami-Dade

County Lake Belt Area and sections 10, 11, 13, 14, Township 52 South, Range 39 East, and sections 24, 25, 35, and 36, Township 53 South, Range 39 East, shall be used for acquiring environmentally sensitive lands and for restoration, maintenance, and other environmental purposes. It is the intent of the Legislature that the per-ton mitigation fee shall not be a revenue source for purposes other than enumerated herein. Further, the Legislature finds that the public benefit of a sustainable supply of limestone construction materials for public and private projects requires a coordinated approach to permitting activities on wetlands within Miami-Dade County in order to provide the certainty necessary to encourage substantial and continued investment in the limestone processing plant and equipment required to efficiently extract the limestone resource. It is the intent of the Legislature that the Lake Belt Mitigation Plan satisfy all local, state, and federal requirements for mining activity within the rock mining supported and allowable areas.

(2) To provide for the mitigation of wetland resources lost to mining activities within the Miami-Dade County Lake Belt Plan, effective October 1, 1999, a mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand from within the Miami-Dade County Lake Belt Area and sections 10, 11, 13, 14, Township 52 South, Range 39 East, and sections 24, 25, 35, and 36, Township 53 South, Range 39 East. The mitigation fee is at the rate of 5 cents for each ton of limerock and sand sold from within the properties where the fee applies in raw, processed, or manufactured form, including, but not limited to, sized aggregate, asphalt, cement, concrete, and other limerock and concrete products. Any limerock or sand that is used within the mine from which the limerock or sand is extracted is exempt from the fee. The amount of the mitigation fee imposed under this section must be stated separately on the invoice provided to the purchaser of the limerock product from the limerock miner, or its subsidiary or affiliate, for which the mitigation fee applies. The limerock miner, or its subsidiary or affiliate, who sells the limerock product shall collect the mitigation fee and forward the proceeds of the fee to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs.

(3) The mitigation fee imposed by this section must be reported to the Department of Revenue. Payment of the mitigation fee must be accompanied by a form prescribed by the Department of Revenue. The proceeds of the fee, less administrative costs, must be transferred by the Department of Revenue to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund. As used in this section, the term "proceeds of the fee" means all funds collected and received by the Department of Revenue under this section, including interest and penalties on delinquent mitigation fees. The amount deducted for administrative costs may not exceed 3 percent of the total revenues collected under this section and may equal only those administrative costs reasonably attributable to the mitigation fee.

(4)(a) The Department of Revenue shall administer, collect, and enforce the mitigation fee authorized under this section in accordance with the procedures used to administer, collect, and enforce the general sales tax imposed under chapter 212. The provisions of chapter 212 with respect to the authority of the Department of Revenue to audit and make assessments, the keeping of books and records, and the interest and penalties imposed on delinquent fees apply to this section. The fee may not be included in computing estimated taxes under s. 212.11, and the dealer's credit for collecting taxes or fees provided for in s. 212.12 does not apply to the mitigation fee imposed by this section.

(b) In administering this section, the Department of Revenue may employ persons and incur expenses for which funds are appropriated by the Legislature. The Department of Revenue shall adopt rules and prescribe and publish forms necessary to administer this section. The Department of Revenue shall establish audit procedures and may assess delinquent fees.

(5) Beginning January 1, 2001, and each January 1 thereafter, the per-ton mitigation fee shall be increased by 2.1 percentage points, plus a cost growth index. The cost growth index shall be the percentage change in the weighted average of the Employment Cost Index for All Civilian Workers (ecu 10001I), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, and the percentage change in the Producer Price Index for All Commodities (WPU 00000000), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, compared to the weighted average of these indices for the previous year. The weighted average shall be calculated as 0.6 times the percentage change in the Employment Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times the percentage change in the Producer Price Index for All Commodities (WPU 00000000). If either index is discontinued, it shall be replaced by its successor index, as identified by the United States Department of Labor.

(6)(a) The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities and must be used in a manner consistent with the recommendations contained in the reports submitted to the Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee and adopted under s. 373.4149. Such mitigation may include the purchase, enhancement, restoration, and management of wetlands and uplands, the purchase of mitigation credit from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Miami-Dade County Lake Belt Area. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition Program and the Internal Improvement Trust Fund, for the purchase of lands that were acquired in areas appropriate for mitigation due to rock mining and to reimburse governmental agencies that exchanged land under s. 373.4149 for mitigation due to rockmining.

(b) Expenditures must be approved by an interagency committee consisting of representatives from each of the following: the Miami-Dade County Department of Environmental Resource Management, the Department of Environmental Protection, the South Florida Water Management District, and the Game and Fresh Water Fish Commission. In addition, the limerock mining industry shall select a representative to serve as a nonvoting member of the interagency committee. At the discretion of the committee, additional members may be added to represent federal regulatory, environmental, and fish and wildlife agencies.

(7) Payment of the fee imposed by this section satisfies the mitigation requirements imposed under ss. 373.403-373.439 and any applicable county ordinance for loss of the value and functions from mining of the wetlands identified as rockmining supported and allowable areas of the Miami-Dade County Lake Plan adopted by s. 373.4149(1). In addition, it is the intent of the Legislature that the payment of the mitigation fee imposed by this section satisfy all federal mitigation requirements for the wetlands mined.

(8) If a general permit by the United States Army Corps of Engineers, or an appropriate long-term permit for mining, consistent with the Miami-Dade County Lake Belt Plan, this section, and ss. 373.4149, 373.4415, and 378.4115 is not issued on or before September 30, 2000, the fee imposed by this section is suspended until revived by the Legislature.

(9)(a) The interagency committee established in this section shall annually prepare and submit to the governing board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee.

(b) No sooner than January 31, 2010, and no more frequently than every 10 years thereafter, the interagency committee shall submit to the Legislature a report recommending any needed adjustments to the mitigation fee to ensure that the revenue generated reflects the actual costs of the mitigation.

Section 3. Section 373.4415, Florida Statutes, is amended to read:

373.4415 Role of *Miami-Dade* ~~Dade~~ County in processing permits for limerock mining in *Miami-Dade* ~~Dade~~ County Lake Belt.—The department and *Miami-Dade* ~~Dade~~ County shall cooperate to establish and fulfill reasonable requirements for the departmental delegation to the *Miami-Dade* ~~Dade~~ County Department of Environmental Resource

Management of authority to implement the permitting program under ss. 373.403-373.439 for limerock mining activities within the geographic area of the *Miami-Dade* ~~Dade~~ County Lake Belt which was recommended for mining in the report submitted to the Legislature in February 1997 by the *Miami-Dade* ~~Dade~~ County Lake Belt Plan Implementation Committee under s. 373.4149. The delegation of authority must be consistent with s. 373.441 and chapter 62-344, Florida Administrative Code. To further streamline permitting within the *Miami-Dade* ~~Dade~~ County Lake Belt, the department and *Miami-Dade* ~~Dade~~ County are encouraged to work with the United States Army Corps of Engineers to establish a general permit under s. 404 of the Clean Water Act for limerock mining activities within the geographic area of the *Miami-Dade* ~~Dade~~ County Lake Belt consistent with the report submitted in February 1997. *Miami-Dade* ~~Dade~~ County is further encouraged to seek delegation from the United States Army Corps of Engineers for the implementation of any such general permit. This section does not limit the authority of the department to delegate other responsibilities to *Miami-Dade* ~~Dade~~ County under this part.

Section 4. Section 378.4115, Florida Statutes, is amended to read:

378.4115 County certification for limerock mining in the *Miami-Dade* ~~Dade~~ County Lake Belt.—The department and *Miami-Dade* ~~Dade~~ County shall cooperate to establish and fulfill reasonable requirements for the departmental certification of the *Miami-Dade* ~~Dade~~ County Department of Environmental Resource Management to implement the reclamation program under ss. 378.401-378.503 for limerock mining activities within the geographic area of the *Miami-Dade* ~~Dade~~ County Lake Belt which was recommended for mining in the report submitted to the Legislature in February 1997 by the *Miami-Dade* ~~Dade~~ County Lake Belt Plan Implementation Committee under s. 373.4149. The delegation of implementing authority must be consistent with s. 378.411 and chapter 62C-36, Florida Administrative Code. Further, the reclamation program shall maximize the efficient mining of limestone and the littoral area surrounding the lake excavations shall not be required to be greater than 100 feet average in width.

Section 5. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:
remove the entire title:

and insert in lieu thereof: A bill to be entitled An act relating to limerock mining; amending s. 373.4149, F.S., relating to the Miami-Dade County Lake Belt Plan; providing legislative intent; revising description of land included in the Miami-Dade County Lake Belt Area; providing for local land use jurisdiction and for land use compatibility within the Lake Belt Area; requiring certain notice of mining activities; revising membership of the Miami-Dade County Lake Belt Plan Implementation Committee; providing additional requirements for Phase II of the Lake Belt Plan; extending the existence of the implementation committee; deleting requirement for development of a comprehensive mitigation plan; creating s. 373.41492, F.S.; imposing a mitigation fee on commercial extraction of limerock and sand from the Lake Belt Area; providing an exemption; providing procedures for collection, report, and disposition of fees; providing for enforcement and penalties; providing duties and authority of the Department of Revenue; providing for rules; providing for annual indexed fee increases after a specified date; providing purpose of fees for wetlands mitigation and specifying uses; requiring approval of expenditures by an interagency committee; providing membership of the committee; providing that payment of the fee satisfies certain mitigation requirements; providing for suspension of the fee under certain circumstances; requiring interagency committee reports to the South Florida Water Management District and the Legislature; amending ss. 373.4415 and 378.4115, F.S.; correcting references to conform to the county's name change; providing severability; providing an effective date.

Rep. Villalobos moved the adoption of the amendment.

The Committee on General Government Appropriations offered the following:

Amendment 1 to Amendment 3—On page 4, line 19
remove from the amendment: Resource Management

and insert in lieu thereof: Water Facilities

Rep. Villalobos moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Villalobos offered the following:

Amendment 2 to Amendment 3—On page 2, lines 25 through 27
remove from the amendment: all of said lines

and insert in lieu thereof:
by private land owners. When amending local comprehensive plans, or implementing zoning regulations, development regulations, or other local regulations, Miami-Dade County shall strongly consider

Rep. Villalobos moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Villalobos offered the following:

Amendment 3 to Amendment 3—On page 9, lines 26 through 29
remove from the amendment: all of said lines

and insert in lieu thereof:
of the limerock or sand product from the limerock or sand miner, or its subsidiary or affiliate, for which the mitigation fee applies. The limerock or sand miner, or its subsidiary or affiliate, who sells the limerock or sand product shall collect the mitigation fee and

Rep. Villalobos moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 3**, as amended, which was adopted.

On motion by Rep. Villalobos, the rules were suspended and HB 329, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Crist	Healey	Prieguez
Albright	Crow	Henriquez	Pruitt
Alexander	Dennis	Heyman	Putnam
Andrews	Detert	Hill	Rayson
Argenziano	Diaz de la Portilla	Johnson	Reddick
Arnall	Dockery	Jones	Ritchie
Bainter	Edwards	Kelly	Ritter
Ball	Effman	Kilmer	Roberts
Barreiro	Farkas	Kosmas	Rojas
Bense	Fasano	Kyle	Russell
Betancourt	Feeney	Lacasa	Ryan
Bilirakis	Fiorentino	Lawson	Sanderson
Bitner	Flanagan	Levine	Sembler
Bloom	Frankel	Littlefield	Smith, C.
Boyd	Fuller	Lynn	Smith, K.
Bradley	Futch	Maygarden	Sobel
Bronson	Garcia	Melvin	Sorensen
Brown	Gay	Merchant	Spratt
Brummer	Goode	Miller, J.	Stafford
Bush	Goodlette	Miller, L.	Stansel
Byrd	Gottlieb	Minton	Starks
Cantens	Green, C.	Morroni	Suarez
Casey	Greene, A.	Murman	Sublette
Chestnut	Greenstein	Ogles	Trovillion
Constantine	Hafner	Patterson	Tullis
Cosgrove	Harrington	Peaden	Turnbull
Crady	Hart	Posey	Valdes

Villalobos	Warner	Wiles	Wise
Wallace	Waters	Wilson	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 475—A bill to be entitled An act relating to the Fair Housing Act; amending s. 760.29, F.S.; providing that certain housing facilities or communities shall be deemed housing for older persons despite specified provisions in the document which governs deed restrictions pertaining to that facility or community; providing an effective date.

—was read the second time by title.

The Committee on Real Property & Probate offered the following:

Amendment 1 (with title amendment)—On page 3, lines 1 and 2 remove from the bill: all of said lines

and insert:

Section 2. Subsection (19) of section 420.503, Florida Statutes, 1998 Supplement, is amended to read:

420.503 Definitions.—As used in this part, the term:

(19) "Housing for the elderly" means, for purposes of s. 420.5087(3)(c)2., any nonprofit housing community that is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National Housing Act, as amended, and that is subject to income limitations established by the United States Department of Housing and Urban Development, or any program funded by the Rural Development Agency of the United States Department of Agriculture and subject to income limitations established by the United States Department of Agriculture. *A project which qualifies for an exemption under the Fair Housing Act as housing for older persons as defined by s. 760.29(4) shall qualify as housing for the elderly for purposes of s. 420.5087(3)(c)2. In addition, if the corporation adopts a qualified allocation plan pursuant to s. 42(m)(1)(B) of the Internal Revenue Code or any other rules that prioritize projects targeting the elderly for purposes of allocating tax credits pursuant to s. 420.5099 or for purposes of the HOME program under s. 420.5089, a project which qualifies for an exemption under the Fair Housing Act as housing for older persons as defined by s. 760.29(4) shall qualify as a project targeted for the elderly, if the project satisfies the other requirements set forth in this part.*

Section 3. *If any provision of this act or its application to any particular person or circumstance is held invalid, that provision or its application is severable and does not affect the validity of other provisions of or applications of this act.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2 through 9
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to housing for older persons; amending s. 760.29, F.S.; providing that certain housing facilities or communities shall be deemend housing for older persons despite specified provisions in the document which governs deed restrictions pertaining to that facility or community; amending s. 420.503, F.S.; providing that certain projects shall qualify as housing for the elderly for purposes of certain loans under the State Apartment Incentive Loan Program, and shall qualify as a project targeted for the elderly in connection with allocation of low-income housing tax credits and with the HOME program under certain conditions; providing for severability of invalid provisions, providing an effective date.

Rep. Greenstein moved the adoption of the amendment, which was adopted.

On motion by Rep. Greenstein, the rules were suspended and CS/HB 475, as amended, was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Detert	Jones	Roberts
Albright	Diaz de la Portilla	Kelly	Rojas
Andrews	Dockery	Kilmer	Russell
Argenziano	Edwards	Kosmas	Ryan
Arnall	Effman	Kyle	Sanderson
Bainter	Farkas	Lacasa	Sembler
Ball	Fasano	Lawson	Smith, C.
Barreiro	Feeney	Levine	Smith, K.
Bense	Fiorentino	Littlefield	Sobel
Betancourt	Flanagan	Lynn	Sorensen
Bilirakis	Frankel	Maygarden	Spratt
Bitner	Fuller	Melvin	Stafford
Bloom	Futch	Merchant	Stansel
Boyd	Garcia	Miller, J.	Starks
Bradley	Gay	Miller, L.	Suarez
Bronson	Goode	Minton	Sublette
Brown	Goodlette	Morroni	Trovillion
Brummer	Gottlieb	Murman	Tullis
Bush	Green, C.	Ogles	Turnbull
Byrd	Greene, A.	Patterson	Valdes
Cantens	Greenstein	Peaden	Villalobos
Casey	Hafner	Posey	Wallace
Chestnut	Harrington	Prieguez	Warner
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Johnson	Ritter	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 287—A bill to be entitled An act relating to pharmacy practice; providing a short title; amending s. 465.003, F.S.; defining the term "data communication device"; amending s. 465.016, F.S.; providing that using or releasing a patient's records except as authorized by chapter 455 or chapter 465, F.S., constitutes a ground for disciplinary action against a pharmacist, for which there are penalties; amending s. 465.017, F.S.; providing additional persons to whom and entities to which records relating to the filling of prescriptions and the dispensing of medicinal drugs that are maintained by a pharmacy may be furnished; specifying authorized uses of patient records by pharmacy owners; providing restrictions on such records when transmitted through a data communication device; amending ss. 465.014, 465.015, 465.0196, 468.812, and 499.003, F.S.; correcting cross references, to conform; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Johnson to adopt Amendment 1 to Amendment 1.

The question recurred on the adoption of **Amendment 1 to Amendment 1**, which was withdrawn.

The question recurred on the adoption of **Amendment 1**, which was withdrawn.

Representative(s) Johnson, Gay, and Kelly offered the following:

Amendment 2 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *This act may be cited as the "Pharmacy Patient Privacy Act of 1999."*

Section 2. Subsection (12) of section 465.003, Florida Statutes, is amended, subsections (4) through (14) of said section are renumbered as subsections (5) through (15), respectively, and a new subsection (4) is added to said section, to read:

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

(4) "Data communication device" means an electronic device that receives electronic information from one source and transmits or routes it to another, including, but not limited to, any such bridge, router, switch, or gateway.

(13)~~(12)~~ "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug*;* ~~and~~ consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders*; and other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient's drug therapy and communication with the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. However, nothing in this subsection may be interpreted to permit an alteration of a prescriber's directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, the practice of medicine, or the practice of osteopathic medicine, unless otherwise permitted by law. "Practice of the profession of pharmacy"* ~~The phrase~~ also includes any other act, service, operation, *research,* or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients.

Section 3. Paragraph (c) of subsection (2) of section 465.015, Florida Statutes, is amended, and a new subsection (4) is added to that section and present subsection (4) of that section is amended and renumbered as subsection (5), to read:

465.015 Violations and penalties.—

(2) It is unlawful for any person:

(c) To sell or dispense drugs as defined in s. 465.003*(8)*~~(7)~~ without first being furnished with a prescription.

(4) It is unlawful for records maintained by a pharmacy relating to the filling of prescriptions and the dispensing of medicinal drugs, if transmitted through a data communication device not under the control or ownership of a pharmacy or affiliated company or not directly between a pharmacy and a treating practitioner, to be accessed, used, or maintained by the operator or owner of the data communication device unless specifically authorized by s. 465.017.

(5)~~(4)~~ Any person who violates any provision of subsection (1), ~~or~~ subsection (3), *or subsection (4)* is guilty of a misdemeanor or the first degree, punishable as provided in s. 775.082, or s. 775.083. Any person who violates any provision of subsection (2) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In any warrant, information, or indictment, it shall not be necessary to negative any exceptions, and the burden of any exception shall be upon the defendant.

Section 4. Effective upon this act becoming a law, paragraph (l) of subsection (1) of section 465.016, Florida Statutes, is amended to read:

465.016 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(l) Placing in the stock of any pharmacy any part of any prescription compounded or dispensed which is returned by a patient; however, in a hospital, nursing home, *correctional facility,* or extended care facility in which unit-dose medication is dispensed to inpatients, each dose being individually sealed and the individual unit dose or unit-dose system labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any, the unused unit dose of medication may be returned to the pharmacy for redispensing. Each pharmacist shall maintain appropriate records for any unused or returned medicinal drugs.

Section 5. Paragraph (q) is added to subsection (1) of section 465.016, Florida Statutes, to read:

465.016 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(q) Using or releasing a patient's records except as authorized by this chapter and chapter 455.

Section 6. Subsection (2) of section 465.017, Florida Statutes, is amended and new subsections (3) and (4) of said section are added to read:

465.017 Authority to inspect.—

(2) Except as permitted by this chapter, and chapters 406, 409, 455, 499, and 893, records maintained *by* ~~in~~ a pharmacy relating to the filling of prescriptions and the dispensing of medicinal drugs shall not be furnished, *except upon the written authorization of the patient,* to any person other than to the patient for whom the drugs were dispensed, ~~or~~ her or his legal representative, ~~or to the department pursuant to existing law,~~ or, in the event that the patient is incapacitated or unable to request *such* ~~said~~ records, her or his spouse*; to the department pursuant to law; to health care practitioners and pharmacists consulting with or dispensing to the patient, including physicians who are part of independent practice associations, physician hospital organizations, or other such organized provider groups; or to insurance carriers or other payors authorized by the patient to receive such records. For purposes of this section, the pharmacy permitholder shall be considered the custodian of records maintained in a pharmacy. The pharmacy owner may use such records in the aggregate without patient identification data, regardless of where such records are held, for purposes reasonably related to the business and practice of pharmacy* ~~except upon the written authorization of such patient~~. Such records may be furnished in any civil or criminal proceeding, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or her or his legal representative by the party seeking such records. *Such records or any part thereof, if transmitted through a data communication device not under the control or ownership of a pharmacy or affiliated company or not directly between a pharmacy and a treating practitioner, may not be accessed, used, or maintained by the operator or owner of the data communication device unless specifically authorized by this section. It is the intent of this subsection to allow the use and sharing of such records to improve patient care, provided the pharmacist acts in the best interests of her or his patient. Nothing in this subsection may be construed to authorize or expand solicitation or marketing to patients or potential patients in any manner not otherwise specifically authorized by law.*

(3) Nothing in subsection (2) may be construed to prohibit a pharmacy permit holder from providing to a researcher records maintained by the pharmacy relating to the filling of prescriptions and the dispensing of medicinal drugs on behalf a patient who is a participant in a research project or clinical investigation supervised by an institutional review board, consistent with the informed consent requirements of 21 CFR 50 and 45 CFR 56.

(4) Nothing in subsection (2) may be construed to prohibit a pharmacy permit holder from providing records maintained by the pharmacy relating to the filling of prescriptions and the dispensing of medicinal drugs to entities performing compliance services, provided that the patients are given the opportunity to either enroll or disenroll from the compliance service program. For purposes of this subsection, compliance service programs do not include direct marketing of any pharmaceutical product to the patients involved in the program.

Section 7. Section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—No person other than a licensed pharmacist or pharmacy intern may engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to nonlicensed pharmacy technicians those duties, tasks, and functions which do not fall within the purview of s. 465.003*(13)*~~(12)~~. All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his or her supervision. A pharmacy technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill authorization requests. No licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one but not more than three pharmacy technicians.

Section 8. Paragraph (c) of subsection (2) of section 465.015, Florida Statutes, is amended to read:

465.015 Violations and penalties.—

(2) It is unlawful for any person:

(c) To sell or dispense drugs as defined in s. 465.003*(8)*~~(7)~~ without first being furnished with a prescription.

Section 9. Section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits.—Any person desiring a permit to operate a pharmacy which does not fall within the definitions set forth in s. 465.003*(11)*~~(10)~~(a)1., 2., and 3. shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for such duties.

Section 10. Subsection (3) of section 468.812, Florida Statutes, is amended to read:

468.812 Exemptions from licensure.—

(3) The provisions of this act relating to orthotics or pedorthics do not apply to any licensed pharmacist or to any person acting under the supervision of a licensed pharmacist. The practice of orthotics or pedorthics by a pharmacist or any of the pharmacist's employees acting under the supervision of a pharmacist shall be construed to be within the meaning of the term "practice of the profession of pharmacy" as set forth in s. 465.003*(13)*~~(12)~~, and shall be subject to regulation in the same manner as any other pharmacy practice. The Board of Pharmacy shall develop rules regarding the practice of orthotics and pedorthics by a pharmacist. Any pharmacist or person under the supervision of a pharmacist engaged in the practice of orthotics or pedorthics shall not be precluded from continuing that practice pending adoption of these rules.

Section 11. Subsection (19) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in ss. 499.001-499.081.—As used in ss. 499.001-499.081, the term:

(19) "Legend drug," "prescription drug," or "medicinal drug" means any drug, including, but not limited to, finished dosage forms, or active ingredients subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003*(8)*~~(7)~~, s. 499.007(12), or s. 499.0122(1)(b) or (c).

Section 12. Paragraph (a) of subsection (1) and subsection (5) of section 499.012, Florida Statutes, 1998 Supplement, are amended to read:

499.012 Wholesale distribution; definitions; permits; general requirements.—

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

(a) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

1. Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.014:

a. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

b. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

c. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this section, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

d. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services prices pursuant to s. 602 of Pub. L. No. 102-585 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

(I) The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this sub-subparagraph from the Secretary of Health or his or her designee.

(II) The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

(III) In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

(IV) A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.

(V) The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

(VI) The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under sub-sub-subparagraph (V).

(VII) The prescription drugs transferred pursuant to this sub-subparagraph may not be billed to Medicaid.

(VIII) In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this sub-subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this sub-subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

2. Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with rules established by the department:

a. The sale, purchase, or trade of a prescription drug among federal, state, or local government health care entities that are under common control and are authorized to purchase such prescription drug.

b. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug for emergency medical reasons.~~;~~ For purposes of this *sub-subparagraph* ~~subparagraph~~, the term "emergency medical reasons" includes transfers of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage.

c. The *transfer* ~~purchase or acquisition~~ of a prescription drug *acquired* by *a medical director on behalf of a licensed* ~~an~~ emergency medical services *provider to that* ~~medical director for use by~~ emergency medical services *provider and its transport vehicles for use in accordance with the provider's license under* ~~providers acting within the scope of their professional practice pursuant to~~ chapter 401.

d. The revocation of a sale or the return of a prescription drug to the person's prescription drug wholesale supplier.

e. The donation of a prescription drug by a health care entity to a charitable organization that has been granted an exemption under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and that is authorized to possess prescription drugs.

f. The transfer of a prescription drug by a person authorized to purchase or receive prescription drugs to a person licensed or permitted to handle reverse distributions or destruction under the laws of the jurisdiction in which the person handling the reverse distribution or destruction receives the drug.

~~3. The dispensing of a prescription drug pursuant to a prescription;~~

3.~~4.~~ The distribution of prescription drug samples by manufacturers' representatives or distributors' representatives *conducted in accordance with s. 499.028.*~~; or~~

4.~~5.~~ The sale, purchase, or trade of blood and blood components intended for transfusion. As used in this *subparagraph* ~~section~~, the term "blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing, and the term "blood components" means that part of the blood separated by physical or mechanical means.

5. The lawful dispensing of a prescription drug in accordance with chapter 465.

(5) The department may adopt rules governing the recordkeeping, storage, and handling with respect to each of the distributions of prescription drugs specified in subparagraphs (1)(a)*1.-4.*~~1., 2., 4., and 5.~~

Section 13. Except as otherwise provided herein, this act shall take effect July 1, 1999.

And the title is amended as follows:
remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to pharmacy practice; providing a short title; amending s. 465.003, F.S.; defining the term "data communication device"; revising the definition of the term "practice of the profession of pharmacy"; amending s. 465.015, F.S.; providing penalties for unauthorized use of pharmacy records when transmitted through a data communication device; conforming cross-references; amending ss. 465.014, 465.0196, 468.812; amending s. 465.016, F.S.; authorizing the redispensing of unused or returned unit-dose medication by correctional facilities under certain conditions; providing that using or releasing a patient's records except as authorized by chapter 455 or chapter 465, F.S., constitutes a ground for disciplinary action against a pharmacist, for which there are penalties; amending s. 465.017, F.S.; providing additional persons to whom and entities to which records relating to the filling of prescriptions and the dispensing of medicinal drugs that are maintained by a pharmacy may be furnished; specifying authorized uses of patient records by pharmacy owners; providing restrictions on such records when transmitted through a data communication device; clarifying the use of records for research; restricting the use of records for compliance services; amending ss. 465.014, 465.015, 465.0196, 468.812, and 499.003, F.S.; correcting cross references, to conform; 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.

Rep. Johnson moved the adoption of the amendment, which was adopted.

On motion by Rep. Johnson, the rules were suspended and CS/HB 287, as amended, was read the third time by title. On passage, the vote was:

Yeas—100

The Chair	Diaz de la Portilla	Johnson	Reddick
Albright	Edwards	Jones	Ritchie
Alexander	Effman	Kilmer	Roberts
Andrews	Farkas	Kosmas	Rojas
Arnall	Fasano	Kyle	Russell
Ball	Feeney	Lacasa	Ryan
Barreiro	Fiorentino	Lawson	Sembler
Bense	Flanagan	Levine	Smith, C.
Bilirakis	Frankel	Littlefield	Smith, K.
Bitner	Fuller	Lynn	Sobel
Bloom	Futch	Maygarden	Sorensen
Bradley	Garcia	Melvin	Spratt
Bronson	Gay	Merchant	Stafford
Brown	Goodlette	Miller, J.	Stansel
Brummer	Gottlieb	Minton	Trovillion
Bush	Green, C.	Morroni	Tullis
Byrd	Greene, A.	Murman	Turnbull
Cantens	Greenstein	Ogles	Valdes
Casey	Hafner	Patterson	Villalobos
Chestnut	Harrington	Peaden	Wallace
Cosgrove	Hart	Posey	Warner
Crady	Healey	Prieguez	Waters
Crist	Henriquez	Pruitt	Wiles
Crow	Heyman	Putnam	Wilson
Detert	Hill	Rayson	Wise

Nays—12

Argenziano	Boyd	Kelly	Starks
Bainter	Dennis	Miller, L.	Suarez
Betancourt	Goode	Ritter	Sublette

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 587—A bill to be entitled An act relating to platted lands; amending s. 177.041, F.S.; revising language with respect to certain boundaries for a replat; removing a requirement that the boundary survey and plat be prepared by a professional surveyor and mapper under the same legal entity; amending s. 177.091, F.S.; revising language with respect to certain monuments; providing an effective date.

—was read the second time by title.

Representative(s) Henriquez offered the following:

Amendment 1 (with title amendment)—On page 2, between lines 2 and 3 of the bill

insert:

Section 2. Subsection (2) of section 177.081, Florida Statutes, 1998 Supplement, is amended to read:

177.081 Dedication and approval.—

(2) Every plat of a subdivision filed for record must contain a dedication by the owner or owners of record. *The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed.* ~~The dedication must be executed by all persons, corporations, or entities having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed.~~ All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.

And the title is amended as follows:

On page 1, line 7

after the semicolon insert: amending s. 177.081, F.S.; revising language with respect to dedication and approval;

Rep. Henriquez moved the adoption of the amendment, which was adopted.

On motion by Rep. Henriquez, the rules were suspended and CS/HB 587, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Dennis	Johnson	Ritter
Albright	Detert	Jones	Roberts
Alexander	Diaz de la Portilla	Kelly	Rojas
Andrews	Dockery	Kilmer	Russell
Argenziano	Edwards	Kosmas	Ryan
Arnall	Effman	Kyle	Sanderson
Bainter	Farkas	Lacasa	Sembler
Ball	Fasano	Lawson	Smith, C.
Barreiro	Feeney	Levine	Smith, K.
Bense	Fiorentino	Littlefield	Sobel
Betancourt	Flanagan	Lynn	Sorensen
Bilirakis	Frankel	Maygarden	Spratt
Bitner	Fuller	Melvin	Stafford
Bloom	Futch	Merchant	Stansel
Boyd	Garcia	Miller, J.	Starks
Bradley	Gay	Miller, L.	Suarez
Bronson	Goode	Minton	Sublette
Brown	Goodlette	Morroni	Trovillion
Brummer	Gottlieb	Murman	Tullis
Bush	Green, C.	Ogles	Turnbull
Byrd	Greene, A.	Patterson	Valdes
Cantens	Greenstein	Peaden	Villalobos
Casey	Hafner	Posey	Wallace
Chestnut	Harrington	Prieguez	Warner
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 1659—A bill to be entitled An act relating to trusts and trust powers; creating s. 737.2035, F.S.; providing for costs and attorney's fees in trust proceedings; providing applicability; amending s. 737.306, F.S.; revising standards governing when a successor trustee is not under a duty to institute an action against a prior trustee or the prior trustee's estate; providing an effective date.

—was read the second time by title.

The Committee on Judiciary offered the following:

Amendment 1 (with title amendment)—On page 1, line 30, of the bill

insert:

(5) Except when a trustee's interest may be adverse in a particular matter, the attorney shall give reasonable notice in writing to the trustee of the attorney's retention by an interested person and the attorney's entitlement to fees pursuant to this section. A court may reduce any fee award for services rendered by the attorney prior to the date of actual notice to the trustee, if the actual notice date is later than a date of reasonable notice. In exercising this discretion, the court may exclude compensation for services rendered after the reasonable notice date but prior to the date of actual notice.

And the title is amended as follows:

On page 1, line 5, after the semicolon,

insert: requiring attorneys to give notice to trustees in specified circumstances; allowing courts to adjust attorney's fees when notice is late

Rep. Bilirakis moved the adoption of the amendment, which was adopted.

On motion by Rep. Bilirakis, the rules were suspended and CS/HB 1659, as amended, was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Crist	Henriquez	Putnam
Albright	Dennis	Heyman	Rayson
Alexander	Detert	Hill	Reddick
Andrews	Diaz de la Portilla	Johnson	Ritchie
Argenziano	Dockery	Jones	Ritter
Arnall	Edwards	Kelly	Roberts
Bainter	Effman	Kilmer	Rojas
Ball	Farkas	Kosmas	Russell
Barreiro	Fasano	Kyle	Ryan
Bense	Feeney	Lacasa	Sanderson
Betancourt	Fiorentino	Lawson	Sembler
Bilirakis	Flanagan	Levine	Smith, C.
Bitner	Frankel	Littlefield	Smith, K.
Bloom	Fuller	Logan	Sobel
Boyd	Futch	Lynn	Sorensen
Bradley	Garcia	Maygarden	Spratt
Bronson	Gay	Melvin	Stafford
Brown	Goode	Merchant	Stansel
Brummer	Goodlette	Miller, J.	Starks
Bush	Gottlieb	Miller, L.	Suarez
Byrd	Green, C.	Minton	Sublette
Cantens	Greene, A.	Murman	Trovillion
Casey	Greenstein	Patterson	Tullis
Chestnut	Hafner	Peaden	Turnbull
Constantine	Harrington	Posey	Valdes
Cosgrove	Hart	Prieguez	Villalobos
Crady	Healey	Pruitt	Wallace

Warner Wiles Wilson Wise
Waters

Nays—None

Votes after roll call:
Yeas—Crow, Morroni, Ogles

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1765—A bill to be entitled An act relating to greenways and trails; amending s. 253.7825, F.S.; providing acreage requirements for a horse park-agricultural center; repealing s. 253.787, F.S., relating to the Florida Greenways Coordinating Council; creating s. 260.0142, F.S.; creating the Florida Greenways and Trails Council within the Department of Environmental Protection; providing for appointment, membership, powers, and duties; amending s. 260.016, F.S.; deleting reference to the Florida Recreational Trails Council; revising powers of the Department of Environmental Protection; amending ss. 260.0125 and 260.018, F.S.; correcting cross references; providing an effective date.

—was read the second time by title.

The Committee on Environmental Protection offered the following:

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (4) of section 253.7825, Florida Statutes is amended to read:

253.7825 Recreational uses.—

(4)(a) A horse park-agricultural center may be constructed by or on behalf of the Florida Department of Agriculture and Consumer Services on not more than *500* ~~250~~ acres of former canal lands ~~which meet the criteria for surplus lands and which lie outside the greenways boundary~~.

Section 2. *Section 253.787, Florida Statutes, is repealed.*

Section 3. Subsections (2), (3) and (4) of section 260.012, Florida Statutes, 1998 Supplement, are amended to read:

260.012 Declaration of policy and legislative intent.—

(2) It is the intent of the Legislature that a statewide system of greenways and trails be established to provide open space benefiting environmentally sensitive lands and wildlife and providing people with access to healthful outdoor activities. It is also the intent of the Legislature to acquire or designate lands *and waterways* to facilitate the establishment of a statewide system of greenways and trails; to encourage the multiple use of public rights-of-way and use to the fullest extent existing and future scenic roads, highways, park roads, parkways, greenways, trails, and national recreational trails; to encourage the development of greenways and trails by counties, cities, and special districts and to assist in such development by any means available; to coordinate greenway and trail plans and development by local governments with one another and with the state government and Federal Government; to encourage, whenever possible, the development of greenways and trails on federal lands by the Federal Government; and to encourage the owners of private lands to protect the existing ecological, historical, and cultural values of their lands, including those values derived from working landscapes.

(3) It is the intent of the Legislature that designated greenways and trails be located on public lands *and waterways* and, subject to the written agreement of the private landowner, on private lands. Designated greenways and trails located on public *lands or waterways* or *on* private lands may or may not provide public access, as agreed by the department or the landowner, respectively.

(4) It is the intent of the Legislature that information produced for the purpose of the identification of lands *and waterways*, both public and private, that are suitable for greenways and trails be used only for the purposes of:

(a) Setting priorities for acquisition, planning, and management of public lands *and waterways* for use as greenways and trails; and

(b) Identification of private lands which are eligible for designation as part of the greenways and trails system and are thereby eligible for incentives.

Section 4. Subsection (3) of section 260.013, Florida Statutes, 1998 Supplement, is amended to read:

260.013 Definitions.—As used in ss. 260.011-260.018, unless the context otherwise requires:

(3) "Designation" means the identification and inclusion of specific lands *and waterways* as part of the statewide system of greenways and trails pursuant to a formal public process, including the specific written consent of the landowner. When the department determines that public access is appropriate for greenways and trails, written authorization must be granted by the landowner to the department permitting public access to all or a specified part of the landowner's property. The department's determination shall be noticed pursuant to s. 120.525, and the department shall also notify the landowner by certified mail at least 7 days before any public meeting regarding the intent to designate.

Section 5. Section 260.014, Florida Statutes, 1998 Supplement, is amended to read:

260.014 Florida Greenways and Trails System.—The Florida Greenways and Trails System shall be a statewide system of greenways and trails which shall consist of individual greenways and trails and networks of greenways and trails which may be designated as a part of the statewide system by the department. Mapping or other forms of identification of lands *and waterways* as suitable for inclusion in the system of greenways and trails, mapping of ecological characteristics for any purpose, or development of information for planning purposes shall not constitute designation. No lands *or waterways* may be designated as a part of the statewide system of greenways and trails without the specific written consent of the landowner.

Section 6. Section 260.0142, Florida Statutes, is created to read:

260.0142 Florida Greenways and Trails Council created; composition of council; powers and duties.—

(1) There is hereby created within the Department of Environmental Protection the Florida Greenways and Trails Council which shall advise the department in the execution of the department's powers and duties under this chapter. The council shall be composed of 21 members, consisting of:

(a) Five members appointed by the Governor, with two members representing the trail user community, two members representing the greenway user community, and one member representing private landowners. Of the initial appointments, two shall be appointed for 2-year terms and three shall be appointed for 1-year terms. Subsequent appointments shall be for 2-year terms.

(b) Three members appointed by the President of the Senate, with one member representing the trail user community and two members representing the greenway user community. Of the initial appointments, two shall be appointed for 2-year terms and one shall be appointed for a 1-year term. Subsequent appointments shall be for 2-year terms.

(c) Three members appointed by the Speaker of the House of Representatives, with two members representing the trail user community and one member representing the greenway user community. Of the initial appointments, two shall be appointed for 2-year terms and one shall be appointed for a 1-year term. Subsequent appointments shall be for 2-year terms.

Those eligible to represent the trail user community shall be chosen from, but not be limited to, paved trail users, hikers, off-road bicyclists, paddlers, equestrians, disabled outdoor recreational users, and

commercial recreational interests. Those eligible to represent the greenway user community shall be chosen from, but not be limited to, conservation organizations, nature study organizations, and scientists and university experts.

(d) The ten remaining members shall include:

1. The Secretary of Environmental Protection or a designee;

2. The executive director of the Fish and Wildlife Conservation Commission or a designee;

3. The Secretary of Community Affairs or a designee;

4. The Secretary of Transportation or a designee;

5. The Director of the Division of Forestry of the Department of Agriculture and Consumer Services or a designee;

6. The director of the Division of Historical Resources of the Department of State or a designee;

7. A representative of the water management districts who shall serve for 1 year. Membership on the council shall rotate among the five districts. The districts shall determine the order of rotation;

8. A representative of a federal land management agency. The Secretary of Environmental Protection shall identify the appropriate federal agency and request designation of a representative from the agency to serve on the council;

9. A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection, in consultation with the Secretary of Community Affairs, for a single 2-year term. The representative cannot be selected from the same regional planning council for successive terms; and

10. A representative of local governments to be appointed by the Secretary of Environmental Protection, in consultation with the Secretary of Community Affairs, for a single 2-year term. Membership shall alternate between a county representative and a municipal representative.

(2) The department shall provide necessary staff assistance to the council.

(3) The council is authorized to contract for and to accept gifts, grants, or other aid from the United States Government or any person or corporation.

(4) The duties of the council shall include, but not be limited to, the following:

(a) Advise the Department of Environmental Protection, the Department of Community Affairs, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Division of Forestry of the Department of Agriculture and Consumer Services, the water management districts, and the regional planning councils on policies relating to the Florida Greenways and Trails System, and promote intergovernmental cooperation;

(b) Facilitiate a statewide system of interconnected landscape linkages, conservation corridors, greenbelts, recreational corridors and trails, scenic corridors, utilitarian corridors, reserves, regional parks and preserves, ecological sites, and historical/historic/recreational sites;

(c) Facilitate a statewide system of interconnected land-based trails that connect urban, suburban, and rural areas of the state and facilitate expansion of the statewide system of freshwater and saltwater paddling trails;

(d) Recommend priorities for critical links in the Florida Greenways and Trails System;

(e) Review applications for acquisition funding under the Florida Greenways and Trails Program and recommend to the Secretary of Environmental Protection which projects should be acquired;

(f) Provide funding recommendations to agencies and organizations regarding the acquisition, development, and management of greenways and trails, including the promotion of private landowner incentives;

(g) Review designation proposals for inclusion in the Florida Greenways and Trails System;

(h) Provide advocacy and education to benefit the statewide system of greenways and trails by encouraging communication and conferencing;

(i) Encourage public-private partnerships to develop and manage greenways and trails;

(j) Review progress toward meeting established benchmarks and recommend appropriate action;

(k) Make recommendations for updating and revising the implementation plan for the Florida Greenways and Trails System;

(l) Advise the Land Acquisition and Management Advisory Council or its successor to ensure the incorporation of greenways and trails in land management plans on lands managed by the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, the Division of Historical Resources of the Department of State, and the Division of Forestry of the Department of Agriculture and Consumer Services;

(m) Provide advice and assistance to the Department of Transportation and the water management districts regarding the incorporation of greenways and trails into their planning efforts;

(n) Encourage land use, environmental, and coordinated linear infrastructure planning to facilitate the implementation of local, regional, and statewide greenways and trails systems;

(o) Promote greenways and trails support organizations; and

(p) Support the Florida Greenways and Trails System in any other appropriate way.

(5) The council shall establish procedures for conducting its affairs in execution of the duties and responsibilities stated in this section, which operating procedures shall include determination of a council chair and other appropriate operational guidelines. The council shall meet at the call of the chair, or at such times as may be prescribed by its operating procedures. The council may establish committees to conduct the work of the council and the committees may include nonmembers as appropriate.

(6) A vacancy in the council shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Members whose terms have expired may continue to serve until replaced or reappointed. No member shall serve on the council for more than two consecutive terms.

(7) Members of the council shall not receive any compensation for their services but shall be entitled to receive reimbursement for per diem and travel expenses incurred in the performance of their duties, as provided in s. 112.061.

Section 7. Section 260.016, Florida Statutes, 1998 Supplement, is amended, to read:

260.016 General powers of the department.—

(1) The department may:

(a) Publish and distribute appropriate maps of designated greenways and trails. The description shall include a generalized map delineating the area designated, location of suitable ingress and egress sites, as well as other points of interest to enhance the recreational opportunities of the public.

(b) Establish access routes and related public-use facilities along greenways and trails which will not substantially interfere with the nature and purposes of the greenway or trail.

(c) Adopt appropriate rules to implement or interpret this act and portions of chapter 253 relating to greenways and trails, which may include, but are not limited to, rules for the following:

1. Establishing a designation process.

2. Negotiating and executing agreements with private landowners.

3. Establishing prohibited activities or restrictions on activities to protect the health, safety, and welfare of the public.

4. Charging fees for use.

5. Providing public access.

6. Providing for maintenance.

7. Any matter necessary to the evaluation, selection, operation, and maintenance of greenways and trails.

Any person who violates or otherwise fails to comply with the rules adopted pursuant to subparagraph 3. commits a noncriminal infraction for which a fine of up to $500 may be imposed.

(d) Coordinate the activities of all governmental units and bodies and special districts that desire to participate in the development *and implementation* of the Florida Greenways and Trails System.

~~(e) Appoint an advisory body to be known as the "Florida Recreational Trails Council" which shall advise the department in the execution of its powers and duties under this chapter. The department may establish by rule the duties, structure, and responsibilities of the council. Members of the Florida Recreational Trails Council shall serve without compensation, but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

(e)~~(f)~~ Establish, develop, and publicize *greenways and trails* ~~saltwater paddling trails~~ in a manner that will permit public recreation *when appropriate* without damaging natural resources. The Big Bend Historic Saltwater Paddling Trail from the St. Marks River to the Suwannee River is hereby designated as part of the Florida Greenways and Trails System. Additions to this trail may be added by the department from time to time as part of a statewide saltwater circumnavigation trail.

(f)~~(g)~~ Enter into ~~sublease agreements or other use~~ agreements with *any federal, state, or local governmental agency, or any other entity* ~~local governmental agencies~~ for the management of greenways and trails for recreation and conservation purposes consistent with the intent of this chapter.

~~(h) Enter into management agreements with other entities only if a federal agency, another state agency, local government, county, or municipality is unable to manage the greenways or trails lands.~~ Such entities must demonstrate their capabilities of management for the purposes defined in ss. 260.011-260.018.

(g)~~(i)~~ Charge reasonable fees or rentals for the use or operation of facilities and concessions. All such fees, rentals, or other charges collected shall be deposited in the account or trust fund of the managing entity. ~~All such fees, rentals, or other charges collected by the Division of Recreation and Parks under this paragraph shall be deposited in the State Park Trust Fund pursuant to s. 258.014.~~

(2) The department shall:

(a) Evaluate lands for the acquisition of greenways and trails and compile a list of suitable corridors, greenways, and trails, ranking them in order of priority for proposed acquisition. The department shall devise a method of evaluation which includes, but is not limited to, the consideration of:

1. The importance and function of such corridors within the statewide system.

2. Potential for local sharing in the acquisition, development, operation, or maintenance of greenway and trail corridors.

3. Costs of acquisition, development, operation, and maintenance.

(b) Maintain an updated list of abandoned and to-be-abandoned railroad rights-of-way. ~~The department shall request information on current and potential railroad abandonments from the Department of Transportation and railroad companies operating within the state. At a minimum, the department shall make such requests on a quarterly basis.~~

(c) Provide information to public and private agencies and organizations on abandoned rail corridors which are or will be available for acquisition from the railroads or for lease for interim recreational use from the Department of Transportation. ~~Such information shall include, at a minimum, probable costs of purchase or lease of the identified corridors.~~

(d) Develop and implement a process for designation of lands *and waterways* as a part of the statewide system of greenways and trails, which shall include:

1. Development and dissemination of criteria for designation.

2. Development and dissemination of criteria for changes in the terms or conditions of designation, including withdrawal or termination of designation. A landowner may have his or her *lands* ~~property~~ removed from designation by providing the department with a written request that contains an adequate description of such lands to be removed. Provisions shall be made in the designation agreement for disposition of any future improvements made to the land by the department.

3. Compilation of available information on and field verification of the characteristics of the lands *and waterways* as they relate to the developed criteria.

4. Public notice pursuant to s. 120.525 in all phases of the process.

5. Actual notice to the landowner by certified mail at least 7 days before any public meeting regarding the department's intent to designate.

6. Written authorization from the landowner in the form of a lease or other instrument for the designation and granting of public access, if appropriate, to a landowner's property.

7. Development of a greenway or trail use plan as a part of the designation agreement. In any particular segment of a greenway or trail, the plan components must be compatible with connecting segments and, at a minimum, describe the types and intensities of uses of the property.

(e) Implement the plan for the Florida Greenways and Trails System as adopted by the Florida Greenways Coordinating Council on September 11, 1998.

(3) The department or its designee is authorized to negotiate with potentially affected private landowners as to the terms under which such landowners would consent to the public use of their lands as part of the greenways and trails system. The department shall be authorized to agree to incentives for a private landowner who consents to this public use of his or her lands for conservation or recreational purposes, including, but not limited to, the following:

(a) Retention by the landowner of certain specific rights in his or her lands, including, but not limited to, the right to farm, hunt, graze, harvest timber, or use the lands for other purposes which are consistent with use as greenways or trails.

(b) Agreement to exchange, subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund or other applicable unit of government, ownership or other rights of use of public lands for the ownership or other rights of use of privately owned *lands* ~~property~~. Any exchange of state-owned lands, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, for privately owned lands shall be subject to the requirements of s. 259.041.

(c) Contracting with the landowner to provide management or other services on the lands.

(d) At the option of the landowner, acceleration of the acquisition process or higher consideration in the ranking process when any lands

owned by the landowner are under consideration for acquisition by the state or other unit of government.

(e) At the option of the landowner, removal of any lands owned by the landowner from consideration for acquistion by the state or other unit of government.

(f) Execution of patrol and protection agreements.

(g) Where applicable and appropriate, providing lease fees, not to exceed fair market value of the leasehold interest.

Section 8. Section 260.018, Florida Statutes, 1998 Supplement, is amended to read:

260.018 Agency recognition.—All agencies of the state, regional planning councils through their comprehensive plans, and local governments through their local comprehensive planning process pursuant to chapter 163 shall recognize the special character of publicly owned lands and waters designated by the state as greenways and trails and shall not take any action which will impair their use as designated. Identification of lands *or waterways* in planning materials, maps, data, and other information developed or used in the greenways and trails program shall not be cause for such lands *or waterways* to be subject to this section, unless such lands *or waterways* have been designated as a part of the statewide system or greenways and trails pursuant to s. 260.016*(2)(d)*~~(1)(k)~~.

Section 9. Paragraph (a) of subsection (11) of section 288.1224, Florida Statutes, is amended to read:

288.1224 Powers and duties.—The commission:

(11) Shall create an advisory committee of the commission which shall be charged with developing a regionally based plan to protect and promote all of the natural, coastal, historical, cultural, and commercial tourism assets of this state.

(a) Members of the advisory committee shall be appointed by the chair of the commission and shall include representatives of the commission, the Departments of Agriculture *and Consumer Services*, Environmental Protection, Community Affairs, Transportation, and State, the Florida Greenways *and Trails* ~~Coordinating~~ Council, the *Fish and Wildlife Conservation Commission* ~~Florida Game and Freshwater Fish Commission~~, and, as deemed appropriate by the chair of the commission, representatives from other federal, state, regional, local, and private sector associations representing environmental, historical, cultural, recreational, and tourism-related activities.

Section 10. *The following trails located upon or within public lands or waterways and designated prior to May 30, 1998 shall not be subject to the designation process established in chapter 260, Florida Statutes, 1998 Supplement: thirty-six canoe trails designated by the Governor and Cabinet in 1970 and redesignated by the Governor and Cabinet on December 8, 1981; the Historic Big Bend Saltwater Paddling Trail; Hillsborough River State Recreational Canoe Trail; and trails located within state parks and forests.*

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1,
remove from the title of the bill: all of said title

and insert in lieu thereof: An act relating to greenways and trails; amending s. 253.7825, F.S.; providing acreage requirements for a horse park-agricultural center; repealing s. 253.787, F.S.; relating to the Florida Greenways Coordinating Council; amending s. 260.012, F.S.; clarifying legislative intent; amending s. 260.013, F.S.; clarifying definitions; creating s. 260.0142, F.S.; creating the Florida Greenways and Trails Council within the Department of Environmental Protection; providing for appointment, membership, powers, and duties; amending s. 260.016, F.S.; deleting reference to the Florida Recreational Trails Council; revising powers of the Department of Environmental Protection; amending s. 260.018, F.S.; correcting cross references; amending s. 288.1224, F.S.; providing conforming language; providing an effective date.

Rep. Putnam moved the adoption of the amendment, which was adopted.

On motion by Rep. Hafner, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Hafner offered the following:

Amendment 2 (with title amendment)—On page 13, between lines 27 and 28,

insert:

Section 7. *The Department of Environmental Protection and the Department of Agriculture and Consumer Services are directed to work together to provide a report on cattle dipping vats, with recommendations and appropriate draft legislation, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive and fiscal committees in the Senate and House of Representatives by February 1, 2000. The report shall include, at a minimum"*

(1) A summary of the current information on cattle dipping vats in the state;

(2) A proposed plan for discovery and listing of cattle dipping vat sites on public and private property;

(3) A proposed method for risk-based priority ranking of sites, which considers significant factors such as the proximity of populations and water resources to cattle dipping vat sites;

(4) Proposed strategies for risk-based cleanup of cattle-dipping vat sites, with a cost-benefit analysis and recommended sources of funding, for sites on pubic and private lands;

(5) Recommended incentives for private landowners to conduct voluntary cleanup of cattle dipping vat sites on their property;

(6) A discussion of the potential impacts on ownership and transfer of ownership, including any potential claims under chapter 70, Florida Statutes, if the report recommendations are implemented; and

(7) A proposed strategy for developing partnerships with the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Florida Department of health, local governments, affected landowners, and other affected parties to implement report recommendations that may be adopted by the Legislature.

(8) Any recommendations made by the report, including any proposed legislation, shall not distinguish differently between public or private lands, and any regulatory or funding strategies shall treat all properties equitably.

And the title is amended as follows:

On page 1, line 15,

after references; insert: directing the Department of Environment Protection and the Department of Agriculture and Consumer Services to provide a report;

Rep. Hafner moved the adoption of the amendment, which was adopted.

Rep. Putnam moved to suspend the rules and read HB 1765, as amended, the third time by title, which was agreed to.

Pending third reading, further consideration of **HB 1765** was temporarily postponed under Rule 141.

CS/HB 1143—A bill to be entitled An act relating to aquaculture; amending s. 370.027, F.S.; revising rulemaking authority relating to marine aquaculture products; amending s. 370.06, F.S.; revising provisions relating to issuance of certain special activity licenses and consolidation of permits; amending s. 370.081, F.S.; providing an

exemption from provisions relating to importation or possession of nonindigenous marine plants and animals; amending s. 370.10, F.S.; authorizing taking saltwater species from the wild for certain purposes; amending s. 370.1107, F.S.; providing a penalty for illegal possession of live bait traps or cages; amending s. 370.26, F.S.; revising definitions; amending ss. 372.0225 and 372.65, F.S.; clarifying respective responsibilities of the Division of Fisheries of the Game and Fresh Water Fish Commission and the Department of Agriculture and Consumer Services with respect to freshwater organisms, aquaculture products, and regulation of holders of aquaculture certificates of registration; deleting authority of the commission to require a tag and fee for cultured game fish sold; amending s. 597.0015, F.S.; revising a definition; amending s. 597.004, F.S.; revising provisions relating to aquaculture certificates of registration and sale of aquaculture products; amending s. 597.0041, F.S., relating to prohibited acts and penalties; creating s. 597.0045, F.S.; providing a program of rewards for information regarding illegal possession or harvest of cultured shellfish; providing for rules; providing for funding; providing severability of provisions or applications of this act; providing an effective date.

—was read the second time by title.

The Committee on Water & Resource Management offered the following:

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (4) of section 370.027, Florida Statutes, 1998 Supplement, is amended to read:

370.027 Rulemaking authority with respect to marine life.—

(4) Marine aquaculture producers shall be regulated by the Department of Agriculture and Consumer Services. *The Fish and Wildlife Conservation Commission shall adopt rules, by March 1, 2000, to regulate the sale of farmed red drum and spotted sea trout. These rules shall specifically provide for the protection of the wild resource, without restricting a certified aquaculture producer pursuant to s. 597.004 from being able to sell farmed fish. To that extent, these rules must only require that farmed fish be kept separate from wild fish and be fed commercial feed, that farmed fish be placed in sealed containers, that these sealed containers must have the name, address, telephone number and aquaculture certificate number, issued pursuant to s. 597.004, of the farmer clearly and indelibly placed on the container, and that this information must accompany the fish to the ultimate point of sale.* Marine aquaculture products produced by a marine aquaculture producer, certified pursuant to s. 597.004, are exempt from *Fish and Wildlife Conservation* ~~Marine Fisheries~~ Commission resource management rules, with the exception of such rules governing any fish of the genus Centropomus (snook)~~, the genus Sciaenops (red drum), or the genus Cynoscion (spotted sea trout). Marine Fisheries Commission rules relating to the aquacultural production of red drum and spotted sea trout must be developed and adopted by the commission no later than 1 year from October 1, 1996~~. *By July 1, 2000, the Fish and Wildlife Conservation Commission shall develop procedures to allow persons possessing a valid aquaculture certificate of registration to sell and transport live snook produced in private ponds or private hatcheries as brood stock, to stock private ponds, or for aquarium display consistent with the provisions of Rule 39-23.009, Florida Administrative Code.*

Section 2. Paragraphs (b) and (d) of subsection (4) of section 370.06, Florida Statutes, 1998 Supplement, are amended to read:

370.06 Licenses.—

(4) SPECIAL ACTIVITY LICENSES.—

(b) The *Fish and Wildlife Conservation Commission* ~~department~~ is authorized to issue special activity licenses in accordance with this section and s. 370.31, to permit the importation *and*~~,~~ possession~~, and aquaculture~~ of *wild* anadromous sturgeon. *The commission is also authorized to issue special activity licenses, in accordance with this section and s. 370.31, to permit the importation, possession, and aquaculture of native and nonnative anadromous sturgeon until best-management practices are implemented for the cultivation of anadromous sturgeon pursuant to s. 597.004.* The special activity license shall provide for specific management practices to prevent the release and escape of cultured anadromous sturgeon and to protect indigenous populations of saltwater species.

(d) The conditions and specific management practices established in this section *shall* ~~may~~ be incorporated into permits and authorizations issued pursuant to chapter 253, chapter 373, chapter 403, or this chapter, when incorporating such provisions is in accordance with the aquaculture permit consolidation procedures. No separate issuance of a special activity license is required when conditions and specific management practices are incorporated into permits or authorizations under this paragraph. Implementation of this section to consolidate permitting actions does not constitute rules within the meaning of s. 120.52.

Section 3. Subsection (2) of section 370.10, Florida Statutes, 1998 Supplement, is amended to read:

370.10 Crustacea, marine animals, fish; regulations; general provisions.—

(2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL, *AQUACULTURAL,* SCIENTIFIC, EDUCATION, AND EXHIBITION PURPOSES.—Notwithstanding any other provisions of general or special law to the contrary, the *Fish and Wildlife Conservation Commission* ~~department~~ may authorize, upon such terms, conditions, and restrictions as it may prescribe by rule, any properly accredited person to harvest or possess indigenous or nonindigenous saltwater species for experimental, scientific, education, and exhibition purposes *or to harvest or possess reasonable quantities of aquacultural species for brood stock. Such authorizations shall allow persons harvesting species for aquacultural purposes to use special gear*. Such authorizations may allow collection of specimens without regard to, and not limited to, size, seasonal closure, collection method, reproductive state, or bag limit. Authorizations issued under the provisions of this section may be suspended or revoked by the *Fish and Wildlife Conservation Commission* ~~department~~ if it finds that the person has violated this section, *Fish and Wildlife Conservation Commission* ~~department~~ rules or orders, or terms or conditions of the authorization or has submitted false or inaccurate information in his or her application.

Section 4. Present subsections (3) and (4) of section 370.1107, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and a new subsection (3) is added to that section to read:

370.1107 Definition; possession of certain licensed traps prohibited; penalties; exceptions; consent.—

(3) It is unlawful for any person, firm, corporation, or association to possess, attempt to possess, interfere with, attempt to interfere with, or remove live bait from a live bait trap or cage of another person, firm, corporation, or association. Unlawful possession of one or more live bait traps or cages is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Paragraphs (a) and (b) of subsection (1) of section 370.26, Florida Statutes, 1998 Supplement, are amended to read:

370.26 Aquaculture definitions; marine aquaculture products, producers, and facilities.—

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

(a) "Marine *aquaculture* ~~product~~ facility" means a facility built and operated for the purpose of producing marine *aquaculture* products. Marine *aquaculture* ~~product~~ facilities contain culture systems such as, but not limited to, ponds, tanks, raceways, cages, and bags used for commercial production, propagation, growout, or product enhancement of marine products. Marine *aquaculture* ~~product~~ facilities specifically do not include:

1. Facilities that maintain marine aquatic organisms exclusively for the purpose of shipping, distribution, marketing, or wholesale and retail sales;

2. Facilities that maintain marine aquatic organisms for noncommercial, education, exhibition, or scientific purposes;

3. Facilities in which the activity does not require an aquaculture certification pursuant to s. 597.004; or

4. Facilities used by marine aquarium hobbyists.

(b) "Marine aquaculture producer" means a person holding an aquaculture certificate pursuant to s. 597.004 to produce marine aquaculture products ~~for sale~~.

Section 6. Section 370.31, Florida Statutes, is amended to read:

370.31 Commercial production of sturgeon.—

(1) INTENT.—The Legislature finds and declares that there is a need to encourage the continuation and advancement of work being done on aquaculture sturgeon production in keeping with the state's legislative public policy regarding aquaculture provided in chapter 597. It also finds that it is in the state's economic interest to promote the commercial production and stock enhancement of sturgeon. It is therefore the intent of the Legislature to hereby create a Sturgeon Production Working Group.

(2) CREATION.—The Sturgeon Production Working Group is created within the Department of Environmental Protection and shall be composed of six members as follows:

(a) The head of the sturgeon research program or designee from the University of Florida, Institute of Food and Agricultural Sciences. Such member shall be appointed by the University of Florida's Vice President for Agricultural Affairs.

(b) One representative from the Department of Environmental Protection to be appointed by the Secretary of Environmental Protection.

(c) One representative from the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission to be appointed by the executive director of the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission.

(d) One representative from the Department of Agriculture and Consumer Services to be appointed by the Commissioner of Agriculture.

(e) Two representatives from the aquaculture industry to be appointed by the Aquaculture Review Council.

(3) MEETINGS; PROCEDURES; RECORDS.—The working group shall meet at least twice a year and elect, by a quorum, a chair, vice chair, and secretary. ~~However, the working group shall call its first meeting within 1 month after October 1, 1996.~~

(a) The chair of the working group shall preside at all meetings and shall call a meeting as often as necessary to carry out the provisions of this section. To call a meeting, the chair shall solicit an agreement to meet from at least two other working group members and then notify any remaining members of the meeting.

(b) The secretary shall keep a complete record of the proceedings of each meeting, which includes the names of the members present at each meeting and the actions taken. Such records shall be kept on file with the Department of Environmental Protection with copies filed with the Department of Fisheries and *Aquatic Sciences* ~~Aquatics~~ at the University of Florida. The records shall be public records pursuant to chapter 119.

(c) A quorum shall consist of one representative from the Department of Environmental Protection, one representative from the Institute of Food and Agricultural Sciences, and at least two other members.

(4) PURPOSE AND RESPONSIBILITIES.—The purpose of the Sturgeon Production Working Group is to *coordinate the implementation of* ~~establish~~ a state sturgeon *production management plan* ~~aquaculture program~~ to promote the commercial production and stock enhancement of sturgeon in Florida. In carrying out this purpose, the working group shall:

(a) Establish a state sturgeon *production management plan* ~~aquaculture program~~ to inform public or private interested parties of how to aquaculturally produce sturgeon for commercial purposes and for stock enhancement. The *sturgeon production management plan* ~~program~~ shall:

1. *Provide the regulatory policies for the commercial production of* ~~Determine how~~ sturgeon ~~can be produced commercially for its~~ meat and roe*, including a strategy for obtaining the required permits, licenses, authorizations, or certificates* ~~in the state~~.

2. Provide the management practices for culturing sturgeon and ensure that aquacultural development does not impede the recovery and conservation of wild sturgeon populations.

3. Establish priorities for research needed to support the commercial production of sturgeon and the recovery of native stocks in the state.

(b) Support management strategies to permit the commercial production of native and nonnative sturgeon, including the distribution of captive-bred Gulf sturgeon to approved certified aquaculture facilities.

(c) Support the development of a cooperative sturgeon conservation program to coordinate conservation, habitat, and resource management programs for native sturgeon, including an evaluation of how stock enhancement can facilitate the conservation and recovery of native sturgeon populations.

(d) Seek federal cooperation to implement the sturgeon production management plan, including federal designation of captive-bred sturgeon as distinct population segments to distinguish cultivated stocks from wild native populations.

(e) Develop enforcement guidelines to ensure continued protection of wild native sturgeon populations.

(f) In furtherance of the purposes and responsibilities of the Sturgeon Production Working Group, the state shall:

1. Establish a program to coordinate conservation and aquaculture activities for native sturgeon.

2. Develop a conservation plan for native sturgeon.

3. Initiate the process to petition for delisting captive-bred shortnose sturgeon.

4. Initiate the process to petition for delisting captive-bred Gulf sturgeon.

(g) Establish a sturgeon broodstock committee composed of fishery scientists, fish farmers, and agency representatives to manage the taking of wild sturgeon for brood fish and spawning.

(h) Establish the Cooperative Broodstock Development and Husbandry Board composed of fishery scientists, fish farmers, and agency representatives to establish standards and criteria for the management and maintenance of captive-reared sturgeon, to collect biological data, and to administer the Cooperative Broodstock Development and Husbandry Program.

~~2. Determine how sturgeon can be used for stock enhancement in areas designated by the Department of Environmental Protection in consultation with the Sturgeon Production Working Group.~~

~~(b) Seek federal help and cooperation in obtaining the appropriate permits to establish the state sturgeon aquaculture program.~~

~~(c) Prepare a state sturgeon production and stock enhancement plan to implement the state sturgeon aquaculture program. The plan shall include, but not be limited to, the following:~~

~~1. Research needed to support the commercial production of sturgeon for meat and roe and stock enhancement in the state.~~

~~2. Studies needed to determine the economic impact on the state and the best marketing strategies for producing sturgeon for its meat and roe.~~

~~3. Permits and other requirements currently needed to commercially produce sturgeon and enhance sturgeon stock in the state and a strategy for obtaining such permits or requirements.~~

~~4. The timetable for implementation and completion of the plan's components.~~

~~5. The implementation date for the state sturgeon aquaculture program.~~

~~(d) Prepare a report to be submitted within 1 year after October 1, 1996, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative ways and means, appropriations, and agriculture committees. This report shall include, but not be limited to:~~

~~1. The status of the state sturgeon aquaculture program.~~

~~2. The status of the state sturgeon production and stock enhancement plan.~~

~~3. Other Florida public or private agencies, if any, doing research on sturgeon production.~~

~~4. Any recommendations necessary to carry out the purpose of this section.~~

Section 7. Subsection (2) of section 372.0225, Florida Statutes, 1998 Supplement, is amended to read:

372.0225 Freshwater organisms.—

(2) The responsibility with which the Division of *Freshwater* Fisheries is charged under subsection (1) shall in no way supersede or duplicate the responsibilities of the Department of Agriculture and Consumer Services under chapter 500, the Florida Food Safety Act, *chapter 597, the Florida Aquaculture Policy Act,* and the rules adopted *thereunder* ~~under that chapter~~.

Section 8. Paragraph (g) of subsection (1) of section 372.65, Florida Statutes, 1998 Supplement, is amended to read:

372.65 Freshwater fish dealer's license.—

(1) No person shall engage in the business of taking for sale or selling any frogs or freshwater fish, including live bait, of any species or size, or importing any exotic or nonindigenous fish, until such person has obtained a license and paid the fee therefor as set forth herein. The license issued shall be in the possession of the person to whom issued while such person is engaging in the business of taking for sale or selling freshwater fish or frogs, is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be affixed to a license identification card issued by the commission. Such license is not valid unless it bears the name of the person to whom it is issued and is so affixed. The failure of such person to exhibit such license to the commission or any of its wildlife officers when such person is found engaging in such business is a violation of law. The license fees and activities permitted under particular licenses are as follows:

(g) Any individual or business issued an aquaculture certificate, pursuant to s. 597.004, shall be exempt *from the requirements of this chapter* with respect to aquaculture products authorized under such certificate. ~~The commission is authorized to require that cultured game fish sold be tagged and to assess a fee of not more than 5 cents for each tag, which shall be furnished by the commission.~~

Section 9. Subsection (2) of section 597.0015, Florida Statutes, is amended to read:

597.0015 Definitions.—For purposes of this chapter, the following terms shall have the following meanings:

(2) "Aquaculture producers" means those persons engaging in the production ~~and sale~~ of aquaculture products *and certified under s. 597.004*.

Section 10. Paragraphs (b), (c), (d), and (h) of subsection (2), subsection (4), paragraph (a) of subsection (5), and subsection (6) of section 597.004, Florida Statutes, 1998 Supplement, are amended to read:

597.004 Aquaculture certificate of registration.—

(2) NONSHELLFISH CERTIFICATION.—

(b) The department, in consultation with the Department of Environmental Protection, the water management districts, environmental groups, and representatives from the affected farming groups, shall adopt rules to:

1. Specify the requirement of best-management practices to be implemented by *holders of aquaculture certificates of registration* ~~property owners and leaseholders~~.

2. Establish procedures for *holders of aquaculture certificates of registration* ~~property owners and leaseholders~~ to submit the notice of intent to comply with best-management practices.

3. Establish schedules for implementation of best-management practices, and of interim measures that can be taken prior to adoption of best-management practices. *Interim measures may include the continuation of regulatory requirements in effect on June 30, 1998.*

4. Establish a system to assure the implementation of best-management practices, including recordkeeping requirements.

Rules adopted pursuant to this subsection shall become effective pursuant to the applicable provisions of chapter 120, but must be submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature. The rules shall be referred to the appropriate committees of substance and scheduled for review during the first available regular session following adoption. Except as otherwise provided by operation of law, such rules shall remain in effect until rejected or modified by act of the Legislature.

(c) Notwithstanding any provision of law, the Department of Environmental Protection is not authorized to institute proceedings against any person certified under this section to recover any costs or damages associated with contamination of groundwater or surface water, or the evaluation, assessment, or remediation of contamination of groundwater or surface water, including sampling, analysis, and restoration of potable water supplies, where the contamination of groundwater or surface water is determined to be the result of aquaculture practices, provided the *holder of an aquaculture certificate of registration* ~~property owner or leaseholder~~:

1. Provides the department with a notice of intent to implement applicable best-management practices adopted by the department;

2. Implements applicable best-management practices as soon as practicable according to rules adopted by the department; and

3. Implements practicable interim measures identified and adopted by the department which can be implemented immediately, or according to rules adopted by the department.

(d) There is a presumption of compliance with state groundwater and surface water standards if the *holder of an aquaculture certificate of registration* ~~property owner or leaseholder~~ implements best-management practices that have been verified by the Department of Environmental Protection to be effective at representative sites and complies with the following:

1. Provides the department with a notice of intent to implement applicable best-management practices adopted by the department;

2. Implements applicable best-management practices as soon as practicable according to rules adopted by the department; and

3. Implements practicable interim measures identified and adopted by the department which can be implemented immediately, or according to rules adopted by the department.

(h) Any alligator producer with an alligator farming license and permit to establish and operate an alligator farm shall be issued an aquaculture certificate of registration pursuant to subsection (1) above. *This chapter does not supersede the authority under chapter 372, chapter 373, or chapter 403 to regulate alligator farms and alligator farmers.*

(4) IDENTIFICATION OF AQUACULTURE PRODUCTS.— Aquaculture products shall be identified while possessed, processed, transported, or sold as provided in this subsection, except those subject to the ~~requirements of chapter 372 and the~~ rules of the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission as they relate to alligators only.

(a) Aquaculture products shall be identified by an aquaculture certificate of registration number from harvest to point of sale. Any person who possesses aquaculture products must show, by appropriate receipt, bill of sale, bill of lading, or other such manifest where the product originated.

(b) Marine aquaculture products shall be transported in containers that separate such product from wild stocks, and shall be identified by tags or labels that are securely attached and clearly displayed.

(c) Each aquaculture registrant who sells food products labeled as "aquaculture or farm raised" must have such products containerized and clearly labeled in accordance with s. 500.11. Label information must include the name, address, and aquaculture certification number. This requirement is designed to segregate the identity of wild and aquaculture products.

(5) SALE OF AQUACULTURE PRODUCTS.—

(a) Aquaculture products, except shellfish, *snook, and any fish of the genus Micropterus, and prohibited and restricted freshwater and marine species identified by* ~~snook, spotted sea trout, red drum, and freshwater aquatic species identified in chapter 372 and~~ rules of the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission, may be sold *by an aquaculture producer certified pursuant to s. 597.004* without restriction so long as product origin can be identified.

(6) REGISTRATION AND RENEWALS.—

(a) Each aquaculture producer must apply for an aquaculture certificate of registration with the department and submit the appropriate fee. Upon department approval, the department shall issue the applicant an aquaculture certificate of registration for a period *not to exceed* ~~of~~ 1 year. Beginning July 1, 1997, and each year thereafter, each aquaculture certificate of registration must be renewed with fee, pursuant to this chapter, on July 1.

(b) The department shall send notices of registration to all aquaculture producers of record requiring them to register for an aquaculture certificate. Renewal notices shall be sent to the registrant 60 days preceding the termination date of the certificate of registration. Prior to the termination date, the registrant must return a completed renewal form with fee, pursuant to this chapter, to the department.

(c) Any person whose certificate of registration has been revoked or suspended must reapply to the department for certification.

Section 11. Subsection (3) of section 597.0041, Florida Statutes, is amended to read:

597.0041 Prohibited acts; penalties.—

(3) Any person certified under this chapter who has been convicted of taking aquaculture species raised at a certified facility shall have his or her *certificate* ~~license~~ revoked for 5 years by the Department of Agriculture and Consumer Services pursuant to the provisions and procedures of s. 120.60.

Section 12. Section 597.0045, Florida Statutes, is created to read:

597.0045 Cultured shellfish theft reward program.—There is created a cultured shellfish theft reward program, to be administered by the department, for the purpose of granting rewards to persons who provide information leading to the arrest and conviction of individuals illegally possessing, harvesting, or attempting to harvest cultured shellfish.

(1) Each person who provides information leading to the arrest and conviction of an individual or individuals for illegally possessing, harvesting, or attempting to harvest cultured shellfish and for whom the respective state attorney notifies the department of such assistance, in writing, shall be eligible for a reward of up to $2,500; except that law enforcement officers and department personnel, and members of their immediate families, shall not be eligible for rewards under the program. The department shall, by rule, establish a graduated reward payout schedule.

(2) The General Inspection Trust Fund of the department may be used for the cultured shellfish theft reward program, for deposit of general revenue funds and donations received from interested individuals, and for granting rewards to persons who provide information leading to the arrest and conviction of persons illegally possessing, harvesting, or attempting to harvest cultured shellfish. The granting of rewards shall be subject to legislative appropriations to fund the program.

(3) The department may promote the cultured shellfish theft reward program to provide for public recognition of the rewards and to improve compliance with laws prohibiting illegal possession and harvesting of cultured shellfish.

Section 13. *If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 14. *Notwithstanding any other legislation passed and either signed by the Governor or allowed to become law without signature to the contrary, the Legislature intends that this bill be its full and total intent, regardless of when it is presented to the Secretary of State.*

Section 15. This act shall take effect July 1, 1999.

And the title is amended as follows:

On page 1, line 2, through page 2, line 7,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to aquaculture; amending s. 370.027, F.S.; providing that marine aquaculture products are exempt from Fish and Wildlife Conservation Commission resource management rules, except for snook; amending s. 370.06, F.S.; authorizing the Fish and Wildlife Conservation Commission to issue special activity permits for importation and possession of sturgeon; requiring that specific management practices be incorporated into special activity licenses; amending s. 370.10, F.S.; authorizing the taking of saltwater species for aquacultural purposes; amending s. 370.1107, F.S.; making it unlawful to interfere with live bait traps; amending s. 370.26, F.S.; redefining the terms "marine product facility" and "marine aquaculture producer"; amending s. 370.31, F.S.; providing responsibilities for the Sturgeon Production Working Group; amending s. 372.0025, F.S.; providing for regulatory responsibilities over the Florida Aquaculture Policy Act; amending s. 372.65, F.S.; providing for an exemption; amending s. 597.0015, F.S.; redefining the term "aquaculture producers"; amending s. 597.004, F.S.; providing for restrictions on aquaculture certificates; amending s. 597.0041, F.S.; providing for the revocation of certificates; creating s. 597.0045, F.S.; providing a cultured shellfish theft reward program; providing for administration; providing a severability clause; providing an effective date.

Rep. Bronson moved the adoption of the amendment.

The Committee on General Government Appropriations offered the following:

Amendment 1 to Amendment 1 (with title amendment)—On page 11 of the amendment, between lines 27 and 28,

insert:

Section 9. Subsection (3) of section 581.145, Florida Statutes, is amended to read:

581.145 Aquatic plant nursery registration; special permit requirements.—

(3) Notwithstanding any other provision of state or federal law, the Department of Agriculture and Consumer Services shall issue, by request, a permit to the aquaculture producer to engage in the business of exporting water hyacinths (Eichhornia spp.) only to *countries other than the United States* ~~Canada~~ and only when such water hyacinths are cultivated in a nursery for the sole purpose of exportation and the aquaculture activity has been certified by the Department of Agriculture and Consumer Services. In accordance with any appropriate federal law or United States treaty, no Florida aquaculture producer shall ship water hyacinths to *countries other than the United States*~~Canada~~ under such a permit for the purpose of importing water hyacinths back into the United States, nor shall drop shipments be made to any other destination within the United States. This provision shall in no way restrict or interfere with the Department of Environmental Protection's efforts, or those of any other agency or local government with responsibilities for the management of noxious aquatic plants, to control or eradicate noxious nonnursery aquatic plants, including water hyacinths. This provision shall not be a consideration in the approval or the release of biological control agents for water hyacinths or any other noxious aquatic plants.

And the title is amended as follows:

On page 18 of the amendment, line 29 after the semicolon,

insert: amending s. 581.145(3), F.S.; allowing water hyacinths to be sold outside the United states;

Rep. Bronson moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Bronson offered the following:

Amendment 2 to Amendment 1—On page 4, lines 5-7,
remove from the amendment: all of said lines

and insert in lieu thereof: *species for brood stock*. Such authorizations may allow collection of

Rep. Bronson moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Bronson, the rules were suspended and CS/HB 1143, as amended, was read the third time by title. On passage, the vote was:

Yeas—111

The Chair	Brown	Effman	Hart
Albright	Brummer	Farkas	Healey
Alexander	Bush	Fasano	Henriquez
Andrews	Byrd	Feeney	Heyman
Argenziano	Cantens	Fiorentino	Hill
Arnall	Casey	Flanagan	Johnson
Bainter	Chestnut	Frankel	Jones
Ball	Constantine	Fuller	Kelly
Barreiro	Cosgrove	Futch	Kilmer
Bense	Crady	Garcia	Kosmas
Betancourt	Crist	Gay	Kyle
Bilirakis	Crow	Goodlette	Lacasa
Bitner	Dennis	Gottlieb	Lawson
Bloom	Detert	Green, C.	Levine
Boyd	Diaz de la Portilla	Greenstein	Littlefield
Bradley	Dockery	Hafner	Lynn
Bronson	Edwards	Harrington	Maygarden
Merchant	Pruitt	Smith, C.	Tullis
Miller, J.	Putnam	Smith, K.	Turnbull
Miller, L.	Rayson	Sobel	Valdes
Minton	Reddick	Sorensen	Villalobos
Morroni	Ritter	Spratt	Wallace
Murman	Roberts	Stafford	Warner
Ogles	Rojas	Stansel	Waters
Patterson	Russell	Starks	Wiles
Peaden	Ryan	Suarez	Wilson
Posey	Sanderson	Sublette	Wise
Prieguez	Sembler	Trovillion	

Nays—None

Votes after roll call:
Yeas—Goode

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 885—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; requiring that a judge of compensation claims who is a member of the Florida Retirement System participate in the Senior Management Service Class unless such judge elects to participate in the Senior Management Service Optional Annuity Program; providing an effective date.

—was read the second time by title.

On motion by Rep. Lynn, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Lynn offered the following:

Amendment 1 (with title amendment)—On page 1, line 12,

insert:

Section 1. Paragraph (b) of subsection (1) of section 121.055, Florida Statutes, 1998 Supplement, is 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 policymaking 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 3, after the semicolon

insert: amending s. 121.055, F.S.; revising provisions with respect to the Senior Management Service Class to permit certain local government senior managers to withdraw from the Florida Retirement System altogether; providing for matters relative thereto;

Rep. Lynn moved the adoption of the amendment, which was adopted.

On motion by Rep. Boyd, the rules were suspended and HB 885, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Dennis	Johnson	Ritter
Albright	Detert	Jones	Roberts
Alexander	Diaz de la Portilla	Kelly	Rojas
Andrews	Dockery	Kilmer	Russell
Argenziano	Edwards	Kosmas	Ryan
Arnall	Effman	Kyle	Sanderson
Bainter	Farkas	Lacasa	Sembler
Ball	Fasano	Lawson	Smith, C.
Barreiro	Feeney	Levine	Smith, K.
Bense	Fiorentino	Littlefield	Sobel
Betancourt	Flanagan	Lynn	Sorensen
Bilirakis	Frankel	Maygarden	Spratt
Bitner	Fuller	Melvin	Stafford
Bloom	Futch	Merchant	Stansel
Boyd	Garcia	Miller, J.	Starks
Bradley	Gay	Miller, L.	Suarez
Bronson	Goode	Minton	Sublette
Brown	Goodlette	Morroni	Trovillion
Brummer	Gottlieb	Murman	Tullis
Bush	Green, C.	Ogles	Turnbull
Byrd	Greene, A.	Patterson	Valdes
Cantens	Greenstein	Peaden	Villalobos
Casey	Hafner	Posey	Wallace
Chestnut	Harrington	Prieguez	Warner
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 365—A bill to be entitled An act relating to public school curricula; amending s. 233.061, F.S.; including a secular character-development program in required public school instruction in the elementary schools; amending s. 233.0612, F.S.; including ethics in authorized public school instruction; deleting a provision encouraging school boards to institute such programs; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

Amendment 1—On page 1, lines 23-24
remove from the bill: all of said lines

and insert in lieu thereof:
(q) A character-development program in the elementary schools, similar to Character Counts. Such a program

Rep. Stafford moved the adoption of the amendment.

On motion by Rep. Lawson, under Rule 142(h), the following late-filed amendment to the amendment was considered.

Representative(s) Lawson offered the following:

Amendment 1 to Amendment 1—On page 1, line 19,

after the word *to* insert: *Character First or*

Rep. Lawson moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Stafford, the rules were suspended and CS/HB 365, as amended, was read the third time by title. On passage, the vote was:

Yeas—109

The Chair	Dennis	Jones	Ritter
Albright	Detert	Kelly	Roberts
Andrews	Diaz de la Portilla	Kilmer	Rojas
Argenziano	Dockery	Kosmas	Russell
Arnall	Edwards	Kyle	Sanderson
Bainter	Farkas	Lacasa	Sembler
Ball	Fasano	Lawson	Smith, K.
Barreiro	Feeney	Levine	Sorensen
Bense	Fiorentino	Littlefield	Spratt
Betancourt	Flanagan	Logan	Stafford
Bilirakis	Frankel	Lynn	Stansel
Bitner	Fuller	Maygarden	Starks
Bloom	Futch	Melvin	Suarez
Boyd	Garcia	Merchant	Sublette
Bradley	Gay	Miller, J.	Trovillion
Bronson	Goode	Miller, L.	Tullis
Brown	Goodlette	Minton	Turnbull
Brummer	Gottlieb	Morroni	Valdes
Bush	Green, C.	Murman	Villalobos
Byrd	Greene, A.	Ogles	Wallace
Cantens	Greenstein	Patterson	Warner
Casey	Hafner	Peaden	Waters
Chestnut	Harrington	Posey	Wiles
Constantine	Hart	Prieguez	Wilson
Cosgrove	Healey	Pruitt	Wise
Crady	Heyman	Putnam	
Crist	Hill	Rayson	
Crow	Johnson	Reddick	

Nays—2

Alexander	Ritchie

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 765—A bill to be entitled An act relating to postsecondary education; providing legislative findings and intent; creating the site-determined baccalaureate degree access program; authorizing funding; providing for participation by community colleges and 4-year

postsecondary institutions; specifying duties of the Postsecondary Education Planning Commission; specifying funding levels; requiring program reviews and evaluation; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

Amendment 1 (with title amendment)—On page 2, line 5, of the bill

after the period insert:
Funds are to support initial, nonrecurring startup costs associated with the proposed baccalaureate degree program. Funds may not be used to support the construction, renovation, or remodeling of facilities.

And the title is amended as follows:

On page 1, line 5,

after the second semicolon insert: providing requirements for the use of such funds;

Rep. Lynn moved the adoption of the amendment.

Further consideration of **HB 765**, with pending amendment, was temporarily postponed under Rule 141.

On motion by Rep. Feeney, the rules were suspended and the House moved to the order of—

Unfinished Business

HB 1437—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; providing an additional method of selecting voting membership in an M.P.O. under certain circumstances; providing an effective date.

—was taken up, having been reconsidered on April 21, now pending roll call.

The question recurred on the passage of HB 1437.

On motion by Rep. Sobel, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Sobel offered the following:

Amendment 2—On page 3, lines 18-27,
remove from the bill: all of said lines

and insert in lieu thereof:

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a 3/4 vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

Rep. Sobel moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 1437. The vote was:

Yeas—115

The Chair	Alexander	Argenziano	Bainter
Albright	Andrews	Arnall	Ball
Barreiro	Fasano	Kyle	Rojas
Bense	Feeney	Lacasa	Russell
Betancourt	Fiorentino	Lawson	Ryan
Bilirakis	Flanagan	Levine	Sanderson
Bitner	Frankel	Littlefield	Sembler
Bloom	Fuller	Logan	Smith, C.
Boyd	Futch	Lynn	Smith, K.
Bradley	Garcia	Maygarden	Sobel
Bronson	Gay	Melvin	Sorensen
Brown	Goode	Merchant	Spratt
Brummer	Goodlette	Miller, J.	Stafford
Bush	Gottlieb	Miller, L.	Stansel
Byrd	Green, C.	Minton	Starks
Cantens	Greene, A.	Morroni	Suarez
Casey	Greenstein	Murman	Sublette
Chestnut	Hafner	Ogles	Trovillion
Constantine	Harrington	Patterson	Tullis
Cosgrove	Hart	Peaden	Turnbull
Crady	Healey	Posey	Valdes
Crist	Henriquez	Prieguez	Villalobos
Crow	Heyman	Pruitt	Wallace
Dennis	Hill	Putnam	Warner
Detert	Johnson	Rayson	Waters
Dockery	Jones	Reddick	Wiles
Edwards	Kelly	Ritchie	Wilson
Effman	Kilmer	Ritter	Wise
Farkas	Kosmas	Roberts	

Nays—1

Diaz de la Portilla

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Continuation of Special Orders

HB 2239—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to develop a certified match program for Healthy Start services under certain circumstances; amending s. 409.910, F.S.; providing for use of Medicare standard billing formats for certain data exchange purposes; creating s. 409.9101, F.S.; providing a short title; providing legislative intent relating to Medicaid estate recovery; requiring certain notice of administration of the estate of a deceased Medicaid recipient; providing that receipt of Medicaid benefits creates a claim and interest by the agency against an estate; specifying the right of the agency to amend the amount of its claim based on medical claims submitted by providers subsequent to the agency's initial claim calculation; providing the basis of calculation of the amount of the agency's claim; specifying a claim's class standing; providing circumstances for nonenforcement of claims; providing criteria for use in considering hardship requests; providing for recovery when estate assets result from a claim against a third party; providing for estate recovery in instances involving real property; providing agency rulemaking authority; amending s. 409.912, F.S.; eliminating requirement that a Medicaid provider service network demonstration project be located in Orange County; amending s. 409.913, F.S.; revising provisions relating to the agency's authority to withhold Medicaid payments pending completion of certain legal proceedings; providing for disbursement of withheld Medicaid provider payments; creating s. 409.9131, F.S.; providing legislative findings and intent relating to integrity of the Medicaid program; providing definitions; authorizing onsite reviews of physician records by the agency; requiring notice for such reviews; requiring notice of due process rights in certain circumstances; specifying procedures for determinations of overpayment; requiring a study of certain statistical models used by the agency; requiring a report; amending ss. 641.261 and 641.411, F.S.; conforming references and cross references; amending s. 733.212, F.S.; establishing the agency as a reasonably ascertainable creditor with respect to administration of certain estates; providing an effective date.

—was read the second time by title. On motion by Rep. Peaden, the rules were suspended and the bill was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Dennis	Kelly	Roberts
Albright	Detert	Kilmer	Rojas
Alexander	Diaz de la Portilla	Kosmas	Russell
Andrews	Dockery	Kyle	Ryan
Argenziano	Edwards	Lacasa	Sanderson
Arnall	Effman	Lawson	Sembler
Bainter	Farkas	Levine	Smith, C.
Ball	Fasano	Littlefield	Smith, K.
Barreiro	Feeney	Logan	Sobel
Bense	Fiorentino	Lynn	Sorensen
Betancourt	Flanagan	Maygarden	Spratt
Bilirakis	Frankel	Melvin	Stafford
Bitner	Fuller	Merchant	Stansel
Bloom	Futch	Miller, J.	Starks
Boyd	Garcia	Miller, L.	Suarez
Bradley	Gay	Minton	Sublette
Bronson	Goode	Morroni	Trovillion
Brown	Goodlette	Murman	Tullis
Brummer	Gottlieb	Ogles	Turnbull
Bush	Green, C.	Patterson	Valdes
Byrd	Greene, A.	Peaden	Villalobos
Cantens	Hafner	Posey	Wallace
Casey	Harrington	Prieguez	Warner
Chestnut	Hart	Pruitt	Waters
Constantine	Healey	Putnam	Wiles
Cosgrove	Heyman	Rayson	Wilson
Crady	Hill	Reddick	Wise
Crist	Johnson	Ritchie	
Crow	Jones	Ritter	

Nays—None

Votes after roll call:
Yeas—Greenstein, Henriquez

So the bill passed and was immediately certified to the Senate.

HB 2171—A bill to be entitled An act relating to condominium associations; amending s. 718.102, F.S.; providing an additional purpose of ch. 718, F.S.; amending s. 718.103, F.S.; revising definitions; providing an additional definition; amending s. 718.104, F.S.; providing additional requirements for a declaration of condominium; providing for determining the percentage share of liability for common expenses and ownership; amending s. 718.106, F.S.; providing for the right to assign exclusive use; providing for the right to seek election; amending s. 718.110, F.S.; clarifying requirements for amending and recording the declaration of condominium; providing for determining the percentage share of liability for common expenses and ownership for purposes of condominiums comprising a multicondominium development; amending s. 718.111, F.S.; providing additional mailing requirements and additional penalties for denying access to certain records; clarifying an attorney-client privilege; revising requirements for financial reports; requiring the disclosure of reserves; revising requirements for financial statements; requiring the disclosure of revenues and common expenses; revising certain limitations on the commingling of funds maintained in the name of a condominium association or multicondominium; amending s. 718.112, F.S.; revising requirements for budget meetings; providing conditions under which a multicondominium association may waive or reduce its funding of reserves; amending s. 718.113, F.S.; providing certain limitations on making material alterations or additions to multicondominiums; providing a procedure for approving an alteration or addition if not provided for in the bylaws; revising requirements for condominium boards with respect to installing and maintaining hurricane shutters; specifying expenses that constitute common expenses of a multicondominium association; providing for an association's bylaws to allow certain educational expenses of the officers or directors to be a permitted common expense; amending s. 718.115, F.S.; providing for determining the common surplus owned by a unit owner of a multicondominium; amending s. 718.116, F.S.; revising circumstances under which a developer may be excused from paying certain common expenses and assessments; providing for the developer's obligation for such expenses with respect to a multicondominium association; amending s. 718.117, F.S.; providing that certain requirements governing the termination of a condominium are inapplicable to the merger of a condominium with one or more other condominiums; creating s. 718.405, F.S.; providing for the creation of multicondominiums; providing requirements for the declaration of condominium; providing for the merger or consolidation of condominium associations; amending s. 718.5019, F.S.; providing for a member's continued service until a replacement has been appointed; amending s. 718.504, F.S.; providing requirements for the prospectus or offering circular for a condominium that is or may become part of a multicondominium; amending s. 624.462, F.S., relating to self-insurance funds; conforming a cross-reference to changes made by the act; requiring the Department of Business and Professional Regulation to prepare proposed legislation addressing master condominium associations; providing criteria; providing an effective date.

—was read the second time by title. On motion by Rep. Goodlette, the rules were suspended and the bill was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Dennis	Kelly	Rojas
Albright	Detert	Kilmer	Russell
Alexander	Diaz de la Portilla	Kosmas	Ryan
Andrews	Dockery	Kyle	Sanderson
Argenziano	Edwards	Lacasa	Sembler
Arnall	Farkas	Lawson	Smith, C.
Bainter	Fasano	Levine	Smith, K.
Ball	Feeney	Littlefield	Sobel
Barreiro	Fiorentino	Logan	Sorensen
Bense	Flanagan	Lynn	Spratt
Betancourt	Frankel	Melvin	Stafford
Bilirakis	Fuller	Merchant	Stansel
Bitner	Futch	Miller, J.	Starks
Bloom	Garcia	Miller, L.	Suarez
Boyd	Gay	Minton	Sublette
Bradley	Goode	Morroni	Trovillion
Bronson	Goodlette	Murman	Tullis
Brown	Gottlieb	Ogles	Turnbull
Brummer	Green, C.	Patterson	Valdes
Bush	Greene, A.	Peaden	Villalobos
Byrd	Greenstein	Posey	Wallace
Cantens	Hafner	Prieguez	Warner
Casey	Harrington	Pruitt	Waters
Chestnut	Hart	Putnam	Wiles
Constantine	Healey	Rayson	Wilson
Cosgrove	Heyman	Reddick	Wise
Crady	Hill	Ritchie	
Crist	Johnson	Ritter	
Crow	Jones	Roberts	

Nays—None

Votes after roll call:
Yeas—Henriquez
Yeas to Nays—Detert

So the bill passed and was immediately certified to the Senate.

HB 1735—A bill to be entitled An act relating to the designation of facilities; designating the baseball field at Florida Agricultural and Mechanical University as the "Oscar A. Moore - Costa Kittles Baseball Field"; designating the tennis courts at Florida Agricultural and Mechanical University as the "Althea Gibson Tennis Courts"; designating Building #2 at Florida Gulf Coast University as "Charles B. Reed Hall"; designating Building #5 at Florida Gulf Coast University as "Roy E. McTarnaghan Hall"; designating the Seminole Golf Course at

Florida State University as the "Don A. Veller Seminole Golf Course"; designating Building 76 at Florida State University as "William A. Tanner Hall"; designating Building 1012 on the Panama City Campus of Florida State University as the "Larson M. Bland Conference Center"; designating the Administration Building at the University of Central Florida as "Millican Hall"; designating the Humanities and Fine Arts Building at the University of Central Florida as "Colburn Hall"; designating the Cancer Center at the University of Florida as the "Jerry W. and Judith S. Davis Cancer Center"; designating the University Athletic Center at the University of Florida as the "L. Gale Lemerand Athletics Center"; designating the tennis facility at the University of Florida as the "Alfred A. Ring Tennis Complex"; designating the Golf Management and Learning Center at the University of North Florida as the "John and Geraldine Hayt Golf Management & Learning Center"; authorizing the respective universities to erect suitable markers; providing an effective date.

—was read the second time by title.

The Committee on Rules & Calendar offered the following:

Technical Amendment 1—On page 1, line 24,
remove from the bill: Colburn

and insert in lieu thereof: Colbourn
on page 3, lines 28 and 29,
remove from the bill: *Colburn*

and insert in lieu thereof: *Colbourn*
On page 3, line 6,
remove from the bill: *if*

and insert in lieu thereof: *is*

Rep. Casey moved the adoption of the amendment, which was adopted.

Representative(s) Pruitt offered the following:

Amendment 2 (with title amendment)—On page 4, between lines 19 and 20

insert:

Section 14. *The new Florida Atlantic University Educational Wing at St. Lucie West shall be known as the I.A. "Mac" Mascioli Educational Building.*

And the title is amended as follows:

On page 2, line 4, after the semicolon

insert: designating the new Florida Atlantic University Educational Wing at St. Lucie West as the "I.A. "Mac" Mascioli Education Building";

Rep. Pruitt moved the adoption of the amendment, which was adopted.

Representative(s) Sanderson and Casey offered the following:

Amendment 3 (with title amendment)—On page 4, between lines 22 & 23 of the bill

insert:

Section 15. *The State Veterans' Home in Pembroke Pines is hereby designated as the "Alexander 'Sandy' Nininger, Jr., State Veteran's Nursing Home." The Department of Veteran's Affairs is directed to erect a suitable marker bearing this designation.*

And the title is amended as follows:

On page 2, line 5,

after the semicolon insert: designating the State Veterans' Home in Pembroke Pines as the "Alexander 'Sandy' Nininger, Jr., State Veterans' Nursing Home"; directing the erection of a suitable marker;

Rep. Sanderson moved the adoption of the amendment, which was adopted.

On motion by Rep. Casey, the rules were suspended and HB 1735, as amended, was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Dennis	Jones	Roberts
Albright	Detert	Kelly	Rojas
Alexander	Diaz de la Portilla	Kilmer	Russell
Andrews	Dockery	Kosmas	Ryan
Argenziano	Edwards	Kyle	Sanderson
Arnall	Effman	Lacasa	Sembler
Bainter	Farkas	Lawson	Smith, C.
Ball	Fasano	Levine	Smith, K.
Barreiro	Feeney	Littlefield	Sobel
Bense	Fiorentino	Logan	Sorensen
Betancourt	Flanagan	Lynn	Spratt
Bilirakis	Frankel	Maygarden	Stafford
Bitner	Fuller	Melvin	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morroni	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Waters
Constantine	Hart	Putnam	Wiles
Cosgrove	Healey	Rayson	Wilson
Crady	Heyman	Reddick	Wise
Crist	Hill	Ritchie	
Crow	Johnson	Ritter	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 903—A bill to be entitled An act relating to the Employee Health Care Access Act; amending s. 627.6699, F.S.; revising and updating provisions requiring small employer carriers to offer and issue certain health benefit plans; providing additional restrictions on premium rates for certain health benefit plans; providing an effective date.

—was read the second time by title.

Representative(s) Albright and Bainter offered the following:

Amendment 1 (with title amendment)—On page 1, line 13, through page 4, line 8,
remove from the bill: all of said lines,

and insert in lieu thereof:

Section 1. Paragraph (n) of subsection (3), paragraph (c) of subsection (5) and paragraphs (b) and (d) of subsection (6) of section 627.6699, Florida Statutes, 1998 Supplement, are amended to read:

627.6699 Employee Health Care Access Act.—

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

(n) "Modified community rating" means a method used to develop carrier premiums which spreads financial risk across a large population and allows adjustments for age, gender, family composition, tobacco usage, ~~and~~ geographic area as determined under paragraph *(5)(j), claims experience, health status, or duration of coverage as permitted under subparagraph (6)(b)5. and administrative and acquisition expenses as permitted under subparagraph (6)(b)6* ~~(5)(k)~~.

(5) AVAILABILITY OF COVERAGE.—

(c) Every small employer carrier must, as a condition of transacting business in this state:

1. Beginning *July* ~~January~~ 1, *1999* ~~1994~~, offer and issue all small employer health benefit plans on a guaranteed-issue basis to every eligible small employer, with *2* ~~3~~ to 50 eligible employees, that elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. A rider for additional or increased benefits may be medically underwritten and may only be added to the standard health benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section.

2. Beginning *August 1, 1999* ~~April 15, 1994~~, offer and issue basic and standard small employer health benefit plans on a guaranteed-issue basis, *during a 31-day open enrollment period of August 1 through August 31 of each year,* to every eligible small employer, with *less than* ~~one or~~ two eligible employees, *which small employer is not formed primarily for the purposes of buying health insurance,* which elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. *Coverage provided pursuant to this subparagraph shall begin on October 1 of the same year as the date of enrollment, unless the small employer carrier and the small employer mutually agree to a different date.* A rider for additional or increased benefits may be medically underwritten and may only be added to the standard health benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section. *For purposes of this subparagraph, a person, his or her spouse, and his or her dependent children shall constitute a single eligible employee if such person and spouse are employed by the same small employer.*

~~3. Offer to eligible small employers the standard and basic health benefit plans.~~

This *paragraph* ~~subparagraph~~ does not limit a carrier's ability to offer other health benefit plans to small employers if the standard and basic health benefit plans are offered and rejected.

(6) RESTRICTIONS RELATING TO PREMIUM RATES.—

(b) For all small employer health benefit plans that are subject to this section and are issued by small employer carriers on or after January 1, 1994, premium rates for health benefit plans subject to this section are subject to the following:

1. Small employer carriers must use a modified community rating methodology in which the premium for each small employer must be determined solely on the basis of the eligible employee's and eligible dependent's gender, age, family composition, tobacco use, or geographic area as determined under paragraph *(5)(j) and in which the premium may be adjusted as permittted by subparagraphs 6. and 7* ~~(5)(k)~~.

2. Rating factors related to age, gender, family composition, tobacco use, or geographic location may be developed by each carrier to reflect the carrier's experience. The factors used by carriers are subject to department review and approval.

3. Small employer carriers may not modify the rate for a small employer for 12 months from the initial issue date or renewal date, unless the composition of the group changes or benefits are changed.

4. Carriers participating in the alliance program, in accordance with ss. 408.700-408.707, may apply a different community rate to business written in that program.

5. Any adjustments in rates for claims experience, health status, and duration of coverage may not be charged to individual employees or dependents. For a small employer's policy, such adjustments may not result in a rate for the small employer which deviates more than 15 percent from the carrier's approved rate. Any such adjustment must be applied uniformly to the rates charged for all employees and dependents of the small employer. A small employer carrier may make an adjustment to a small employer's renewal premium, not to exceed 10 percent annually, due to the claims experience, health status, or duration of coverage of the employees or dependents of the small employer. A small employer carrier may not make an adjustment which exceeds 5 percent to a small employer's renewal premium due to health status. Semiannually, small group carriers shall report information on forms adopted by rules by the department to enable the department to monitor the relationship of aggregate adjusted premiums actually charged policyholders by each carrier to the premiums that would have been charged by application of the carrier's approved modified community rates. If the aggregate premium resulting from the application of such adjustment exceeds the premium that would have been charged by application of the approved modified community rate by 5 percent for the current reporting period, the carrier shall limit the application of such adjustments to only minus adjustments beginning not more than 60 days after the report is sent to the department. For any subsequent reporting period, if the total aggregate adjusted premium actually charged does not exceed by 5 percent the premium that would have been charged by application of the approved modified community rate, the carrier may apply both plus and minus adjustments.

6. A small employer carrier may provide a credit to a small employer's premium based on administrative and acquisition expense differences resulting from the size of the group. Group size administrative and acquisition expense factors may be developed by each carrier to reflect the carrier's experience and are subject to department review and approval.

7. A small employer carrier rating methodology may include separate rating categories for one dependent child, for two dependent children, and three or more dependent children for family coverage of employees having a spouse and dependent children or employees having dependent children only. A small employer carrier may have fewer, but not greater, numbers of categories for dependent children than those specified in this subparagraph.

8. Small employer carriers may not use a composite rating methodology to rate a small employer with fewer than 10 employees. For the purposes of this subparagraph a "composite rating methodology" means a rating methodology that averages the impact of the rating factors for age and gender in the premiums charged to all of the employees of a small employer.

(d) Notwithstanding s. 627.401(2), this section and ss. 627.410 and 627.411 apply to any health benefit plan provided by a small employer carrier *that is an insurer, and this section and s. 641.31 apply to any health benefit provided by a small employer carrier that is a health maintenance organization,* that provides coverage to one or more employees of a small employer regardless of where the policy, certificate, or contract is issued or delivered, if the health benefit plan covers employees or their covered dependents who are residents of this state.

And the title is amended as follows:

On page 1, line 4, before the word "revising",

insert: revising a definition;

Rep. Albright moved the adoption of the amendment, which was adopted.

On motion by Rep. Albright, the rules were suspended and CS/HB 903, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Betancourt	Byrd	Detert
Albright	Bilirakis	Cantens	Diaz de la Portilla
Alexander	Bitner	Casey	Dockery
Andrews	Bloom	Chestnut	Edwards
Argenziano	Boyd	Constantine	Effman
Arnall	Bradley	Cosgrove	Farkas
Bainter	Bronson	Crady	Fasano
Ball	Brown	Crist	Feeney
Barreiro	Brummer	Crow	Fiorentino
Bense	Bush	Dennis	Flanagan

Frankel	Jones	Ogles	Sobel
Fuller	Kelly	Patterson	Sorensen
Futch	Kilmer	Peaden	Spratt
Garcia	Kosmas	Posey	Stafford
Gay	Kyle	Prieguez	Stansel
Goode	Lacasa	Pruitt	Starks
Goodlette	Lawson	Putnam	Suarez
Gottlieb	Levine	Rayson	Sublette
Green, C.	Littlefield	Reddick	Trovillion
Greene, A.	Logan	Ritchie	Tullis
Greenstein	Lynn	Ritter	Turnbull
Hafner	Maygarden	Roberts	Valdes
Harrington	Melvin	Rojas	Villalobos
Hart	Merchant	Russell	Wallace
Healey	Miller, J.	Ryan	Warner
Henriquez	Miller, L.	Sanderson	Waters
Heyman	Minton	Sembler	Wiles
Hill	Morroni	Smith, C.	Wilson
Johnson	Murman	Smith, K.	Wise

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1931 was temporarily postponed under Rule 141.

HB 847—A bill to be entitled An act relating to juvenile detention; amending s. 985.211, F.S.; requiring a probable cause affidavit or written report to be made within a time certain; requiring such affidavit or report to be filed with the clerk of circuit court within a time certain; amending s. 985.215, F.S.; providing for increased holding times for children charged with offenses of certain severity; amending s. 985.218, F.S.; requiring petitions for delinquency to be filed within a time certain under certain circumstances; authorizing the court to extend such times under certain circumstances; requiring release from custody under certain circumstances; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Ryan to adopt Substitute Amendment 1.

The question recurred on the adoption of **Substitute Amendment 1**, which was withdrawn.

The question recurred on the adoption of **Amendment 1**, which was adopted.

Representative(s) Rayson offered the following:

Amendment 2 (with title amendment)—On page 4, between lines 27 & 28,

insert:

Section 4. *A risk assessment workgroup is established, to be composed of nine members. Members must have direct experience and a strong interest in juvenile justice issues. Composition of the workgroup shall be as follows: a public defender, a state attorney, and a sheriff appointed by their respective professional associations; a representative of the Department of Juvenile Justice, a chairman of a local juvenile justice board or county council, and a child advocate appointed by the Secretary of Juvenile Justice; a juvenile judge appointed by the Conference of Circuit Court Judges; a member of the Senate appointed by the President of the Senate; and a member of the House of Representatives appointed by the Speaker of the House of Representatives. The workgroup shall review the effectiveness of the risk assessment instrument as a screening device and shall make recommendations to keep, revise, or eliminate the instrument, based upon its findings. The workgroup shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding these findings by January 15, 2000. Subject to specific appropriations, an independent evaluation will be commissioned by the department to validate the current risk assessment instrument and make an objective report to the workgroup and the Legislature.*

And the title is amended as follows:

On page 1, line 16, after the semicolon

insert: providing for the establishment of a risk assessment workgroup; providing powers and duties;

Rep. Rayson moved the adoption of the amendment, which was adopted.

Representative(s) Ryan offered the following:

Amendment 3—On page 3 line 19 through Page 4, line 7 remove from the bill: All said lines

and insert in lieu thereof:

(b) The arresting law enforcement agency shall complete and present its investigation of an offense under this subsection to the appropriate state attorney's office within 8 days after placement of the child in secure oetention. The investigation shall include, but is not limited to, police reports and supplemental police reports, witness statements, and evidence collection documents. The failure of a law enforcement agency to complete and present its investigation within 8 days shall not entitle a juvenile to be released from secure detention or to a dismissal of any charges.

~~(b)~~ *(c) Except as provided in paragraph (e),* a child may not be held in secure, nonsecure, or home detention care under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

~~(c)~~ *(d) Except as provided in paragraph (e),* a child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.

~~(d)~~ *(e) For good cause shown, the court may extend the*

Rep. Ryan moved the adoption of the amendment, which was adopted.

On motion by Rep. Ryan, the rules were suspended and HB 847, as amended, was read the third time by title. On passage, the vote was:

Yeas—51

Andrews	Gay	Merchant	Smith, C.
Arnall	Goode	Miller, L.	Sobel
Barreiro	Gottlieb	Murman	Sorensen
Betancourt	Greene, A.	Ogles	Stafford
Bloom	Greenstein	Prieguez	Stansel
Bradley	Healey	Pruitt	Suarez
Brown	Henriquez	Rayson	Sublette
Bush	Heyman	Reddick	Turnbull
Cosgrove	Hill	Ritchie	Villalobos
Dennis	Kosmas	Ritter	Warner
Edwards	Lacasa	Roberts	Wiles
Effman	Lawson	Rojas	Wilson
Frankel	Levine	Ryan	

Nays—64

The Chair	Constantine	Green, C.	Morroni
Albright	Crady	Hafner	Patterson
Alexander	Crist	Harrington	Peaden
Argenziano	Crow	Hart	Posey
Bainter	Detert	Johnson	Putnam
Ball	Diaz de la Portilla	Jones	Russell
Bense	Dockery	Kelly	Sembler
Bilirakis	Farkas	Kilmer	Smith, K.
Bitner	Fasano	Kyle	Spratt
Boyd	Feeney	Littlefield	Starks
Bronson	Fiorentino	Logan	Trovillion
Brummer	Flanagan	Lynn	Tullis
Byrd	Fuller	Maygarden	Valdes
Cantens	Futch	Melvin	Wallace
Casey	Garcia	Miller, J.	Waters
Chestnut	Goodlette	Minton	Wise

Votes after roll call:
Yeas to Nays—Andrews, Sublette
Nays to Yeas—Chestnut, Garcia, Logan

So the bill failed to pass.

HB 1853—A bill to be entitled An act relating to school district best financial management practices reviews; amending s. 11.51, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to conduct or contract for best financial management practices reviews of school districts; correcting a cross reference; amending s. 11.515, F.S.; revising references to "performance reviews" to "best financial management practices reviews"; clarifying and conforming the authorization for contracting for reviews; revising the scope of such reviews; amending s. 230.23025, F.S.; providing the purpose of a best financial management practices review; authorizing OPPAGA to develop best practices for review and adoption by the Commissioner of Education; revising areas addressed by the review; establishing a timeframe for school district review; requiring districts to be reviewed to be specified in the General Appropriations Act; providing funding requirements; revising reporting requirements; revising provisions relating to the "Seal of Best Financial Management"; amending s. 230.23026, F.S.; conforming terminology; amending s. 235.2197, F.S.; correcting cross references; repealing s. 230.2302, F.S., relating to performance reviews; providing an effective date.

—was taken up, having been read the second time, and amended, earlier today; now pending on point of order by Rep. Ritter, under Rule 145, on Amendment 4 by Rep. Harrington.

Point of Order

Rep. Arnall, Chair of the Committee on Rules & Calendar, in speaking to the point of order on Amendment 4 to HB 1853 noted that the bill dealt with OPPAGA assistance to school districts in the adoption of financial management practices and the amendment provided an additional program that also assists some school districts and improves financial management practices. Since both the bill and the amendment sought to achieve the same purpose, Rep. Arnall recommended to the Chair that the amendment was germane and the point not be well taken.

The Chair [Speaker Thrasher] concurred with the recommendation of the Chair of the Committee on Rules & Calendar and ruled the amendment in order and the point not well taken.

The question recurred on the adoption of **Amendment 4**, which was adopted. The vote was:

Yeas—89

The Chair	Cosgrove	Hart	Putnam
Alexander	Crady	Henriquez	Rayson
Andrews	Crist	Hill	Reddick
Argenziano	Dennis	Jones	Ritchie
Arnall	Detert	Kelly	Roberts
Bainter	Diaz de la Portilla	Kilmer	Russell
Ball	Dockery	Kyle	Ryan
Barreiro	Edwards	Littlefield	Sembler
Bense	Farkas	Maygarden	Smith, C.
Bilirakis	Fiorentino	Melvin	Smith, K.
Bitner	Flanagan	Merchant	Sobel
Bloom	Futch	Miller, J.	Sorensen
Boyd	Garcia	Minton	Spratt
Bradley	Gay	Morroni	Stafford
Bronson	Goode	Murman	Stansel
Brown	Goodlette	Ogles	Starks
Brummer	Gottlieb	Patterson	Suarez
Byrd	Green, C.	Peaden	Trovillion
Cantens	Greenstein	Posey	Tullis
Casey	Hafner	Prieguez	Valdes
Constantine	Harrington	Pruitt	Villalobos
Wallace	Waters	Wiles	Wilson
Warner			

Nays—17

Albright	Fuller	Kosmas	Turnbull
Betancourt	Greene, A.	Logan	Wise
Bush	Healey	Miller, L.	
Chestnut	Heyman	Ritter	
Frankel	Johnson	Sublette	

Votes after roll call:
Yeas—Lynn

On motion by Rep. Melvin, the rules were suspended and HB 1853, as amended, was read the third time by title. On passage, the vote was:

Yeas—108

The Chair	Detert	Kelly	Roberts
Albright	Diaz de la Portilla	Kilmer	Rojas
Alexander	Dockery	Kosmas	Russell
Argenziano	Edwards	Kyle	Ryan
Arnall	Effman	Lacasa	Sanderson
Bainter	Farkas	Lawson	Sembler
Ball	Fasano	Littlefield	Smith, C.
Barreiro	Feeney	Logan	Smith, K.
Bense	Fiorentino	Lynn	Sobel
Betancourt	Flanagan	Maygarden	Sorensen
Bilirakis	Fuller	Melvin	Spratt
Bitner	Futch	Merchant	Stafford
Bloom	Garcia	Miller, J.	Stansel
Boyd	Gay	Miller, L.	Starks
Bradley	Goode	Minton	Suarez
Bronson	Goodlette	Morroni	Sublette
Brown	Gottlieb	Murman	Trovillion
Brummer	Green, C.	Ogles	Tullis
Bush	Greenstein	Peaden	Turnbull
Byrd	Hafner	Posey	Valdes
Cantens	Harrington	Prieguez	Villalobos
Casey	Hart	Pruitt	Wallace
Chestnut	Healey	Putnam	Warner
Constantine	Henriquez	Rayson	Waters
Cosgrove	Heyman	Reddick	Wiles
Crady	Johnson	Ritchie	Wilson
Crist	Jones	Ritter	Wise

Nays—None

Votes after roll call:
Yeas—Dennis, Hill

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 325—A bill to be entitled An act relating to trust funds; reenacting and amending s. 373.41495, F.S.; creating the Lake Belt Mitigation Trust Fund within the South Florida Water Management District; providing for sources of moneys and purposes; providing an exemption from termination; providing a contingent effective date.

—was taken up, having been read the second and third times earlier today; now pending roll call.

The question recurred on the passage of HB 325.

Reconsideration

On motion by Rep. Villalobos, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 1** failed of adoption. The question recurred on the adoption of the amendment, which was adopted by the required two-thirds vote.

On motion by Rep. Villalobos, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 2** failed of adoption.

The question recurred on the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 325. The vote was:

Yeas—112

The Chair	Crow	Hill	Ritchie
Albright	Dennis	Johnson	Ritter
Alexander	Detert	Jones	Roberts
Andrews	Dockery	Kelly	Rojas
Argenziano	Edwards	Kilmer	Russell
Arnall	Effman	Kosmas	Ryan
Bainter	Farkas	Kyle	Sanderson
Ball	Fasano	Lacasa	Sembler
Barreiro	Feeney	Lawson	Smith, C.
Bense	Fiorentino	Levine	Smith, K.
Betancourt	Flanagan	Littlefield	Sobel
Bilirakis	Frankel	Logan	Sorensen
Bitner	Fuller	Maygarden	Spratt
Bloom	Futch	Merchant	Stafford
Boyd	Garcia	Miller, J.	Stansel
Bradley	Gay	Miller, L.	Starks
Bronson	Goode	Minton	Suarez
Brown	Goodlette	Morroni	Sublette
Brummer	Gottlieb	Murman	Trovillion
Bush	Green, C.	Ogles	Tullis
Byrd	Greene, A.	Patterson	Valdes
Cantens	Greenstein	Peaden	Villalobos
Casey	Hafner	Posey	Wallace
Chestnut	Harrington	Prieguez	Warner
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise

Nays—None

Votes after roll call:
Yeas—Diaz de la Portilla, Lynn

So the bill passed, as amended, by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate after engrossment.

HB 1765—A bill to be entitled An act relating to greenways and trails; amending s. 253.7825, F.S.; providing acreage requirements for a horse park-agricultural center; repealing s. 253.787, F.S., relating to the Florida Greenways Coordinating Council; creating s. 260.0142, F.S.; creating the Florida Greenways and Trails Council within the Department of Environmental Protection; providing for appointment, membership, powers, and duties; amending s. 260.016, F.S.; deleting reference to the Florida Recreational Trails Council; revising powers of the Department of Environmental Protection; amending ss. 260.0125 and 260.018, F.S.; correcting cross references; providing an effective date.

—was taken up, having been read the second time, and amended, earlier today; now pending third reading.

Reconsideration

On motion by Rep. Dockery, the House reconsidered the vote by which **Amendment 1** was adopted.

The question recurred on the adoption of Amendment 1.

On motion by Rep. Hafner, under Rule 142(h), the following late-filed amendment to the amendment was considered.

Representative(s) Hafner offered the following:

Amendment 1 to Amendment 1 (with title amendment)—On page 16, between lines 8 and 9,

insert:

Section 11. *The Department of Environmental Protection and the Department of Agriculture and Consumer Services are directed to work together to provide a report on cattle dipping vats, with recommendations and appropriate draft legislation, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive and fiscal committees in the Senate and House of Representatives by February 1, 2000. The report shall include, at a minimum"*

(1) A summary of the current information on cattle dipping vats in the state;

(2) A proposed plan for discovery and listing of cattle dipping vat sites on public and private property;

(3) A proposed method for risk-based priority ranking of sites, which considers significant factors such as the proximity of populations and water resources to cattle dipping vat sites;

(4) Proposed strategies for risk-based cleanup of cattle-dipping vat sites, with a cost-benefit analysis and recommended sources of funding, for sites on pubic and private lands;

(5) Recommended incentives for private landowners to conduct voluntary cleanup of cattle dipping vat sites on their property;

(6) A discussion of the potential impacts on ownership and transfer of ownership, including any potential claims under chapter 70, Florida Statutes, if the report recommendations are implemented; and

(7) A proposed strategy for developing partnerships with the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Florida Department of health, local governments, affected landowners, and other affected parties to implement report recommendations that may be adopted by the Legislature.

(8) Any recommendations made by the report, including any proposed legislation, shall not distinguish differently between public or private lands, and any regulatory or funding strategies shall treat all properties equitably.

And the title is amended as follows:

On page 17, line 5,

after language; insert: directing the Department of Environment Protection and the Department of Agriculture and Consumer Services to provide a report;

Rep. Hafner moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Dockery, the rules were suspended and HB 1765, as amended, was read the third time by title. On passage, the vote was:

Yeas—111

The Chair	Boyd	Crow	Garcia
Albright	Bradley	Dennis	Gay
Alexander	Bronson	Detert	Goode
Andrews	Brown	Dockery	Goodlette
Argenziano	Brummer	Edwards	Gottlieb
Arnall	Bush	Effman	Green, C.
Bainter	Byrd	Farkas	Greene, A.
Ball	Cantens	Fasano	Greenstein
Barreiro	Casey	Feeney	Hafner
Bense	Chestnut	Fiorentino	Harrington
Betancourt	Constantine	Flanagan	Hart
Bilirakis	Cosgrove	Frankel	Healey
Bitner	Crady	Fuller	Henriquez
Bloom	Crist	Futch	Heyman

Hill	Miller, L.	Ritter	Suarez
Johnson	Minton	Roberts	Sublette
Jones	Morroni	Russell	Trovillion
Kelly	Murman	Ryan	Tullis
Kilmer	Ogles	Sanderson	Turnbull
Kosmas	Patterson	Sembler	Valdes
Kyle	Peaden	Smith, C.	Villalobos
Lacasa	Posey	Smith, K.	Wallace
Lawson	Prieguez	Sobel	Warner
Levine	Pruitt	Sorensen	Waters
Littlefield	Putnam	Spratt	Wiles
Maygarden	Rayson	Stafford	Wilson
Merchant	Reddick	Stansel	Wise
Miller, J.	Ritchie	Starks	

Nays—None

Votes after roll call:
Yeas—Diaz de la Portilla, Lynn

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Reconsideration of HB 847

On motion by Rep. Maygarden, the House reconsidered the vote by which **HB 847** failed to pass earlier today.

HB 847—A bill to be entitled An act relating to juvenile detention; amending s. 985.211, F.S.; requiring a probable cause affidavit or written report to be made within a time certain; requiring such affidavit or report to be filed with the clerk of circuit court within a time certain; amending s. 985.215, F.S.; providing for increased holding times for children charged with offenses of certain severity; amending s. 985.218, F.S.; requiring petitions for delinquency to be filed within a time certain under certain circumstances; authorizing the court to extend such times under certain circumstances; requiring release from custody under certain circumstances; providing an effective date.

The question recurred on the passage of HB 847.

On motion by Rep. Ryan, further consideration of **HB 847** was temporarily postponed under Rule 141.

HB 765 was temporarily postponed under Rule 141.

CS/HB 121 was temporarily postponed under Rule 141 and the second reading was nullified.

Reconsideration of HB 1479

On motion by Rep. Ogles, the House reconsidered the vote by which **HB 1479**, as amended, passed earlier today.

HB 1479—A bill to be entitled An act relating to notices of noncompliance; amending s. 120.695, F.S.; providing that notices of noncompliance apply to violations of regulatory provisions of an agency found in rule or statute; eliminating obsolete provisions relating to review and designation of agency rules for notice issuance purposes; providing exemptions from applicability of the section; creating s. 120.696, F.S.; providing for classification of disciplinary actions as active or inactive; providing for the periodic clearing of minor violations from the disciplinary record; providing rulemaking authority; amending s. 455.225, F.S.; providing for classification of disciplinary actions by the Department of Business and Professional Regulation as active or inactive; providing for the periodic clearing of minor violations from the disciplinary record; providing rulemaking authority; providing an effective date.

The question recurred on the passage of HB 1479.

On motion by Rep. Ogles, by the required two-thirds vote, the House reconsidered the vote by which **Substitute Amendment 1** was adopted. The question recurred on the adoption of the substitute amendment, which was withdrawn.

On motion by Rep. Ogles, under Rule 142(h), the following late-filed substitute amendment was considered.

Representative(s) Brown and Ogles offered the following:

Second Substitute Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (3) and (4) of section 11.62, Florida Statutes, are amended to read:

11.62 Legislative review of proposed regulation of unregulated functions.—

(3) In determining whether to regulate a profession or occupation, the Legislature shall consider the following factors:

(a) Whether the unregulated practice of the profession or occupation will substantially harm or endanger the public health, safety, or welfare, and whether the potential for harm is recognizable and not remote;

(b) Whether the practice of the profession or occupation requires specialized skill or training, and whether that skill or training is readily measurable or quantifiable so that examination or training requirements would reasonably assure initial and continuing professional or occupational ability;

(c) Whether the regulation will have an unreasonable effect on job creation or job retention in the state or will place unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to find employment;

(d)~~(c)~~ Whether the public is or can be effectively protected by other means; and

(e)~~(d)~~ Whether the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers, will be favorable.

(4) The proponents of legislation that provides for the regulation of a profession or occupation not already expressly subject to state regulation shall provide, upon request, the following information in writing to the state agency that is proposed to have jurisdiction over the regulation and to the legislative committees to which the legislation is referred:

(a) The number of individuals or businesses that would be subject to the regulation;

(b) The name of each association that represents members of the profession or occupation, together with a copy of its codes of ethics or conduct;

(c) Documentation of the nature and extent of the harm to the public caused by the unregulated practice of the profession or occupation, including a description of any complaints that have been lodged against persons who have practiced the profession or occupation in this state during the preceding 3 years;

(d) A list of states that regulate the profession or occupation, and the dates of enactment of each law providing for such regulation and a copy of each law;

(e) A list and description of state and federal laws that have been enacted to protect the public with respect to the profession or occupation and a statement of the reasons why these laws have not proven adequate to protect the public;

(f) A description of the voluntary efforts made by members of the profession or occupation to protect the public and a statement of the reasons why these efforts are not adequate to protect the public;

(g) A copy of any federal legislation mandating regulation;

(h) An explanation of the reasons why other types of less restrictive regulation would not effectively protect the public;

(i) The cost, availability, and appropriateness of training and examination requirements;

(j)~~(i)~~ The cost of regulation, including the indirect cost to consumers, and the method proposed to finance the regulation;

(k) The cost imposed on applicants or practitioners or on employers of applicants or practitioners as a result of the regulation;

(l)~~(j)~~ The details of any previous efforts in this state to implement regulation of the profession or occupation; and

(m)~~(k)~~ Any other information the agency or the committee considers relevant to the analysis of the proposed legislation.

Section 2. Subsection (4) of section 455.201, Florida Statutes, is amended to read:

455.201 Professions and occupations regulated by department; legislative intent; requirements.—

(4)*(a) Neither the department nor any board may* ~~No board, nor the department, shall~~ create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. *Neither the department nor any board may* ~~No board, nor the department, shall~~ take any action *that* ~~which~~ tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

(b) Neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention in the state or that places unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to find employment.

(c) The Legislature shall evaluate proposals to increase regulation of already regulated professions or occupations to determine their effect on job creation or retention and employment opportunities.

Section 3. Subsection (4) of section 455.517, Florida Statutes, is amended to read:

455.517 Professions and occupations regulated by department; legislative intent; requirements.—

(4)*(a) Neither the department nor any board may* ~~No board, nor the department, shall~~ create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. *Neither the department nor any board may* ~~No board, nor the department, shall~~ take any action *that* ~~which~~ tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

(b) Neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention in the state or that places unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a profession or occupation to find employment.

(c) The Legislature shall evaluate proposals to increase the regulation of regulated professions or occupations to determine the effect of increased regulation on job creation or retention and employment opportunities.

Section 4. Section 455.2035, Florida Statutes, is created to read:

455.2035 Rulemaking authority for professions not under a board.—The department may adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the regulatory requirements of any profession within the department's jurisdiction which does not have a statutorily authorized regulatory board.

Section 5. Section 455.2123, Florida Statutes, is created to read:

455.2123 Continuing education.—A board, or the department when there is no board, may provide by rule that distance learning may be used to satisfy continuing education requirements.

Section 6. Section 455.2124, Florida Statutes, is created to read:

455.2124 Proration of continuing education.—A board, or the department when there is no board, may:

(1) Prorate continuing education for new licensees by requiring half of the required continuing education for any applicant who becomes licensed with more than half the renewal period remaining and no continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or

(2) Require no continuing education until the first full renewal cycle of the licensee.

These options shall also apply when continuing education is first required or the number of hours required is increased by law or the board, or the department when there is no board.

Section 7. Subsection (10) is added to section 455.213, Florida Statutes, 1998 Supplement, to read:

455.213 General licensing provisions.—

(10) For any profession requiring fingerprints as part of the registration, certification, or licensure process or for any profession requiring a criminal history record check to determine good moral character, a fingerprint card containing the fingerprints of the applicant must accompany all applications for registration, certification, or licensure. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for registration, certification, or licensure.

Section 8. Paragraph (e) of subsection (2) of section 468.453, Florida Statutes, 1998 Supplement, is amended to read:

468.453 Licensure required; qualifications; examination; bond.—

(2) A person shall be licensed as an athlete agent if the applicant:

(e) Has ~~provided sufficient information which must be~~ submitted *to* ~~by~~ the department *a fingerprint card* for a criminal *history* records check ~~through the Federal Bureau of Investigation~~. *The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.*

Section 9. Paragraph (a) of subsection (1) of section 475.175, Florida Statutes, is amended to read:

475.175 Examinations.—

(1) A person shall be entitled to take the license examination to practice in this state if the person:

(a) Submits to the department the appropriate notarized application and fee, two photographs of herself or himself taken within the preceding year, and *a fingerprint card. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to*

determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for examination. ~~fingerprints for processing through appropriate law enforcement agencies; and~~

Section 10. Subsection (3) of section 475.615, Florida Statutes, 1998 Supplement, is amended to read:

475.615 Qualifications for registration, licensure, or certification.—

(3) Appropriate fees, as set forth in the rules of the board pursuant to s. 475.6147, and *a fingerprint card* ~~fingerprints for processing through appropriate law enforcement agencies~~ must accompany all applications for registration, ~~licensure, and~~ certification*, or licensure. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for registration, certification, or licensure.*

Section 11. Section 455.2255, Florida Statutes, is created to read:

455.2255 Classification of disciplinary actions.—

(1) A licensee may petition the department to review a disciplinary incident to determine whether the specific violation meets the standard of a minor violation as set forth in s. 455.225(3). If the circumstances of the violation meet that standard and 2 years have passed since the issuance of a final order imposing discipline, the department shall reclassify that violation as inactive if the licensee has not been disciplined for any subsequent minor violation of the same nature. After the department has reclassified the violation as inactive, it is no longer considered to be part of the licensee's disciplinary record, and the licensee may lawfully deny or fail to acknowledge the incident as a disciplinary action.

(2) The department may establish a schedule classifying violations according to the severity of the violation. After the expiration of set periods of time, the department may provide for such disciplinary records to become inactive, according to their classification. After the disciplinary record has become inactive, the department may clear the violation from the disciplinary record and the subject person or business may lawfully deny or fail to acknowledge such disciplinary actions. The department may adopt rules to implement this subsection.

(3) Notwithstanding s. 455.017, this section applies to the disciplinary records of all persons or businesses licensed by the department.

Section 12. Subsection (3) of section 455.227, Florida Statutes, is amended to read:

455.227 Grounds for discipline; penalties; enforcement.—

(3)*(a)* In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time.

(b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(c) The department shall not issue or renew a license to any person against whom or business against which the board has assessed a fine, interest, or costs associated with investigation and prosecution until the person or business has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or business complies with or satisfies all terms and conditions of the final order.

Section 13. Paragraph (k) of subsection (2) of section 455.557, Florida Statutes, is amended to read:

455.557 Standardized credentialing for health care practitioners.—

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

(k) "Health care practitioner" means any person licensed*, or, for credentialing purposes only, any person applying for licensure,* under chapter 458, chapter 459, chapter 460, or chapter 461 or any person licensed *or applying for licensure* under a chapter subsequently made subject to this section by the department with the approval of the applicable board*, except a person registered or applying for registration pursuant to ss. 458.345 or 459.021.*

Section 14. Subsection (6) of section 455.564, Florida Statutes, 1998 Supplement, is amended to read:

455.564 Department; general licensing provisions.—

(6) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic Medicine, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years~~, which may include up to 1 hour of risk management or cost containment and up to 2 hours of other topics related to the applicable medical specialty, if required by board rule~~. *The boards may require by rule that up to 1 hour of the required 40 or more hours be in the area of risk management or cost containment. This provision shall not be construed to limit the number of hours that a licensee may obtain in risk management or cost containment to be credited toward satisfying the 40 or more required hours. This provision shall not be construed to require the boards to impose any requirement on licensees except for the completion of at least 40 hours of continuing education every 2 years.* Each of such boards shall determine whether any specific *continuing education* ~~course~~ requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any *continuing education* ~~course~~ mandated by such board. Notwithstanding any other provision of law, the board, or the department when there is no board, may approve by rule alternative methods of obtaining continuing education credits in risk management. The alternative methods may include attending a board meeting at which *another* ~~a~~ licensee is disciplined, serving as a volunteer expert witness for the department in a disciplinary case, or serving as a member of a probable cause panel following the expiration of a board member's term. *Other boards within the Division of Medical Quality Assurance, or the department if there is no board, may adopt rules granting continuing education hours in risk management for attending a board meeting at which another licensee is disciplined, for serving as a volunteer expert witness for the department in a disciplinary case, or for serving as a member of a probable cause panel following the expiration of a board member's term.*

Section 15. Subsection (1) of section 455.565, Florida Statutes, 1998 Supplement, is amended to read:

455.565 Designated health care professionals; information required for licensure.—

(1) Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 461*, except a person applying for registration pursuant to ss. 458.345 and 459.021* must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461*, except a person registered pursuant to ss. 458.345 and 459.021* must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any

other information that may be required from the applicant, furnish the following information to the Department of Health:

(a)1. The name of each medical school that the applicant has attended, with the dates of attendance and the date of graduation, and a description of all graduate medical education completed by the applicant, excluding any coursework taken to satisfy medical licensure continuing education requirements.

2. The name of each hospital at which the applicant has privileges.

3. The address at which the applicant will primarily conduct his or her practice.

4. Any certification that the applicant has received from a specialty board that is recognized by the board to which the applicant is applying.

5. The year that the applicant began practicing medicine.

6. Any appointment to the faculty of a medical school which the applicant currently holds and an indication as to whether the applicant has had the responsibility for graduate medical education within the most recent 10 years.

7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

8. A description of any final disciplinary action taken within the previous 10 years against the applicant by the agency regulating the profession that the applicant is or has been licensed to practice, whether in this state or in any other jurisdiction, by a specialty board that is recognized by the American Board of Medical Specialities, the American Osteopathic Association, or a similar national organization, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of medical staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.

(b) In addition to the information required under paragraph (a), each applicant who seeks licensure under chapter 458, chapter 459, or chapter 461, and who has practiced previously in this state or in another jurisdiction or a foreign country must provide the information required of licensees under those chapters pursuant to s. 455.697. An applicant for licensure under chapter 460 who has practiced previously in this state or in another jurisdiction or a foreign country must provide the same information as is required of licensees under chapter 458, pursuant to s. 455.697.

Section 16. Section 455.601, Florida Statutes is amended to read:

455.601 Hepatitis B or human immunodeficiency carriers.—

(1) The department and each appropriate board within the Division of Medical Quality Assurance shall have the authority to establish procedures to handle, counsel, and provide other services to health care professionals within their respective boards who are infected with hepatitis B or the human immunodeficiency virus.

(2) Any person licensed by the department and any other person employed by a health care facility who contracts a blood-borne infection shall have a rebuttable presumption that the illness was contracted in the course and scope of his or her employment, provided that the person, as soon as practicable, reports to the person's supervisor or the facility's risk manager any significant exposure, as that term is defined in s. 381.004(2)(c), to blood or body fluids. The employer may test the blood or body fluid to determine if it is infected with the same disease contracted by the employee. The employer may rebut the presumption by the perponderance of the evidence. Except as expressly provided in this subsection, there shall be no presumption that a blood-borne infection is a job-related injury or illness.

Section 17. Subsections (4) and (6) of section 477.013, Florida Statutes, 1998 Supplement, are amended, and subsections (12) and (13) are added to that section, to read:

477.013 Definitions.—As used in this chapter:

(4) "Cosmetology" means the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, *and* hair relaxing~~, hair removing~~ ~~pedicuring, and manicuring,~~ for compensation. *This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin-care services.*

(6) "Specialty" means the practice of one or more of the following:

(a) Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.

(b) Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.

(c) Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, *and skin care services.*

(12) "Body wrapping" means a treatment program that uses herbal wraps for the purposes of weight loss and of cleansing and beautifying the skin of the body, but does not include:

(a) The application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps; or

(b) Manipulation of the body's superficial tissue, other than that arising from compression emanating from the wrap materials.

(13) "Skin care services" means the treatment of the skin of the body, other than the head, face, and scalp, by the use of a sponge, brush, cloth, or similar device to apply or remove a chemical preparation or other substance, except that chemical peels may be removed by peeling an applied preparation from the skin by hand. Skin care services must be performed by a licensed cosmetologist or facial specialist within a licensed cosmetology or specialty salon, and such services may not involve massage, as defined in s. 480.033(3), through manipulation of the superficial tissue.

Section 18. Section 477.0132, Florida Statutes, 1998 Supplement, is amended to read:

477.0132 Hair braiding, ~~and~~ hair wrapping, *and body wrapping* registration.—

(1)(a) Persons whose occupation or practice is confined solely to hair braiding must register with the department, pay the applicable registration fee, and take a two-day 16-hour course. The course shall be board approved and consist of 5 hours of HIV/AIDS and other communicable diseases, 5 hours of sanitation and sterilization, 4 hours of disorders and diseases of the scalp, and 2 hours of studies regarding laws affecting hair braiding.

(b) Persons whose occupation or practice is confined solely to hair wrapping must register with the department, pay the applicable registration fee, and take a one-day 6-hour course. The course shall be board approved and consist of education in HIV/AIDS and other

communicable diseases, sanitation and sterilization, disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.

(c) Unless otherwise licensed or exempted from licensure under this chapter, any person whose occupation or practice is body wrapping must register with the department, pay the applicable registration fee, and take a two-day 12-hour course. The course shall be board approved and consist of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting body wrapping.

(2) Hair braiding, ~~and~~ hair wrapping, *and body wrapping* are not required to be practiced in a cosmetology salon or specialty salon. When hair braiding, ~~or~~ hair wrapping, *or body wrapping* is practiced outside a cosmetology salon or specialty salon, disposable implements must be used or all implements must be sanitized in a disinfectant approved for hospital use or approved by the federal Environmental Protection Agency.

(3) Pending issuance of registration, a person is eligible to practice hair braiding, ~~or~~ hair wrapping, *or body wrapping* upon submission of a registration application that includes proof of successful completion of the education requirements and payment of the applicable fees required by this chapter.

Section 19. Paragraph (c) of subsection (7) of section 477.019, Florida Statutes, 1998 Supplement, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)

(c) Any person whose occupation or practice is confined solely to hair braiding, ~~or~~ hair wrapping, *or body wrapping* is exempt from the continuing education requirements of this subsection.

Section 20. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, 1998 Supplement, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(f) For hair braiders, ~~and~~ hair wrappers, *and body wrappers*, fees for registration shall not exceed $25.

Section 21. Paragraph (g) is added to subsection (1) of section 477.0265, Florida Statutes, to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(g) Advertise or imply that skin care services or body wrapping, as performed under this chapter, have any relationship to the practice of massage therapy as defined in s. 480.033(3), except those practices or activities defined in s. 477.013.

Section 22. Paragraph (a) of subsection (1) of section 477.029, Florida Statutes, 1998 Supplement, is amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a cosmetologist, specialist, hair wrapper, ~~or~~ hair braider, *or body wrapper* unless duly licensed or registered, or otherwise authorized, as provided in this chapter.

Section 23. This act shall take effect July 1, 1999.

And the title is amended as follows:
remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to the regulation of professions and occupations; amending s. 11.62, F.S.; providing criteria for evaluating proposals for new regulation of a profession or occupation based on the effect of such regulation on job creation or retention; requiring proponents of legislation to regulate a profession or occupation not already regulated to provide additional cost information; amending ss. 455.201, 455.517, F.S.; prohibiting the Department of Business and Professional Regulation and the Department of Health and their regulatory boards from creating any regulation that has an unreasonable effect on job creation or retention or on employment opportunities; providing for evaluation of proposals to increase the regulation of already regulated professions to determine the effect of such regulation on job creation or retention and employment opportunities; creating s. 455.2035, F.S.; providing rulemaking authority to the Department of Business and Professional Regulation for the regulation of any profession under its jurisdiction which does not have a regulatory board; creating s. 455.2123, F.S.; authorizing the use of distance learning to satisfy continuing education requirements; creating s. 455.2124, F.S.; authorizing proration of continuing education requirements; amending s. 455.213, F.S.; requiring fingerprint cards with applications for registration, certification, or licensure in certain professions; providing for use of such cards for criminal history record checks of applicants; amending s. 468.453, F.S.; applying such fingerprint card requirements to applicants for licensure as an athlete agent; amending s. 475.175, F.S.; applying such fingerprint card requirements to persons applying to take the examination for licensure as a real estate broker or salesperson; amending s. 475.615, F.S.; applying such fingerprint card requirements to applicants for registration, certification, or licensure as a real estate appraiser; creating s. 455.2255, F.S.; providing for the department to classify disciplinary actions according to severity; providing for the periodic clearing of certain violations from the disciplinary record; amending s. 455.227, F.S.; providing for denial or renewal of a license under certain circumstances; amending ss. 455.557 and 455.565, F.S.; ensuring that an intern in a hospital is not subject to the credentialing or profiling laws; amending s. 455.564, F.S.; clarifying continuing education requirements; amending s. 455.601, F.S.; providing the basis for presuming a blood-borne infection is contracted in the course of employment; amending s. 477.013, F.S.; redefining the terms “cosmetology” and “specialty” and defining the terms “body wrapping” and “skin care services”; amending s. 477.0132, F.S.; requiring registration of persons whose occupation or practice is body wrapping; requiring a registration fee and certain education; amending s. 477.019, F.S.; exempting persons whose occupation or practice is confined solely to body wrapping from certain continuing education requirements; amending s. 477.026, F.S.; providing for the registration fee; amending s. 477.0265, F.S.; prohibiting advertising or implying that skin care services or body wrapping have any relationship to the practice of massage therapy; providing penalties; amending s. 477.029, F.S.; prohibiting holding oneself out as a body wrapper unless licensed, registered, or otherwise authorized under chapter 477, F.S.; providing penalties; providing rulemaking authority; providing an effective date.

Rep. Ogles moved the adoption of the substitute amendment, which was adopted by the required two-thirds vote.

Further consideration of **HB 1479** was temporarily postponed under Rule 141.

Special Orders

Bills for Consideration at a Time Certain

HB 47—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S.; exempting property used as a travel center/truck stop facility from the tax on the rental or lease of, or grant of a license to use, real property; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

Amendment 1—On page 4, line 17 of the bill

after the comma insert: *the term*

Rep. Albright moved the adoption of the amendment, which was adopted.

On motion by Rep. Fuller, the rules were suspended and HB 47, as amended, was read the third time by title. On passage, the vote was:

Yeas—110

The Chair	Crow	Johnson	Rojas
Albright	Dennis	Jones	Russell
Alexander	Detert	Kelly	Ryan
Andrews	Dockery	Kilmer	Sanderson
Argenziano	Edwards	Kosmas	Sembler
Arnall	Effman	Kyle	Smith, C.
Bainter	Farkas	Lacasa	Smith, K.
Ball	Fasano	Lawson	Sobel
Barreiro	Feeney	Levine	Sorensen
Bense	Fiorentino	Littlefield	Spratt
Betancourt	Flanagan	Logan	Stafford
Bilirakis	Frankel	Maygarden	Stansel
Bitner	Fuller	Melvin	Starks
Bloom	Futch	Merchant	Suarez
Boyd	Garcia	Miller, J.	Sublette
Bradley	Gay	Minton	Trovillion
Bronson	Goode	Morroni	Tullis
Brown	Goodlette	Murman	Turnbull
Brummer	Gottlieb	Ogles	Valdes
Bush	Green, C.	Patterson	Villalobos
Byrd	Greene, A.	Peaden	Wallace
Cantens	Greenstein	Posey	Warner
Casey	Hafner	Prieguez	Waters
Chestnut	Harrington	Putnam	Wiles
Constantine	Hart	Rayson	Wilson
Cosgrove	Henriquez	Reddick	Wise
Crady	Heyman	Ritchie	
Crist	Hill	Roberts	

Nays—2

Healey	Miller, L.

Votes after roll call:
Yeas—Diaz de la Portilla, Lynn
Yeas to Nays—Turnbull

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Dockery, **HB 99** was temporarily postponed under Rule 141 and the second reading nullified.

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 an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

Amendment 1 (with title amendment)—On page 5, between lines 30 and 31,

insert:

Section 2. *(1) In order to qualify for the exemption and credit created in this act, an expanding business must demonstrate the following:*

(a) For a business that has 2,500 or fewer Florida employees, the creation of new Florida jobs in an amount equal to at least 5 percent of its Florida employees; or

(b) For a business that has more than 2,500 Florida employees, the creation of new Florida jobs in an amount equal to at least 3 percent of its Florida employees.

(2) In order to qualify for the exemption and credit created in this act, a new business must demonstrate the creation of at least 100 new Florida jobs.

(3) For purposes of this section, "new Florida job" means a new position created and filled within 24 months after completion of construction of the new or expanded facility and includes a transfer of a position from an existing Florida operation so long as the transfer is the result of the closure or reduction of the other Florida operation. For an expanding business, the number of existing Florida employees shall be determined as of the date on which the business commences construction of the expansion. The Office of Tourism, Trade, and Economic Development shall:

(a) For an expanding business, document the number of persons employed in Florida by such business as of the date of commencement of construction of the expansion and the number of new Florida jobs created by such business within 24 months following the completion of construction of the expansion;

(b) For a new business, document the number of new Florida jobs created by such business within 24 months of completion of construction of the new business; and

(c) Certify such to the Department of Revenue.

And the title is amended as follows:

On page 1, line 10,

after the semicolon insert: providing requirements for new and expanding businesses to qualify for such exemption and credit;

Rep. Albright moved the adoption of the amendment.

Representative(s) Wiles offered the following:

Amendment 1 to Amendment 1—On page 1, lines 18 and 27 remove from the amendment: *created in this act*

and insert in lieu thereof: *provided in s. 212.08(5)(b)5., Florida Statutes, for machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations*

Rep. Wiles moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Putnam, the rules were suspended and HB 105, as amended, was read the third time by title. On passage, the vote was:

Yeas—112

The Chair	Cantens	Garcia	Lawson
Albright	Casey	Gay	Levine
Alexander	Chestnut	Goode	Littlefield
Andrews	Constantine	Goodlette	Logan
Argenziano	Cosgrove	Gottlieb	Maygarden
Arnall	Crady	Green, C.	Melvin
Bainter	Crist	Greene, A.	Merchant
Ball	Crow	Greenstein	Miller, J.
Barreiro	Dennis	Hafner	Miller, L.
Bense	Detert	Harrington	Minton
Betancourt	Dockery	Hart	Morroni
Bilirakis	Edwards	Henriquez	Murman
Bitner	Effman	Heyman	Ogles
Bloom	Farkas	Hill	Patterson
Boyd	Fasano	Johnson	Peaden
Bradley	Feeney	Jones	Posey
Bronson	Fiorentino	Kelly	Prieguez
Brown	Flanagan	Kilmer	Pruitt
Brummer	Frankel	Kosmas	Putnam
Bush	Fuller	Kyle	Rayson
Byrd	Futch	Lacasa	Reddick

Ritchie	Sembler	Stansel	Villalobos
Ritter	Smith, C.	Starks	Wallace
Roberts	Smith, K.	Suarez	Warner
Rojas	Sobel	Sublette	Waters
Russell	Sorensen	Trovillion	Wiles
Ryan	Spratt	Tullis	Wilson
Sanderson	Stafford	Valdes	Wise

Nays—2

Healey	Turnbull

Votes after roll call:
Yeas—Diaz de la Portilla, Lynn
Yeas to Nays—Brown

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 221—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.05, F.S.; exempting from the tax on the sale of coins or currency any coin or currency which is legal tender of the United States and which is sold, exchanged, or traded; exempting from said tax certain transactions in which the sales price exceeds a specified amount; amending s. 212.08, F.S.; exempting sales of gold, silver, or platinum bullion when the sales price exceeds a specified amount; providing for emergency rules; providing effective dates.

—was read the second time by title. On motion by Rep. Trovillion, the rules were suspended and the bill was read the third time by title. On passage, the vote was:

Yeas—112

The Chair	Dennis	Hill	Reddick
Albright	Detert	Johnson	Ritchie
Alexander	Diaz de la Portilla	Jones	Ritter
Andrews	Dockery	Kelly	Roberts
Argenziano	Edwards	Kilmer	Rojas
Arnall	Effman	Kosmas	Russell
Bainter	Farkas	Kyle	Ryan
Ball	Fasano	Lacasa	Sanderson
Barreiro	Feeney	Lawson	Sembler
Bense	Fiorentino	Levine	Smith, C.
Betancourt	Flanagan	Littlefield	Smith, K.
Bilirakis	Frankel	Logan	Sobel
Bitner	Fuller	Lynn	Sorensen
Bloom	Futch	Maygarden	Spratt
Boyd	Garcia	Melvin	Stafford
Bradley	Gay	Merchant	Stansel
Bronson	Goode	Miller, J.	Starks
Brown	Goodlette	Minton	Suarez
Brummer	Gottlieb	Morroni	Sublette
Bush	Green, C.	Murman	Trovillion
Byrd	Greene, A.	Ogles	Tullis
Cantens	Greenstein	Patterson	Valdes
Casey	Hafner	Peaden	Villalobos
Chestnut	Harrington	Posey	Wallace
Constantine	Hart	Prieguez	Warner
Cosgrove	Healey	Pruitt	Waters
Crady	Henriquez	Putnam	Wilson
Crow	Heyman	Rayson	Wise

Nays—4

Crist	Miller, L.	Turnbull	Wiles

Votes after roll call:
Nays to Yeas—Crist

So the bill passed and was immediately certified to the Senate.

HB 269—A bill to be entitled An act relating to the lead-acid battery fee; amending ss. 403.717 and 403.7185, F.S.; specifying that the fee applies to new or remanufactured lead-acid batteries sold at retail; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

Amendment 1 (with title amendment)—On page 3, line 7, remove from the bill: all of said lines

and insert in lieu thereof:

Section 3. *There is hereby appropriated $600,000 in fiscal year 1999-2000 and $800,000 annually thereafter from the General Revenue Fund to transfer appropriations previously funded from the Water Quality Assurance Trust Fund due to the revenue reduction resulting from this act.*

Section 4. This act shall take effect October 1, 1999.

And the title is amended as follows:

On page 1, line 6

after the semicolon insert: providing an appropriation;

Rep. Albright moved the adoption of the amendment, which was adopted.

On motion by Rep. Albright, the rules were suspended and HB 269, as amended, was read the third time by title. On passage, the vote was:

Yeas—112

The Chair	Crow	Heyman	Rayson
Albright	Dennis	Hill	Reddick
Alexander	Detert	Johnson	Ritchie
Andrews	Diaz de la Portilla	Jones	Ritter
Argenziano	Dockery	Kelly	Roberts
Arnall	Edwards	Kilmer	Rojas
Bainter	Effman	Kosmas	Russell
Ball	Farkas	Kyle	Sanderson
Barreiro	Fasano	Lacasa	Sembler
Bense	Feeney	Lawson	Smith, C.
Betancourt	Fiorentino	Levine	Smith, K.
Bilirakis	Flanagan	Littlefield	Sorensen
Bitner	Frankel	Logan	Spratt
Bloom	Fuller	Lynn	Stafford
Boyd	Futch	Maygarden	Stansel
Bradley	Garcia	Melvin	Starks
Bronson	Gay	Merchant	Suarez
Brown	Goode	Miller, J.	Sublette
Brummer	Goodlette	Minton	Trovillion
Bush	Gottlieb	Morroni	Tullis
Byrd	Green, C.	Murman	Valdes
Cantens	Greene, A.	Ogles	Villalobos
Casey	Greenstein	Patterson	Wallace
Chestnut	Hafner	Peaden	Warner
Constantine	Harrington	Posey	Waters
Cosgrove	Hart	Prieguez	Wiles
Crady	Healey	Pruitt	Wilson
Crist	Henriquez	Putnam	Wise

Nays—2

Miller, L.	Turnbull

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 313 was temporarily postponed under Rule 141.

CS/HB 397—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the industries to which the exemption for electricity or steam used in certain manufacturing and related operations applies; providing an exemption for labor charges for, and parts and materials used in, the repair of

machinery and equipment used to produce tangible personal property at a fixed location by specified industries; providing a schedule for implementing the exemption; providing an effective date.

—was read the second time by title. On motion by Rep. Feeney, the rules were suspended and the bill was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Dennis	Kelly	Roberts
Albright	Detert	Kilmer	Rojas
Alexander	Diaz de la Portilla	Kosmas	Russell
Andrews	Dockery	Kyle	Ryan
Argenziano	Edwards	Lacasa	Sanderson
Arnall	Effman	Lawson	Sembler
Bainter	Farkas	Levine	Smith, C.
Ball	Fasano	Littlefield	Smith, K.
Barreiro	Feeney	Logan	Sobel
Bense	Fiorentino	Lynn	Sorensen
Betancourt	Flanagan	Maygarden	Spratt
Bilirakis	Frankel	Melvin	Stafford
Bitner	Fuller	Merchant	Stansel
Bloom	Futch	Miller, J.	Starks
Boyd	Garcia	Miller, L.	Suarez
Bradley	Gay	Minton	Sublette
Bronson	Goodlette	Morroni	Trovillion
Brown	Gottlieb	Murman	Tullis
Brummer	Green, C.	Ogles	Valdes
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Warner
Casey	Harrington	Prieguez	Waters
Chestnut	Hart	Pruitt	Wiles
Constantine	Henriquez	Putnam	Wilson
Cosgrove	Heyman	Rayson	Wise
Crady	Hill	Reddick	
Crist	Johnson	Ritchie	
Crow	Jones	Ritter	

Nays—2

Healey	Turnbull

Votes after roll call:
Yeas—Goode

So the bill passed and was immediately certified to the Senate.

HB 523—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 personal or real property purchased or leased for use in the operation of a television broadcasting station that meets specified criteria; requiring return of tax refunds plus interest and penalties if certain criteria are not met; providing limitations; providing an effective date.

—was read the second time by title.

The Committee on Utilities & Communications offered the following:

Amendment 1—On page 2, lines 10 and 13 of the bill after: "*affidavit*"

insert: *to the department*

Rep. Logan moved the adoption of the amendment, which was adopted.

The Committee on Utilities & Communications offered the following:

Amendment 2—On page 2, line 21, of the bill after: "*statistical area*"

insert: *as defined in s. 334.03(17)*

Rep. Logan moved the adoption of the amendment, which was adopted.

The Committee on Utilities & Communications offered the following:

Amendment 3—On page 2, line 25, of the bill after: *In the*

insert: *calendar*

Rep. Logan moved the adoption of the amendment, which was adopted.

The Committee on Utilities & Communications offered the following:

Amendment 4—On page 3, line 2 of the bill after the period

insert: *Should the taxpayer fail to comply with this provision, a refund shall be made 30 days after the one year period has expired to avoid interest and penalties.*

Rep. Logan moved the adoption of the amendment, which was adopted.

The Committee on Utilities & Communications offered the following:

Amendment 5—On page 3, line 18
remove from the bill: Department of Commerce

and insert in lieu thereof: *Office of Tourism, Trade and Economic Development* ~~Department of Commerce~~

Rep. Logan moved the adoption of the amendment, which was adopted.

On motion by Rep. Logan, the rules were suspended and HB 523, as amended, was read the third time by title. On passage, the vote was:

Yeas—97

The Chair	Diaz de la Portilla	Johnson	Rayson
Albright	Dockery	Jones	Ritchie
Alexander	Edwards	Kelly	Ritter
Andrews	Effman	Kilmer	Roberts
Argenziano	Farkas	Kosmas	Russell
Arnall	Fasano	Kyle	Sanderson
Bainter	Feeney	Lawson	Sembler
Barreiro	Fiorentino	Levine	Smith, C.
Bense	Flanagan	Littlefield	Smith, K.
Betancourt	Frankel	Logan	Sorensen
Bilirakis	Fuller	Lynn	Spratt
Bitner	Futch	Maygarden	Stafford
Boyd	Gay	Melvin	Stansel
Bronson	Goode	Merchant	Trovillion
Brown	Goodlette	Miller, J.	Tullis
Brummer	Gottlieb	Minton	Villalobos
Bush	Green, C.	Morroni	Wallace
Byrd	Greene, A.	Murman	Warner
Cantens	Greenstein	Ogles	Waters
Chestnut	Hafner	Patterson	Wiles
Constantine	Harrington	Peaden	Wilson
Crady	Hart	Posey	Wise
Crist	Henriquez	Prieguez	
Crow	Heyman	Pruitt	
Dennis	Hill	Putnam	

Nays—13

Ball	Healey	Reddick	Sublette
Bloom	Lacasa	Starks	Turnbull
Casey	Miller, L.	Suarez	Valdes
Detert			

Votes after roll call:
Yeas—Bradley
Yeas to Nays—Ritter

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 537—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.0515, F.S.; revising the

calculation of taxes on food, beverages, and other items of tangible personal property sold from vending machines; eliminating the requirement for a certificate; eliminating a monetary penalty; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

Amendment 1 (with title amendment)—On page 1, lines 27-31 and

On page 2, lines 1-31, and

On page 3, lines 1-18,
remove from the bill: all of said lines

and insert in lieu thereof:
divisor *is* ~~shall be~~ equal to the sum of ~~1.0665 for beverage items,~~ 1.0645 for *beverage and* food items, or 1.0659 for other items of tangible personal property, except that for counties with a 0.5 percent sales surtax rate the divisor *is* ~~shall be~~ equal to the sum of *1.0686 for beverage and food items or* 1.0707 for ~~beverages and~~ other items of tangible personal property~~, 1.0686 for food items~~; *for counties with a 0.75 percent sales surtax rate the divisor is equal to the sum of 1.0706 for beverage and food items or 1.0727 for other items of tangible personal property;* for counties with a 1 percent sales surtax rate the divisor *is* ~~shall be~~ equal to the sum of *1.0726 for beverage and food items or* 1.0749 for ~~beverages and~~ other items of tangible personal property~~, or 1.0726 for food items~~; and for counties with a 1.5 percent sales surtax rate the divisor *is* ~~shall be~~ equal to the sum of *1.0767 for beverage and food items or* 1.0791 for ~~beverages and~~ other items of tangible personal property ~~or 1.0767 for food items. However, the amount of the tax to be paid on natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products, natural fruit juices, or natural vegetable juices shall be calculated using the divisor that is specified for food items.~~ If an operator cannot account for each type of item sold through a vending machine, the highest tax rate shall be used for all products sold through that machine.

~~(5)(a) Each operator who purchases food or beverages for resale in vending machines shall annually provide to the dealer from whom the items are purchased a certificate on a form prescribed and issued by the department. The certificate must affirmatively state that the purchaser is a vending machine operator. The certificate shall initially be provided upon the first transaction between the parties and by November 1 of each year thereafter.~~

~~(b) A penalty of $250 is imposed on any operator who fails to comply with the requirements of this subsection or who provides the dealer with false information. Penalties accrue interest as provided for delinquent taxes under this chapter and apply in addition to all other applicable taxes, interest, and penalties.~~

(5)~~(6)~~ The provisions of this section do not apply to vending machines owned and operated by churches, synagogues, or nonprofit or charitable organizations exempt pursuant to s. 212.08(7)(z).

(6)~~(7)~~ In addition to any other penalties imposed by this chapter, a person who knowingly and willfully violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7)~~(8)~~ The department may adopt rules necessary to administer the provisions of this section and may establish a schedule for phasing in the requirement that existing notices be replaced with revised notices displayed on vending machines.

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

And the title is amended as follows:

On page 1, lines 4-6
remove from the title of the bill: all of said lines

and insert in lieu thereof:
revising the calculation of taxes on beverages sold from vending machines;

Rep. Hart moved the adoption of the amendment, which was adopted.

On motion by Rep. Hart, the rules were suspended and HB 537, as amended, was read the third time by title. On passage, the vote was:

Yeas—109

The Chair	Diaz de la Portilla	Johnson	Roberts
Albright	Dockery	Jones	Rojas
Alexander	Edwards	Kelly	Russell
Andrews	Effman	Kilmer	Ryan
Argenziano	Eggelletion	Kyle	Sanderson
Arnall	Farkas	Lawson	Sembler
Bainter	Fasano	Levine	Smith, C.
Ball	Feeney	Littlefield	Smith, K.
Barreiro	Fiorentino	Logan	Sobel
Bense	Flanagan	Lynn	Sorensen
Betancourt	Frankel	Maygarden	Spratt
Bitner	Fuller	Melvin	Stafford
Bloom	Futch	Merchant	Stansel
Boyd	Garcia	Miller, J.	Starks
Bradley	Gay	Minton	Suarez
Bronson	Goode	Morroni	Trovillion
Brown	Goodlette	Murman	Tullis
Brummer	Gottlieb	Ogles	Turnbull
Bush	Green, C.	Patterson	Valdes
Byrd	Greene, A.	Peaden	Villalobos
Cantens	Greenstein	Posey	Wallace
Casey	Hafner	Prieguez	Warner
Constantine	Harrington	Pruitt	Waters
Crady	Hart	Putnam	Wiles
Crist	Healey	Rayson	Wise
Crow	Henriquez	Reddick	
Dennis	Heyman	Ritchie	
Detert	Hill	Ritter	

Nays—4

Chestnut	Lacasa	Miller, L.	Sublette

Votes after roll call:
Yeas to Nays—Constantine
Nays to Yeas—Chestnut

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Sublette, **CS/HB 545** was temporarily postponed under Rule 141 and the second reading nullified.

HB 561—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; removing a restriction on the application of the exemption for veterans' organizations and their auxiliaries; providing an exemption for sales or leases to organizations exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. (1) Effective upon this act becoming a law, subsection (9) is added to section 212.031, Florida Statutes, 1998 Supplement, to read:

212.031 Lease or rental of or license in real property.—

(9) The rental, lease, sublease, or license for the use of a skybox, luxury box, or other box seats for use during a high school or college football game in a high tourism impact county, as defined by s. 125.0104, is exempt from the tax imposed by this section when the charge for such rental, lease, sublease, or license is imposed by a nonprofit sponsoring

organization which is qualified as nonprofit pursuant to s. 501(c)(3) of the Internal Revenue Code.

(2) *No tax imposed by chapter 212, Florida Statutes, on the transactions made exempt by the amendment to s. 212.031, Florida Statutes, 1998 Supplement, by this section, and not actually paid or collected by a nonprofit sponsoring organization prior to the effective date of this section, shall be due from that nonprofit sponsoring organization.*

Section 2. Section 212.0602, Florida Statutes, is amended to read.

212.0602 Education; limited exemption.—To facilitate investment in education and job training, there is also exempt from the taxes levied under this chapter, subject to the provisions of this section, the purchase or lease of materials, equipment, and other items *or the license in or lease of real property* by any entity, institution, or organization that is primarily engaged in teaching students to perform any of the activities or services described in s. 212.031(1)(a)9., that conducts classes at a fixed location located in this state, that is licensed under chapter 246, and that has at least 500 enrolled students. Any entity, institution, or organization meeting the requirements of this section shall be deemed to qualify for the exemptions in ss. 212.031(1)(a)9. and 212.08(5)(f) and (12), and to qualify for an exemption for its purchase or lease of materials, equipment, and other items used for education or demonstration of the school's curriculum, *including supporting operations*. Nothing in this section shall preclude an entity described in this section from qualifying for any other exemption provided for in this chapter.

Section 3. Paragraphs (o), (dd), and (gg) of subsection (7) of section 212.08, Florida Statutes, 1998 Supplement, are amended, and paragraphs (zz), (aaa), and (bbb) are added to said subsection, to read:

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

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this chapter transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to ~~the state headquarters of~~ qualified veterans' organizations and ~~the state headquarters of~~ their auxiliaries when used in carrying on their customary veterans' organization activities. ~~If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this chapter.~~

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, the primary activity of which is making and distributing audio recordings of religious scriptures and teachings to blind or visually impaired persons at no charge. The term "religious institutions" also includes any nonprofit corporation that is qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, the sole or primary function of which is to provide, upon invitation, nonprofit religious services, evangelistic services, religious education, administration assistance, or missionary assistance for a church, synagogue, or established physical place of worship at which nonprofit religious services and activities are regularly conducted.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, *consumer credit counseling,* and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this chapter. Sales to a health system foundation, qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, which filed an application for exemption with the department prior to November 15, 1997, and which

application is subsequently approved, shall be exempt as to any unpaid taxes on purchases made from November 14, 1990, to December 31, 1997.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a board of the Division of Medical Quality Assurance of the Department of Health or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this sub-subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)*(3),* (4), or (19) of the Internal Revenue Code.

(dd) Works of art.—

1. Also exempt are works of art sold to or used by an educational institution, as defined in sub-subparagraph (o)2.d.

2. This exemption also applies to the sale to or use in this state of any work of art by any person if it was purchased or imported exclusively for the purpose of being *donated to any educational institution, or* loaned to and made available for display by any educational institution, provided that the term of the loan agreement is for at least 10 years.

3. The exemption provided by this paragraph for donations is allowed only if the person who purchased the work of art transfers title to the donated work of art to an educational institution. Such transfer of title shall be evidenced by an affidavit meeting requirements established by rule to document entitlement to the exemption. Nothing in this paragraph shall preclude a work of art donated to an educational institution from remaining in the possession of the donor or purchaser, as long as title to the work of art lies with the educational institution.

4.~~3.~~ A work of art is presumed to have been purchased in or imported into this state exclusively for loan as provided in subparagraph 2., if it is so loaned or placed in storage in preparation for such a loan within 90 days after purchase or importation, whichever is later; but a work of art is not deemed to be placed in storage *in preparation for loan* for purposes of this exemption if it is displayed at any place other than an educational institution.

5.~~4.~~ The exemptions provided by this paragraph are allowed only if the person who purchased the work of art gives to the vendor an affidavit meeting the requirements, established by rule, to document entitlement to the exemption. The person who purchased the work of art shall forward a copy of such affidavit to the Department of Revenue at the time it is issued to the vendor.

6.~~5.~~ The exemption *for loans* provided by subparagraph 2. applies only for the period during which a work of art is in the possession of the educational institution or is in storage before transfer of possession to that institution; and when it ceases to be so possessed or held, tax based upon the sales price paid by the owner is payable, and the statute of limitations provided in s. 95.091 shall begin to run at that time. *However, tax shall not become due if the work of art is donated to an educational institution after the loan ceases.*

7. Any educational institution to which a work of art has been donated pursuant to this paragraph shall make available to the department the title to the work of art and any other relevant information. Any educational institution which has received a work of art *on loan* pursuant to this paragraph shall make available to the department information relating to the work of art. Any educational institution that transfers from its possession a work of art as defined by this paragraph *which has been loaned to it* must notify the Department of Revenue within 60 days after the transfer.

8.~~6.~~ For purposes of the exemptions provided by this paragraph, the term "work of art" includes pictorial representations, sculpture, jewelry, antiques, stamp collections and coin collections, and other tangible personal property, the value of which is attributable predominantly to its artistic, historical, political, cultural, or social importance.

~~7. This paragraph is a remedial clarification of legislative intent and applies to all taxes that remain open to assessment or contest on July 1, 1992.~~

(gg) Athletic event sponsors.—There shall be exempt from the tax imposed by this chapter sales or leases to ~~those~~ organizations *that* ~~which~~:

1.~~a.~~ Are incorporated pursuant to chapter 617; ~~and~~

2.~~b.~~ Hold a current exemption from federal corporate income tax liability pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

3.a.~~2.~~ Sponsor golf tournaments sanctioned by the PGA Tour, PGA of America, or the LPGA*; or*~~.~~

b. Are funded primarily by county or municipal governments and have as their primary purpose the encouragement and facilitation of the use of certain locations within this state as venues for sporting events.

(zz) Nonprofit organizations raising funds for or making grants to organizations holding consumer's certificate of exemption.—Sales or leases to an organization which holds current exemption from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code, as amended, the sole or primary function of which is to raise funds for or make grants to another organization or organizations currently holding a consumer's certificate of exemption issued by the department are exempt from the tax imposed by this chapter.

(aaa) Nonprofit water systems.—Sales or leases to a not-for-profit corporation which holds a current exemption from federal income tax under s. 501(c)(12) of the Internal Revenue Code, as amended, are exempt from the tax imposed by this chapter if the sole or primary function of the corporation is to construct, maintain, or operate a water system in this state.

(bbb) Library cooperatives.—Sales or leases to library cooperatives certified under s. 257.41(2) are exempt from the tax imposed by this chapter.

Exemptions provided to any entity by this subsection shall not inure to any transaction otherwise taxable under this chapter when payment is made by a representative or employee of such entity by any means, including, but not limited to, cash, check, or credit card even when that representative or employee is subsequently reimbursed by such entity.

Section 4. *(1) The exemption provided by paragraph (zz) of s. 212.08(7), Florida Statutes, 1998 Supplement, as created by this act, applies retroactively, except that all taxes that have been collected must be remitted, and taxes that have been remitted before July 1, 1999, on transactions that are subject to exemption under that paragraph are not subject to refund.*

(2) The exemption provided by paragraph (bbb) of s. 212.08(7), Florida Statutes, 1998 Supplement, as created by this act, applies retroactively to July 1, 1997.

Section 5. Subsection (2) of section 257.41, Florida Statutes, is amended to read:

257.41 Library cooperatives; organization; receipt of state moneys.—

(2) The Division of Library and Information Services of the Department of State shall establish operating standards and rules under which a library cooperative is eligible to receive state moneys. *The division shall issue a certificate to each library cooperative that meets the standards and rules established under this subsection.*

Section 6. Except as otherwise provided herein, this act shall take effect July 1, 1999.

And the title is amended as follows:
remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S.; providing an exemption for the rental, lease, sublease, or license to use certain skyboxes or other box seats during specified activities in a high tourism impact county under certain conditions; providing that no tax imposed on transactions so exempt and not actually paid or collected prior to the effective date of such exemption shall be due; amending s. 212.0602, F.S., which exempts the purchase or lease of materials, equipment, and other items by specified educational entities, institutions, or organizations under certain limited circumstances; expanding the exemption to include the license in or lease of real property by, and supporting operations of, such educational institutions; amending s. 212.08, F.S.; removing a restriction on the application of the exemption for veterans' organizations and their auxiliaries; revising the definition of "veterans' organizations"; including nonprofit corporations that provide consumer credit counseling in the definition of "charitable institutions" for purposes of the exemption granted to such institutions; providing an exemption for works of art purchased or imported for the purpose of donation to an educational institution; providing requirements with respect thereto; providing an exemption for sales or leases to certain organizations that are primarily funded by local governments and that encourage the use of certain locations as venues for sporting events; providing an exemption for sales or leases to nonprofit organizations the sole or primary function of which is to raise funds for or make grants to organizations currently holding a consumer's certificate of exemption issued by the Department of Revenue; providing for retroactive application; providing an exemption for sales or leases to nonprofit corporations the sole or primary function of which is to construct, maintain, or operate a water system; providing an exemption for sales or leases to library cooperatives certified under s. 257.41, F.S.; providing for retroactive application; amending s. 257.41, F.S.; requiring the Division of Library and Information Services of the Department of State to issue certificates to library cooperatives that are eligible to receive state moneys; providing effective dates.

Rep. Fasano moved the adoption of the amendment.

Representative(s) Constantine offered the following:

Amendment 1 to Amendment 1 (with title amendment)—On page 1, lines 24 & 25,
remove from the amendment: *in a high tourism impact county, as defined by s. 125.0104,*

And the title is amended as follows:

On page 13, lines 11 & 12,
remove: in a high tourism impact county

Rep. Albright moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Fasano, the rules were suspended and HB 561, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Dennis	Hill	Ritchie
Albright	Detert	Jones	Ritter
Alexander	Diaz de la Portilla	Kelly	Roberts
Andrews	Dockery	Kilmer	Rojas
Argenziano	Edwards	Kosmas	Russell
Arnall	Effman	Kyle	Ryan
Bainter	Eggelletion	Lacasa	Sanderson
Ball	Farkas	Lawson	Sembler
Barreiro	Fasano	Levine	Smith, C.
Bense	Feeney	Littlefield	Smith, K.
Betancourt	Fiorentino	Logan	Sobel
Bilirakis	Flanagan	Lynn	Sorensen
Bitner	Frankel	Maygarden	Spratt
Bloom	Fuller	Melvin	Stafford
Boyd	Futch	Merchant	Stansel
Bradley	Garcia	Miller, J.	Starks
Bronson	Gay	Miller, L.	Suarez
Brown	Goode	Minton	Sublette
Brummer	Goodlette	Morroni	Trovillion
Bush	Gottlieb	Murman	Tullis
Byrd	Green, C.	Ogles	Turnbull
Cantens	Greene, A.	Patterson	Valdes
Casey	Greenstein	Peaden	Villalobos
Chestnut	Hafner	Posey	Wallace
Constantine	Harrington	Prieguez	Warner
Cosgrove	Hart	Pruitt	Waters
Crady	Healey	Putnam	Wiles
Crist	Henriquez	Rayson	Wilson
Crow	Heyman	Reddick	Wise

Nays—None

Abstain from Voting

I abstain from voting on HB 561 because of a possible conflict of interest. The bill contains sales tax exemptions for sports commissions. I am employed by a sports commission. The bill contains an exemption for sky boxes at the Citrus Bowl. As president of the Central Florida Sports Commission, I do business with and have served on the Board of the Florida Citrus Sports Association.

Rep. Randy Johnson
District 41

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

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 read the second time by title.

The Committee on Finance & Taxation offered the following:

Amendment 1—On page 1, lines 22-26
remove from the bill: all of said lines

and insert in lieu thereof:
are the following materials purchased, produced, or created by businesses classified under SIC Industry Numbers 275, 276, 277, 278, or 279 for use in producing graphic matter for sale: film, photographic paper, dyes used for embossing and engraving, artwork, typography, lithographic plates, and negatives. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

Rep. Albright moved the adoption of the amendment, which was adopted.

On motion by Rep. Dockery, the rules were suspended and HB 643, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Detert	Jones	Roberts
Albright	Diaz de la Portilla	Kelly	Rojas
Alexander	Dockery	Kilmer	Russell
Andrews	Edwards	Kosmas	Ryan
Argenziano	Effman	Kyle	Sanderson
Arnall	Eggelletion	Lacasa	Sembler
Bainter	Farkas	Lawson	Smith, C.
Ball	Fasano	Levine	Smith, K.
Barreiro	Feeney	Littlefield	Sobel
Bense	Fiorentino	Logan	Sorensen
Betancourt	Flanagan	Lynn	Spratt
Bilirakis	Frankel	Maygarden	Stafford
Bitner	Fuller	Melvin	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morroni	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Waters
Constantine	Hart	Pruitt	Wiles
Cosgrove	Healey	Putnam	Wilson
Crady	Henriquez	Rayson	Wise
Crist	Heyman	Reddick	
Crow	Hill	Ritchie	
Dennis	Johnson	Ritter	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Albright, **CS/HB 1083** was temporarily postponed under Rule 141 and the second reading nullified.

HB 1119—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 purchase of membership rights in, and payment of initiation fees to, certain private equity membership clubs; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

Amendment 1 (with title amendment)—On page 1, lines 20-25
remove from the bill: all of said lines

and insert in lieu thereof:

(zz) Joining fees paid for memberships and ownership interests in and assessments for capital expenditures levied by private not-for-profit clubs.—Exempt from the taxes imposed by this chapter are:

1. Monies paid on a one-time-only basis for the privilege of joining and acquiring ownership interest in private not-for-profit clubs, regardless of whether such monies are refundable or not and regardless of the purposes for which such monies are used.

2. Assessments for capital expenditures levied by private, not-for-profit clubs in which members have an ownership interest, whether such assessments are recurring or non-recurring provided, however, that such assessments do not result in a reduction of dues or fees. For purposes of this paragraph, "capital expenditures" means the acquisition of capital assets and payments for capital improvements, including repairs or maintenance to existing capital assets, that maintain or add to the value of or prolong the useful life of the capital asset, according to generally accepted accounting principles.

And the title is amended as follows:

On page 1, lines 4-7
remove from the title of the bill: all of said lines

and insert in lieu thereof:
providing an exemption from the taxes imposed by chapter 212 for joining fees paid for memberships and ownership interests in and assessments for capital expenditures levied by not-for-profit membership clubs; providing an effective date.

Rep. Sembler moved the adoption of the amendment, which was adopted.

Representative(s) Effman offered the following:

Amendment 2—On page 2, between lines 2 and 3 of the bill

insert: *This exemption shall not apply to private equity membership clubs that limit their membership based on race, gender, religion or sexual orientation.*

Rep. Effman moved the adoption of the amendment, which was adopted.

Representative(s) Cosgrove offered the following:

Amendment 3 (with title amendment)—On page 1, line 11
remove from the bill: everything after the enacting clause

and insert in lieu thereof:

Section 1. Any sales tax collected from membership or private equity clubs for fees or dues for the use of facilities owned or operated by such clubs shall be directed to families that are uninsured or underinsured who have lost property related to damages from wildfires to their residence or business.

And the title is amended as follows:

On page 1, line 3

after "transactions;" insert: providing funding relief for those affected by wildfires.

Rep. Cosgrove moved the adoption of the amendment.

Rep. Cosgrove moved that, under Rule 142(h), a late-filed substitute amendment be allowed for consideration, which was not agreed to. The vote was:

Yeas—33

Albright	Effman	Kosmas	Smith, C.
Betancourt	Eggelletion	Lawson	Sobel
Bloom	Gottlieb	Miller, L.	Stafford
Brown	Greenstein	Minton	Suarez
Bush	Hafner	Rayson	Wiles
Chestnut	Healey	Reddick	Wilson
Cosgrove	Henriquez	Ritchie	
Dennis	Heyman	Ritter	
Edwards	Hill	Roberts	

Nays—77

The Chair	Dockery	Kilmer	Russell
Andrews	Farkas	Kyle	Sanderson
Arnall	Fasano	Lacasa	Sembler
Bainter	Feeney	Levine	Smith, K.
Ball	Fiorentino	Littlefield	Sorensen
Barreiro	Flanagan	Logan	Spratt
Bense	Frankel	Lynn	Stansel
Bilirakis	Fuller	Maygarden	Starks
Bitner	Futch	Merchant	Sublette
Bradley	Garcia	Miller, J.	Trovillion
Bronson	Gay	Morroni	Tullis
Brummer	Goode	Murman	Turnbull
Byrd	Goodlette	Ogles	Valdes
Cantens	Green, C.	Patterson	Villalobos
Casey	Greene, A.	Peaden	Wallace
Constantine	Harrington	Posey	Warner
Crady	Hart	Prieguez	Waters
Crow	Johnson	Pruitt	
Detert	Jones	Putnam	
Diaz de la Portilla	Kelly	Rojas	

Votes after roll call:
Nays to Yeas—Frankel

The question recurred on the adoption of **Amendment 3**.

On motion by Rep. Fasano, the amendment was laid on the table. The vote was:

Yeas—79

The Chair	Crist	Jones	Putnam
Albright	Crow	Kelly	Rojas
Alexander	Detert	Kilmer	Russell
Andrews	Diaz de la Portilla	Kyle	Sanderson
Argenziano	Dockery	Lacasa	Sembler
Arnall	Farkas	Littlefield	Smith, K.
Bainter	Fasano	Logan	Sorensen
Ball	Feeney	Lynn	Spratt
Barreiro	Fiorentino	Maygarden	Stansel
Bense	Flanagan	Melvin	Starks
Bilirakis	Fuller	Miller, J.	Sublette
Bitner	Futch	Minton	Trovillion
Bradley	Garcia	Morroni	Tullis
Bronson	Gay	Murman	Valdes
Brummer	Goode	Ogles	Villalobos
Byrd	Goodlette	Patterson	Wallace
Cantens	Green, C.	Peaden	Warner
Casey	Harrington	Posey	Waters
Constantine	Hart	Prieguez	Wiles
Crady	Johnson	Pruitt	

Nays—33

Betancourt	Cosgrove	Gottlieb	Henriquez
Bloom	Dennis	Greene, A.	Heyman
Brown	Edwards	Greenstein	Hill
Bush	Effman	Hafner	Kosmas
Chestnut	Frankel	Healey	Levine
Miller, L.	Ritter	Smith, C.	Suarez
Rayson	Roberts	Sobel	Turnbull
Reddick	Ryan	Stafford	Wilson
Ritchie			

On motion by Rep. Sembler, the rules were suspended and HB 1119, as amended, was read the third time by title. On passage, the vote was:

Yeas—76

The Chair	Detert	Kyle	Roberts
Albright	Diaz de la Portilla	Lacasa	Rojas
Andrews	Dockery	Levine	Russell
Arnall	Flanagan	Littlefield	Sanderson
Bainter	Frankel	Logan	Sembler
Barreiro	Fuller	Lynn	Smith, K.
Bense	Futch	Maygarden	Sorensen
Bilirakis	Garcia	Melvin	Spratt
Bitner	Gay	Merchant	Stafford
Bradley	Goode	Miller, J.	Stansel
Bronson	Goodlette	Minton	Starks
Brummer	Gottlieb	Morroni	Trovillion
Byrd	Green, C.	Ogles	Tullis
Cantens	Harrington	Patterson	Valdes
Casey	Hart	Peaden	Villalobos
Constantine	Henriquez	Posey	Wallace
Crady	Jones	Prieguez	Warner
Crist	Kelly	Pruitt	Waters
Crow	Kilmer	Rayson	Wise

Nays—32

Ball	Dennis	Hafner	Reddick
Betancourt	Edwards	Healey	Ritchie
Bloom	Farkas	Heyman	Ritter
Boyd	Fasano	Hill	Suarez
Brown	Feeney	Kosmas	Sublette
Bush	Fiorentino	Miller, L.	Turnbull
Chestnut	Greene, A.	Murman	Wiles
Cosgrove	Greenstein	Putnam	Wilson

Votes after roll call:
Yeas to Nays—Warner

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Albright, **HB 1027** was temporarily postponed under Rule 141 and the second reading nullified.

Other Bills on Special Orders

HB 2151—A bill to be entitled An act relating to petroleum contamination site rehabilitation; amending s. 376.3071, F.S.; revising authority and procedures relating to source removal and site cleanup activities funded from the Inland Protection Trust Fund; providing an annual funding limitation for certain source removal activities; providing a time limit for negotiation of site rehabilitation and cost-sharing agreements; authorizing the Department of Environmental Protection to terminate negotiations and revoke funding eligibility and liability protections, if time limits are not met; eliminating funding ineligibility for persons who knowingly acquire title to contaminated property; amending s. 376.30711, F.S.; requiring the department to select five sites for restoration funding under an innovative technology pilot program; providing selection criteria; providing for use of certain innovative products and processes, based on competitive bid; amending s. 376.30713, F.S.; removing repeal of the preapproved advanced cleanup program; rescheduling legislative review; creating s. 376.30714, F.S.; authorizing the department to negotiate site rehabilitation agreements at certain sites with new discharges; providing legislative findings; providing definitions; providing application procedures; providing for apportionment of funding responsibilities; specifying excluded new discharges; providing negotiation procedures and timeframe; providing liability protections covered by such agreements; providing retroactive effect of the section; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were suspended and the bill was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Dennis	Johnson	Roberts
Albright	Detert	Kelly	Rojas
Alexander	Diaz de la Portilla	Kilmer	Russell
Andrews	Dockery	Kosmas	Ryan
Argenziano	Edwards	Kyle	Sanderson
Arnall	Effman	Lacasa	Sembler
Bainter	Farkas	Lawson	Smith, C.
Ball	Fasano	Levine	Smith, K.
Barreiro	Feeney	Littlefield	Sobel
Bense	Fiorentino	Logan	Spratt
Betancourt	Flanagan	Lynn	Stafford
Bilirakis	Frankel	Maygarden	Stansel
Bitner	Fuller	Melvin	Starks
Bloom	Futch	Merchant	Suarez
Boyd	Garcia	Miller, J.	Sublette
Bradley	Gay	Miller, L.	Trovillion
Bronson	Goode	Minton	Tullis
Brown	Goodlette	Murman	Turnbull
Brummer	Gottlieb	Ogles	Valdes
Bush	Green, C.	Patterson	Villalobos
Byrd	Greene, A.	Peaden	Wallace
Cantens	Greenstein	Posey	Warner
Casey	Hafner	Prieguez	Waters
Chestnut	Harrington	Pruitt	Wiles
Constantine	Hart	Putnam	Wilson
Cosgrove	Healey	Rayson	Wise
Crady	Henriquez	Reddick	
Crist	Heyman	Ritchie	
Crow	Hill	Ritter	

Nays—None

So the bill passed and was immediately certified to the Senate.

CS/HB 2145—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; creating s. 20.331, F.S.; creating the Fish and Wildlife Conservation Commission; expressing legislative intent and constitutional intent; establishing administrative units within the new commission; establishing sources of funding; transferring the Game and Fresh Water Fish Commission, the Marine Fisheries Commission, and various bureaus of the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing for administrative transfer of certain offices; providing legislative intent; providing for an operating agreement and an annual work plan regarding responsibilities shared by the department and the commission; providing for submission of the work plan to the Governor and the Legislature; providing for a memorandum of agreement between the commission and the department regarding responsiblities of the Florida Marine Research Institute to the department; amending s. 20.255, F.S.; revising language with respect to the administrative makeup of the Department of Environmental Protection to conform to the act; providing for the appropriation of certain revenues and federal funds to the commission; providing for limitation on expenditures by the commission; providing for the appointment of a working group by the Executive Office of the Governor; amending s. 20.14, F.S.; adding a Division of Aquaculture of the Department of Agriculture and Consumer Services; amending s. 206.606, F.S.; adjusting distribution of fuel tax proceeds in conformance to the act to the commission; amending s. 320.08058, F.S.; conforming terminology to the act; amending s. 327.02, F.S.; providing definitions and repealing s. 327.02(6), F.S.; to remove reference to the Department of Environmental Protection; amending s. 327.25, F.S.; providing for classification and registration of vessels; adjusting location of antique license vessel decal; amending s. 327.26, F.S.; providing for stickers or emblems for the Save the Manatee Trust Fund; amending s. 327.28, F.S.; providing for the appropriation and distribution of vessel registration funds; amending s. 327.30, F.S.; providing requirements regarding collisions, accidents, and casualties; amending s. 327.35215, F.S.; providing penalties; amending s. 327.395, F.S.; providing for boating safety identification cards; amending s. 327.41, F.S.; providing for uniform watering regulatory markers; amending s. 327.43, F.S.; providing for navigation channel requirements; amending s. 327.46, F.S.; providing for the establishment of restricted areas on the waters of the state; amending s. 327.48, F.S.; providing requirements for regattas, races, marine parades, tournaments, or exhibitions; amending s. 327.70, F.S.; providing for the enforcement of chapters 327 and 328, F.S.; amending s. 327.71, F.S.; providing an exemption; amending s. 327.731, F.S.; providing for mandatory education for violators; amending s. 327.74, F.S.; providing for uniform boating citations; amending s. 327.803, F.S.; providing for a Boating Advisory Council; amending s. 327.804, F.S.; providing for statistics on boating accidents and violations; amending s. 327.90, F.S.; providing for electronic or telephonic transactions; amending s. 328.01, F.S.; providing for application for certificate of title; amending s. 339.281, F.S.; providing for marine accident reports; amending s. 370.025, F.S.; providing marine policy and standards, and rulemaking authority for the Fish and Wildlife Conservation Commission; repealing s. 370.027, F.S.; abolishing rulemaking authority with respect to marine life; amending s. 370.06, F.S.; transferring responsibilities for issuing certain licenses related to marine life to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; amending s. 370.0608, F.S.; providing for the deposit of license fees; allocating of federal funds; amending s. 370.063, F.S.; correcting references; deleting obsolete dates; adjusting use of fees; amending s. 370.071, F.S.; transferring responsibilities for the regulation of shellfish processors to the Department of Agriculture and Consumer Services; amending s. 370.12, F.S.; providing rulemaking guidance related to endangered marine mammals; correcting obsolete references; amending s. 370.26, F.S.; transferring certain activities related to aquaculture to the Fish and Wildlife Conservation Commission; amending s. 372.072, F.S.; relating to the Endangered and Threatened Species Act; correcting obsolete references; amending s. 372.0725, F.S.; providing penalties for the killing or wounding of any species designated as endangered, threatened, or of special concern; amending s. 372.073, F.S.; transferring responsibility for the Endangered and Threatened Species Reward Program to the Fish and Wildlife Conservation Commission; amending s. 370.093, F.S.; correcting cross references; repealing s. 20.325, F.S.; abolishing the Game and Fresh Water Fish Commission; repealing s. 370.026, F.S.; abolishing the Marine Fisheries Commission; instructing Division of Statutory Revision to draft reviser's bill for year 2000 Regular Session; providing an effective date.

—was read the second time by title.

The Committee on General Government Appropriations offered the following:

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 20.331, Florida Statutes, is created to read:

20.331 Fish and Wildlife Conservation Commission.—

(1) The Legislature, recognizing the Fish and Wildlife Conservation Commission as being specifically authorized by the State Constitution under s. 9, Art. IV, grants rights and privileges to the commission, as contemplated by s. 6, Art. IV of the State Constitution, equal to those of departments established under this chapter, while preserving its constitutional designation and title as a commission.

(2) The head of the Fish and Wildlife Conservation Commission is the commission appointed by the Governor as provided for in s. 9, Art. IV of the State Constitution.

(3) The following administrative units are established within the commission:

(a) Division of Administrative Services.

(b) Division of Law Enforcement.

(c) Division of Freshwater Fisheries.

(d) Division of Marine Fisheries.

(e) Division of Wildlife.

(f) Florida Marine Research Institute.

The bureaus and offices of the Game and Fresh Water Fish Commission existing on February 1, 1999, are established within the Fish and Wildlife Conservation Commission.

(4)(a) To aid the commission in the implementation of its constitutional and statutory duties, the Legislature authorizes the commission to appoint, fix the salary of, and at its pleasure, remove a person, not a member of the commission, as the executive director. The executive director shall be reimbursed for travel per diem and travel expenses, as provided in s. 112.061, incurred in the discharge of official duties. The executive director shall maintain headquarters and reside in Tallahassee.

(b) Each new executive director must be confirmed by the Senate during the legislative session immediately following his or her hiring by the commission.

(5) In further exercise of its duties, the Fish and Wildlife Conservation Commission:

(a) Shall assign to the Division of Freshwater Fisheries and the Division of Marine Fisheries such powers, duties, responsibilities, and functions as are necessary to ensure compliance with the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's freshwater aquatic life and marine life resources.

(b) Shall assign to the Division of Wildlife such powers, duties, responsibilities, and functions as are necessary to ensure compliance with the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's wildlife resources.

(c) Shall assign to the Division of Law Enforcement such powers, duties, responsibilities, and functions as are necessary to ensure enforcement of the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's wildlife resources, freshwater aquatic life resources, and marine life resources. In performance of their duties as sworn law enforcement officers for the State of Florida, the division's officers also shall assist in the enforcement of all general environmental laws remaining under the responsibility of the Department of Environmental Protection.

(d) Shall assign to the Florida Marine Research Institute such powers, duties, responsibilities, and functions as are necessary to accomplish its mission. It shall be the mission of the Florida Marine Research Institute to:

1. Serve as the primary source of research and technical information and expertise on the status of Florida's saltwater resources;

2. Monitor the status and health of saltwater habitat, marine life, and wildlife;

3. Develop and implement restoration techniques for marine habitat and enhancement of saltwater plant and animal populations;

4. Respond and provide critical technical support for marine catastrophes including oil spills, ship groundings, major marine species die-offs, hazardous spills, and natural disaster;

5. Identify and monitor marine toxic red tides and their impacts, and provide technical support for state and local public health concerns; and

6. Provide state and local governments with estuarine, marine, coastal technical information and research results.

(6)(a) Shall implement a system of adequate due process procedures to be accorded to any party, as defined in s. 120.52, whose substantial interests will be affected by any action of the Fish and Wildlife Conservation Commission in the performance of its constitutional duties or responsibilities.

(b) The Legislature encourages the commission to incorporate in its process the provisions of s. 120.54(3)(c) when adopting rules in the performance of its constitutional duties or responsibilities.

(c) The provisions of chapter 120 shall be accorded to any party whose substantial interests will be affected by any action of the commission in the performance of its statutory duties or responsibilities. For purposes of this subsection, statutory duties or responsibilities include, but are not limited to, the following:

1. Research and management responsibilities for marine species listed as endangered, threatened, or of special concern, including, but not limited to, manatees and marine turtles;

2. Establishment and enforcement of boating safety regulations;

3. Land acquisition and management;

4. Enforcement and collection of fees for all recreational and commercial hunting or fishing licenses or permits;

5. Aquatic plant removal and management using fish as a biological control agent;

6. Enforcement of penalties for violations of commission rules, including, but not limited to, the seizure and forfeiture of vessels and other equipment used to commit those violations;

7. Establishment of free fishing days;

8. Regulation of off-road vehicles on state lands;

9. Establishment and coordination of a statewide hunter safety course;

10. Establishment of programs and activities to develop and distribute public education materials;

11. Police powers of wildlife and marine officers;

12. Establishment of citizen support organizations to provide assistance, funding, and promotional support for programs of the commission;

13. Creation of the Voluntary Authorized Hunter Identification Program; and

14. Regulation of required clothing of persons hunting deer.

(d) The commission is directed to provide a report on the development and implementation of its adequate due process provisions to the President of the Senate, the Speaker of the House of Representatives, and the appropriate substantive committees of the House of Representatives and the Senate no later than December 1, 1999.

(7) Comments submitted by the commission to a permitting agency for applications for permits, licenses, or authorizations impacting the commission's jurisdiction must be based on credible, factual scientific data, and must be received by the permitting agency within the time specified by applicable statutes or rules, or within 30 days, whichever is shorter. Comments provided by the commission are not binding on any permitting agency. Comments by the commission shall be considered for consistency with the Florida Coastal Management Program and sections 373.428, and 380.23. Should a permitting agency use the commission's comments as a condition of denial, approval, or modification of a proposed permit, license, or authorization, any party to an administrative proceeding involving such proposed action may require the commission to join as a party in determining the validity of the condition. In any action where the commission is joined as a party, the commission shall only bear the actual cost of defending the validity of the credible, factual scientific data used as a basis for its comments.

(8) Shall acquire, in the name of the state, lands and waters suitable for the protection, improvement, and restoration of marine life, wildlife

resources, and freshwater aquatic life resources by purchase, lease, gift or otherwise, using state, federal, or other sources of funding. Lands acquired under this section shall be managed for recreation and other multiple-use activities that do not impede the commission's ability to perform its constitutional and statutory responsibilities and duties.

(9) May require any employee of the commission to give a bond for the faithful performance of duties. The commission may determine the amount of the bond and must approve the bond. In determining the amount of the bond, the commission may consider the amount of money or property likely to be in custody of the officer or employee at any one time. The premiums for the bond must be paid out of the funds of the commission.

Section 2. *The Game and Fresh Water Fish Commission is transferred to the Fish and Wildlife Conservation Commission by a type two transfer, as defined in s. 20.06(2), Florida Statutes.*

Section 3. *The Marine Fisheries Commission is transferred to the Fish and Wildlife Conservation Commission by a type two transfer, as defined in s. 20.06(2), Florida Statutes.*

Section 4. *(1) The Bureau of Environmental Law Enforcement, the Bureau of Administrative Support, the Bureau of Operational Support, and the Office of Enforcement Planning and Policy Coordination within the Division of Law Enforcement at the Department of Environmental Protection, together with the positions assigned to these specified bureaus and offices as of February 1, 1999, are transferred to the Fish and Wildlife Conservation Commission by a type two transfer, as defined in s. 20.06(2), Florida Statutes, except for:*

(a) Any administrative and technical positions and equipment within the Bureau of Administrative Support and the Bureau of Operational Support providing support services to the Bureau of Emergency Response, the Florida Park Patrol, and the Office of Environmental Investigations within the Division of Law Enforcement at the Department of Environmental Protection as of February 1, 1999;

(b) Any sworn positions classified as Investigator I or Investigator II positions within the different program components of the Division of Law Enforcement at the Department of Environmental Protection as of February 1, 1999.

(c) Any sworn positions assigned to the Office of the Director of the Division of Law Enforcement as of February 1, 1999; and

(d) All sworn positions assigned to the Florida Park Patrol within the Division of Law Enforcement at the Department of Environmental Protection as of February 1, 1999.

(2) The sworn positions assigned to the Uniform Patrol, Inspections, Aviation and Boating Safety program components of the Division of Law Enforcement at the Department of Environmental Protection as of February 1, 1999, are assigned to the Division of Law Enforcement at the Fish and Wildlife Conservation Commission.

(3) No duties or responsibilities relating to boating safety shall remain in the Department of Environmental Protection.

Section 5. *(1) The Division of Marine Resources at the Department of Environmental Protection, together with the positions assigned to the division as of February 1, 1999, are transferred to the Fish and Wildlife Conservation Commission by a type two transfer, as defined in s. 20.06(2), Florida Statutes, except for:*

(a) The Bureau of Coastal and Aquatic Managed Areas which is assigned to the Division of State Lands at the Department of Environmental Protection; and

(b) Positions assigned to the Office of the Division Director as of February 1, 1999, and not performing angler outreach and education duties.

(2) The Office of Fisheries Management and Assistance Services, and positions assigned to angler outreach and education duties within the Division of Marine Resources at the Department of Environmental Protection are assigned to the Division of Marine Fisheries at the commission.

(3) The Florida Marine Research Institute at the Department of Environmental Protection is established as a separate budget entity within the commission, and is assigned to the Office of the Executive Director for administrative purposes.

(4) The Bureau of Protected Species Management at the Department of Environmental Protection is assigned as a bureau to the Office of Environmental Services within the commission.

Section 6. *Within the Department of Environmental Protection, the Office of Environmental Investigations, the Florida Park Patrol, and the Bureau of Emergency Response are assigned to the Division of Law Enforcement.*

Section 7. *The Bureau of Marine Resource Regulation and Development at the Department of Environmental Protection, and the positions assigned to the bureau effective February 1, 1999, are transferred to the Division of Aquaculture within the Department of Agriculture and Consumer Services by a type one transfer, as defined in s. 20.06(1), Florida Statutes. Water quality data collected by the Division of Aquaculture with the Department of Agriculture and Consumer Services are to be shared with the Division of Water Resource Management within the Department of Environmental Protection.*

Section 8. Subsections (2) and (6) of section 20.255, Florida Statutes, 1998 Supplement, are amended, and subsections (7), (8), and (9) are added to said section, to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(2)*(a)* There shall be two deputy secretaries and an executive coordinator for ecosystem management who are to be appointed by and shall serve at the pleasure of the secretary. The secretary may assign either deputy secretary the responsibility to supervise, coordinate, and formulate policy for any division, office, or district. The following special offices are established and headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary:

1. Office of General Counsel,

2. Office of Inspector General,

3. Office of Communication, the latter including public information, legislative liaison, cabinet liaison and special projects,

4. Office of Water Policy,

5. Office of Intergovernmental Programs,

6. Office of Ecosystem Planning and Coordination,

7. Office of Environmental Education, *and an*

8. Office of Greenways and Trails.~~, and an Office of the Youth Corps.~~

(b) The executive coordinator for ecosystem management shall coordinate policy within the department to assure the implementation of the ecosystem management provisions of chapter 93-213, Laws of Florida. The executive coordinator for ecosystem management shall supervise only the Office of Water Policy, the Office of Intergovernmental Programs, the Office of Ecosystem Planning and Coordination, and the Office of Environmental Education. The executive coordinator for ecosystem management may also be delegated authority by the secretary to act on behalf of the secretary; this authority may include the responsibility to oversee the inland navigation districts.

(c) The other special offices not supervised by the executive coordinator for ecosystem management shall report to the secretary; however, the secretary may assign them, for daily coordination purposes, to report through a senior manager other than the secretary.

(d) There shall be six administrative districts involved in regulatory matters of waste management, water facilities, wetlands, and air resources, which shall be headed by managers, each of whom is to be

appointed by and serve at the pleasure of the secretary. Divisions of the department may have one assistant or two deputy division directors, as required to facilitate effective operation.

The managers of all divisions and offices specifically named in this section and the directors of the six administrative districts 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 deputy secretaries or senior management positions at or above the division level, except those established in chapter 110, may be created without specific legislative authority.

(6) The following divisions of the Department of Environmental Protection are established:

(a) Division of Administrative and Technical Services.

(b) Division of Air Resource Management.

(c) Division of Water *Resource Management* ~~Facilities~~.

(d) Division of Law Enforcement.

(e) Division of *Resource Assessment and Management* ~~Marine Resources~~.

(e)~~(f)~~ Division of Waste Management.

(f)~~(g)~~ Division of Recreation and Parks.

(g)~~(h)~~ Division of State Lands, the director of which is to be appointed by the secretary of the department, subject to confirmation by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

~~(i) Division of Environmental Resource Permitting.~~

In order to ensure statewide and intradepartmental consistency, the department's divisions shall direct the district offices and bureaus on matters of interpretation and applicability of the department's rules and programs.

(7) Law enforcement officers of the Department of Environmental Protection who meet the provisions of s. 943.13 are constituted law enforcement officers of this state with full power to investigate and arrest for any violation of the laws of this state, and the rules of the department and the Board of Trustees of the Internal Improvement Trust Fund. The general laws applicable to investigations, searches, and arrests by peace officers of this state apply to such law enforcement officers.

(8) Records and documents of the Department of Environmental Protection shall be retained by the department as specified in record retention schedules established under the general provisions of chapters 119 and 257. Further, the department is authorized to:

(a) Destroy, or otherwise dispose of, those records and documents in conformity with the approved retention schedules.

(b) Photograph, microphotograph, or reproduce such records and documents on film, as authorized and directed by the approved retention schedules, whereby each page will be exposed in exact conformity with the original records and documents retained in compliance with the provisions of this section. Photographs or microphotographs in the form of film or print of any records, made in compliance with the provisions of this section, shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs. The impression of the seal of the Department of Environmental Protection on a certificate made by the department and signed by the Secretary of Environmental Protection entitles the certificate to be received in all courts and in all proceedings in this state and is prima facie evidence of all factual matters set forth in the certificate. A certificate may relate to one or more records as set forth in the certificate or in a schedule attached to the certificate.

(9) The Department of Environmental Protection may require that bond be given by any employee of the department, payable to the Governor of the state and the Governor's successor in office, for the use and benefit of those whom it concerns, in such penal sums and with such good and sufficient surety or sureties as are approved by the department, conditioned upon the faithful performance of the duties of the employee.

Section 9. Subsection (2) of section 20.14, Florida Statutes, is amended to read:

20.14 Department of Agriculture and Consumer Services.—There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

(a) Administration.

(b) Agricultural Environmental Services.

(c) Animal Industry.

(d) Aquaculture.

(e)~~(d)~~ Consumer Services.

(f)~~(e)~~ Dairy Industry.

(g)~~(f)~~ Food Safety.

(h)~~(g)~~ Forestry.

(i)~~(h)~~ Fruit and Vegetables.

(j)~~(i)~~ Marketing and Development.

(k)~~(j)~~ Plant Industry.

(l)~~(k)~~ Standards.

Section 10. *Except where otherwise specified in law, all revenues derived from the sale of permits and licenses pursuant to chapter 370, Florida Statutes, and all federal funds received by the State of Florida as a match to the aforementioned state revenues, are to be appropriated by the Legislature to the Fish and Wildlife Conservation Commission, to be used for the purposes specified in law, except for the following:*

(1) Revenues derived from the sale of the resident or nonresident clam licenses authorized by Chapter 94-419, Laws of Florida, which shall be appropriated to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services,

(2) Revenues derived from the imposition of the Apalachicola Bay Oyster Harvesting License authorized in section 370.06(5), Florida Statutes, 1998 Supplement, which shall be appropriated to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services,

(3) Revenues derived from the imposition of the Apalachicola Bay Oyster Surcharge authorized in section 370.07(3), Florida Statutes, 1998 Supplement, which shall be appropriated to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services, and

(4) That portion of vessel registration fees used for quality control purposes pursuant to the provisions of section 327.28, (1)(d) Florida Statutes, which shall be appropriated to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services.

Section 11. *Except where otherwise specified in law, all revenues derived from the sale of permits and licenses pursuant to chapter 372, Florida Statutes, and all federal funds received by the State of Florida as a match to the aforementioned state revenues, are to be appropriated by the Legislature to the Fish and Wildlife Conservation Commission, to be used for the purposes specified in law.*

Section 12. *The total amount of funds expended by the Fish and Wildlife Conservation Commission for all recurring budget categories combined may not exceed:*

(1) In fiscal year 2000-2001, 95 percent, and

(2) In fiscal year 2001-2002, 90 percent,

of the total recurring budget appropriated for fiscal year 1999-2000 to the Fish and Wildlife Conservation Commission.

Section 13. *(1) The Secretary of the Department of Environmental Protection and the Executive Director of the Fish and Wildlife Conservation Commission shall each appoint three staff members to a transition advisory working group to review and determine the following:*

(a) The appropriate number of positions and the related sources of funding to be transferred from the Office of the General Counsel and the Division of Administrative and Technical Services at the Department of Environmental Protection to the Fish and Wildlife Conservation Conservation Commission.

1. No more than 60 positions may be transferred to provide legal services, administrative services, and operational support services, including communications equipment involving the National Crime Information System (NCIS) and the Florida Crime Information System (FCIS) which were previously provided to the programs transferred by sections four and five of this act.

(b) The development of a recommended plan addressing the transfer of, or where appropriate, the shared use of building, regional offices, and other facilities used or owned by the Department of Environmental Protection or the Game and Fresh Water Fish Commission to conduct activities for which the commission is responsible as of July 1, 1999.

1. To assist in the development of the portion of the recommended plan addressing the transfer or shared use of facilities used currently by the Bureau of Marine Resource Regulation and Development at the Department of Environmental Protection, the Secretary of the Department of Agriculture and Consumer Services is authorized to appoint three staff members to transition advisory working group.

(2) For fiscal year 1999-2000, the Governor shall appoint one senior staff person from the Office of Planning and Budgeting to:

(a) Convene and chair the meetings of the transition advisory group, and

(b)1. To assist the transition advisory working group with any operating budget adjustments as necessary, including any adjustments in administrative and technical staff remaining with the Department of Environmental Protection, including in the Division of Law Enforcement, to implement the requirements of this act. Adjustments made to the operating budgets of the Department of Environmental Protection or the commission in the implementation of this act must be made in consultation with the appropriate substantive and fiscal committee staffs of the House of Representatives and the Florida Senate.

(2) The revisions to the FY 1999-00 approved operating budget which are necessary to reflect the organizational changes directed by this legislation shall be implemented pursuant to section 216.292(11), Florida Statutes, and are subject to the notification and review process outlined in section 216.177, Florida Statutes. Subsequent adjustments between agencies that are determined necessary by the Department of Environmental Protection or Fish and Wildlife Conservation Commission, and approved by the Executive Office of the Governor, may also be authorized and are subject to the notification and review process outlined in section 216.177, Florida Statutes. The appropriate substantive committees of the House and Senate shall also be notified of the proposed revisions authorized by this section to ensure consistency with legislative policy and intent.

Section 14. *The executive director of the Fish and Wildlife Conservation Commission and the secretary of the Department of Environmental Protection shall develop and adopt an operating agreement and an annual work plan to accomplish responsibilities shared between the agencies.*

(1) The operating agreement shall be completed by no later than January 31, 2000, and shall detail commission law enforcement responsibilities for emergency response. Until the operating plan has been completed and adopted, the department may call upon the commission for emergency response and the commission is directed to respond to said requests.

(2) The work plan shall be submitted by August 1, 1999, to the Governor, the Speaker of the House of Representatives, and the President of the Senate and may include recommendations for facilitating department law enforcement and emergency response needs, the research priorities of the Florida Marine Research Institute, and the needs of other appropriate department programs.

(3) A memorandum of agreement will be developed between the Department of Environmental Protection and the Fish and Wildlife Conservation Commission which will detail the responsibilities of the Florida Marine Research Institute to the department, to include, at a minimum, the following services:

(a) Environmental monitoring and assessment.

(b) Restoration research and development of restoration technology.

(c) Technical support and response for oil spills, ship groundings, major marine species die offs, hazardous spills, and natural disasters.

Section 15. Subsection (1) of section 206.606, Florida Statutes, 1998 Supplement, as amended by chapter 98-114, Laws of Florida, is amended to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.41, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) *$6.30* ~~$7.55~~ million shall be transferred to the Department of Environmental Protection in each fiscal year *and*~~. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. $1.25 million of the amount transferred shall be deposited annually in the Marine Resources Conservation Trust Fund and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be~~ deposited in the Aquatic Plant Control Trust Fund *to* ~~and must~~ be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least $1 million of such funds to the eradication of melaleuca.

(b) *$2.5* ~~$1.25~~ million shall be transferred to the State Game Trust Fund in the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission in each fiscal year *and used for recreational boating activities, and fresh water fisheries management and research.* The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. *The commission shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, sufficient financial resources are unavailable.*

1. A minimum of $1.25 million shall be used to fund local projects to provide recreational channel marking, public launching facilities, aquatic plant control, and other local boating related activities. In funding the projects, the commission shall give priority consideration as follows:

a. Unmet needs in counties with populations of 100,000 or less.

b. Unmet needs in coastal counties with a high level of boating related activities from individuals residing in other counties.

2. The remaining $1.25 million may be used for recreational boating activities, and freshwater fisheries management and research.

3. The commission is authorized to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement a Florida Boating Improvement Program similar to the program administered by the Department of Environmental Protection and established in Rule 62-D.5031 - 62-D.5036, of the Florida Administrative Code to determine projects eligible for funding under this subsection.

On February 1 of each year, the commission shall file an annual report with the President of the Senate and the Speaker of the House of Representatives outlining the status of its Florida Boating Improvement Program, including the projects funded, and a list of counties whose needs are unmet due to insufficient financial resources from vessel registration fees. ~~, and must be used for recreational boating activities of a type consistent with projects eligible for funding under the Florida Boating Improvement Program administered by the Department of Environmental Protection, and freshwater fisheries management and research.~~

(c) 0.65 percent of moneys collected pursuant to s. 206.41(1)(g) shall be transferred to the Agricultural Emergency Eradication Trust Fund.

Section 16. Paragraph (b) of subsection (1) of section 320.08058, Florida Statutes, 1998 Supplement, as amended by section 7 of chapter 98-414, Laws of Florida, is amended to read:

320.08058 Specialty license plates.—

(1) MANATEE LICENSE PLATES.—

(b) The manatee license plate annual use fee must be deposited into the Save the Manatee Trust Fund, created within the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~. The funds deposited in the Save the Manatee Trust Fund may be used only for manatee-related environmental education; manatee research; facilities, as provided in s. 370.12*(4)*~~(5)~~(b); and manatee protection and recovery.

Section 17. Subsection (19) of section 320.08058, Florida Statutes, 1998 Supplement, is amended to read:

320.08058 Specialty license plates.—

(19) SEA TURTLE LICENSE PLATES.—

(a) The department shall develop a Sea Turtle license plate as provided in this section. The word "Florida" must appear at the top of the plate, the words "Helping Sea Turtles Survive" must appear at the bottom of the plate, and the image of a sea turtle must appear in the center of the plate.

(b) The annual use fees shall be deposited in the Marine Resources Conservation Trust Fund in the *Fish and Wildlife Conservation Commission* ~~Florida Department of Environmental Protection~~. The first $500,000 in annual revenue shall be used by the Florida Marine Turtle Protection Program to conduct sea turtle protection, research, and recovery programs. The remaining annual use proceeds shall be used by the *commission* ~~Department of Environmental Protection~~ for sea turtle conservation activities, except that up to 30 percent of the remaining annual use fee proceeds shall be annually *disbursed* ~~dispersed~~ through the marine turtle grants program as provided in s. 370.12(1)(h).

Section 18. Present subsection (5) of section 327.02, Florida Statutes, 1998 Supplement, is redesignated as subsection (6), present subsection (6) is repealed, subsection (7) is amended, and new subsection (5) is added to that section to read:

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(5) "Commission" means the Fish and Wildlife Conservation Commission.

(7) "Division" means the Division of Law Enforcement of the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~.

Section 19. Paragraphs (b) and (c) of subsection (2) and subsection (17) of section 327.25, Florida Statutes, are amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(2) ANTIQUE VESSEL REGISTRATION FEE.—

(b) The registration number for an antique vessel shall be *permanently attached to each side of the forward half of the vessel* ~~affixed on the forward half of the hull or on the port side of the windshield~~ according to ss. 327.11 and 327.14.

(c) The Department of Highway Safety and Motor Vehicles may issue a decal identifying the vessel as an antique vessel. The decal shall be *displayed as provided in ss. 327.11 and 327.14* ~~placed within 3 inches of the registration number~~.

(17) MARINE TURTLE STICKER.—The Department of *Highway Safety and Motor Vehicles* ~~Environmental Protection~~ shall offer for sale with vessel registrations a waterproof sticker in the shape of a marine turtle at an additional cost of $5, the proceeds of which shall be deposited in the Marine Resources Conservation Trust Fund to be used for marine turtle protection, research, and recovery efforts pursuant to the provisions of s. 370.12(1).

Section 20. Section 327.26, Florida Statutes, is amended to read:

327.26 Stickers or emblems for the Save the Manatee Trust Fund.—The *commission* ~~department~~ shall prepare stickers or emblems signifying support for the Save the Manatee Trust Fund which shall be given to persons who contribute to the Save the Manatee Trust Fund as provided in s. 327.25. The *commission* ~~department~~ may accept stickers or emblems donated by any governmental or nongovernmental entity for the purposes of this section.

Section 21. Subsection (2) of section 327.28, Florida Statutes, is amended to read:

327.28 Marine Resources Conservation Trust Fund; vessel registration funds; appropriation and distribution.—

(2) All funds collected pursuant to s. 370.06(2) shall be deposited in the Marine Resources Conservation Trust Fund. Such funds shall be used to pay the cost of implementing the saltwater products license program. Additional proceeds from the licensing revenue shall be distributed among the following program functions:

~~(a) No more than 15 percent nor less than the amount deposited in the former Marine Fisheries Commission Trust Fund pursuant to this subsection in fiscal year 1987-1988 shall go to the Marine Fisheries Commission for its operations;~~

(a)~~(b)~~ No more than 15 percent shall go to *marine* law enforcement;

(b)~~(c)~~ No more than 25 percent shall go to the Florida Saltwater Products Promotion Trust Fund within the Department of Agriculture and Consumer Services for the purpose of providing marketing and extension services including industry information and education; and

(c)~~(d)~~ The remainder~~, but at least 45 percent,~~ shall go to the *Fish and Wildlife Conservation Commission* ~~Division of Marine Resources~~, for use in marine research and statistics development, including quota management.

Section 22. Subsection (2) of section 327.30, Florida Statutes, is amended to read:

327.30 Collisions, accidents, and casualties.—

(2) In the case of collision, accident, or other casualty involving a vessel in or upon or entering into or exiting from the water, including capsizing, collision with another vessel or object, sinking, personal injury requiring medical treatment beyond immediate first aid, death,

disappearance of any person from on board under circumstances which indicate the possibility of death or injury, or damage to any vessel or other property in an apparent aggregate amount of at least $500, the operator shall without delay, by the quickest means available give notice of the accident to one of the following agencies: the Division of Law Enforcement *of the Fish and Wildlife Conservation Commission*; ~~the Game and Fresh Water Fish Commission;~~ the sheriff of the county within which the accident occurred; or the police chief of the municipality within which the accident occurred, if applicable.

Section 23. Subsection (5) of section 327.35215, Florida Statutes, 1998 Supplement, is amended to read:

327.35215 Penalty for failure to submit to test.—

(5) Moneys collected by the clerk of the court pursuant to this section shall be disposed of in the following manner:

(a) If the arresting officer was employed or appointed by a state law enforcement agency except *as a wildlife enforcement officer or a freshwater fisheries enforcement officer of* the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission, the moneys shall be deposited into the Marine Resources Conservation Trust Fund.

(b) If the arresting officer was employed or appointed by a county or municipal law enforcement agency, the moneys shall be deposited into the law enforcement trust fund of that agency.

(c) If the arresting officer was employed or appointed by the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission *as a wildlife enforcement officer or a freshwater fisheries enforcement officer*, the money shall be deposited into the State Game Trust Fund.

Section 24. Section 327.395, Florida Statutes, is amended to read:

327.395 Boating safety identification cards.—

(1) Until October 1, 2001, a person born after September 30, 1980, and on or after October 1, 2001, a person 21 years of age or younger may not operate a vessel powered by a motor of 10 horsepower or greater unless such person has in his or her possession aboard the vessel photographic identification and a boater safety identification card issued by the *commission* ~~department~~ which shows that he or she has:

(a) Completed a *commission-approved* ~~department-approved~~ boater education course that meets the minimum 8-hour instruction requirement established by the National Association of State Boating Law Administrators;

(b) Passed a course equivalency examination approved by the *commission* ~~department~~; or

(c) Passed a temporary certificate examination developed or approved by the *commission* ~~department~~.

(2) Any person may obtain a boater safety identification card by complying with the requirements of this section.

(3) The *commission* ~~department~~ may appoint liveries, marinas, or other persons as its agents to administer the course, course equivalency examination, or temporary certificate examination and issue identification cards under guidelines established by the *commission* ~~department~~. An agent must charge the $2 examination fee, which must be forwarded to the *commission* ~~department~~ with proof of passage of the examination and may charge and keep a $1 service fee.

(4) An identification card issued to a person who has completed a boating education course or a course equivalency examination is valid for life. A card issued to a person who has passed a temporary certification examination is valid for 12 months from the date of issuance.

(5) A person is exempt from subsection (1) if he or she:

(a) Is licensed by the United States Coast Guard to serve as master of a vessel.

(b) Operates a vessel only on a private lake or pond.

(c) Is accompanied in the vessel by a person who is exempt from this section or who holds an identification card in compliance with this section, is 18 years of age or older, and is attendant to the operation of the vessel and responsible for any violation that occurs during the operation.

(d) Is a nonresident who has in his or her possession proof that he or she has completed a boater education course or equivalency examination in another state which meets or exceeds the requirements of subsection (1).

(e) Is exempted by rule of the *commission* ~~department~~.

(6) A person who violates this section is guilty of a noncriminal infraction, punishable as provided in s. 327.73.

(7) The *commission* ~~department~~ shall design forms and adopt rules to administer this section. Such rules shall include provision for educational and other public and private entities to offer the course and administer examinations.

(8) The *commission* ~~department~~ shall institute and coordinate a statewide program of boating safety instruction and certification to ensure that boating courses and examinations are available in each county of the state.

(9) The *commission* ~~department~~ is authorized to establish and to collect a $2 examination fee to cover administrative costs.

(10) The commission is authorized to adopt rules pursuant to chapter 120 to implement the provisions of this section.

Section 25. Section 327.41, Florida Statutes, is amended to read:

327.41 Uniform waterway regulatory markers.—

(1) The *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ shall adopt rules and regulations *pursuant to chapter 120* establishing a uniform system of regulatory markers for the Florida Intracoastal Waterway, compatible with the system of regulatory markers prescribed by the United States Coast Guard, and shall give due regard to the System of Uniform Waterway Markers approved by the Advisory Panel of State Officials to the Merchant Marine Council, United States Coast Guard.

(2) Any county or municipality which has been granted a restricted area designation, pursuant to s. 327.46, for a portion of the Florida Intracoastal Waterway within its jurisdiction may apply to the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ for permission to place regulatory markers within the restricted area.

(3) Application for placing regulatory markers on the Florida Intracoastal Waterway shall be made to the Division of Marine Resources, accompanied by a map locating the approximate placement of the markers, a statement of the specification of the markers, a statement of purpose of the markers, and a statement of the city or county responsible for the placement and upkeep of the markers.

(4) No person or municipality, county, or other governmental entity shall place any regulatory markers in, on, or over the Florida Intracoastal Waterway without a permit from the Division of Marine Resources.

(5) Aquaculture leaseholds shall be marked as required by this section, and the *commission* ~~department~~ may approve alternative marking requirements as a condition of the lease pursuant to s. 253.68. The provisions of this section notwithstanding, no permit shall be required for the placement of markers required by such a lease.

(6) The commission is authorized to adopt rules pursuant to chapter 120 to implement the provisions of this section.

Section 26. Section 327.43, Florida Statutes, is amended to read:

327.43 Silver Glen Run and Silver Glen Springs; navigation channel; anchorage buoys; violations.—

(1) The *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ is hereby directed to mark a navigation channel within Silver Glen Run and Silver Glen Springs, located on the western shore of Lake George on the St. Johns River.

(2) The *commission* ~~department~~ is further directed to establish permanent anchorage buoys within Silver Glen Run and Silver Glen Springs.

(3) Vessel anchorage or mooring shall only be allowed utilizing permanently established anchorage buoys. No vessel shall anchor or otherwise attach, temporarily or permanently, to the bottom within Silver Glen Run or Silver Glen Springs.

(4) Any violation of this act shall constitute a violation of the boating laws of this state and shall be punishable by issuance of a uniform boating citation as provided in s. 327.74. Any person who refuses to post a bond or accept and sign a uniform boating citation, as provided in s. 327.73(3), commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 27. Subsection (1) of section 327.46, Florida Statutes, is amended to read:

327.46 Restricted areas.—

(1) The *commission* ~~department~~ shall have the authority for establishing, by rule *pursuant to chapter 120*, restricted areas on the waters of the state for any purpose deemed necessary for the safety of the public, including, but not limited to, boat speeds and boat traffic where such restrictions are deemed necessary based on boating accidents, visibility, tides, congestion, or other navigational hazards. Each such restricted area shall be developed in consultation and coordination with the governing body of the county or municipality in which the restricted area is located and, where required, with the United States Army Corps of Engineers. Restricted areas shall be established in accordance with procedures under chapter 120.

Section 28. *Section 258.398, Florida Statutes, is repealed.*

Section 29. Section 327.48, Florida Statutes, is amended to read:

327.48 Regattas, races, marine parades, tournaments, or exhibitions.—Any person directing the holding of a regatta, tournament, or marine parade or exhibition shall secure a permit from the Coast Guard when such event is held in navigable waters of the United States. A person directing any such affair in any county shall notify the sheriff of the county *or*~~,~~ the *Fish and Wildlife Conservation Commission* ~~Game and Fresh Water Fish Commission, or the department~~ at least 15 days prior to any event in order that appropriate arrangements for safety and navigation may be assured. Any person or organization sponsoring a regatta or boat race, marine parade, tournament, or exhibition shall be responsible for providing adequate protection to the participants, spectators, and other users of the water.

Section 30. Subsections (1) and (3) of section 327.70, Florida Statutes, are amended to read:

327.70 Enforcement of this chapter and chapter 328.—

(1) This chapter and chapter 328 shall be enforced by the Division of Law Enforcement of the *Fish and Wildlife Conservation* ~~department and its officers, the Game and Fresh Water Fish~~ Commission and its officers, the sheriffs of the various counties and their deputies, and any other authorized law enforcement officer, all of whom may order the removal of vessels deemed to be an interference or a hazard to public safety, enforce the provisions of this chapter and chapter 328, or cause any inspections to be made of all vessels in accordance with this chapter and chapter 328.

(3) The *Fish and Wildlife Conservation Commission* ~~department~~ or any other law enforcement agency may make any investigation necessary to secure information required to carry out and enforce the provisions of this chapter and chapter 328.

Section 31. Section 327.71, Florida Statutes, is amended to read:

327.71 Exemption.—The *commission* ~~department~~ may, if it finds that federal law imposes less restrictive requirements than provided herein or if it determines that boating safety will not be adversely affected, issue temporary exemptions from any provision of this chapter or rules established hereunder, on such terms and conditions as it considers appropriate.

Section 32. Subsections (1) and (3) of section 327.731, Florida Statutes, 1998 Supplement, are amended to read:

327.731 Mandatory education for violators.—

(1) Every person convicted of a criminal violation of this chapter, every person convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, and every person convicted of two noncriminal infractions as defined in s. 327.73(1)(h) through (k), (m) through (p), (s), and (t), said infractions occurring within a 12-month period, must:

(a) Enroll in, attend, and successfully complete, at his or her own expense, a boating safety course that meets minimum standards established by the *commission* ~~department~~ by rule; however, the *commission* ~~department~~ may provide by rule *pursuant to chapter 120* for waivers of the attendance requirement for violators residing in areas where classroom presentation of the course is not available;

(b) File with the *commission* ~~department~~ within 90 days proof of successful completion of the course;

(c) Refrain from operating a vessel until he or she has filed the proof of successful completion of the course with the *commission* ~~department~~.

Any person who has successfully completed an approved boating course shall be exempt from these provisions upon showing proof to the *commission* ~~department~~ as specified in paragraph (b).

(3) The *commission* ~~department~~ shall print on the reverse side of the defendant's copy of the boating citation a notice of the provisions of this section. Upon conviction, the clerk of the court shall notify the defendant that it is unlawful for him or her to operate any vessel until he or she has complied with this section, but failure of the clerk of the court to provide such a notice shall not be a defense to a charge of unlawful operation of a vessel under subsection (2).

Section 33. Subsections (1), (2), (4), (6), and (10) of section 327.74, Florida Statutes, are amended to read:

327.74 Uniform boating citations.—

(1) The *commission* ~~department~~ shall prepare, and supply to every law enforcement agency in this state which enforces the laws of this state regulating the operation of vessels, an appropriate form boating citation containing a notice to appear (which shall be issued in prenumbered books with citations in quintuplicate) and meeting the requirements of this chapter or any laws of this state regulating boating, which form shall be consistent with the state's county court rules and the procedures established by the *commission* ~~department~~.

(2) Courts, enforcement agencies, and the *commission* ~~department~~ are jointly responsible to account for all uniform boating citations in accordance with the procedures promulgated by the *commission* ~~department~~.

(4) The chief administrative officer of every law enforcement agency shall require the return to him or her of the *commission* ~~department~~ record copy of every boating citation issued by an officer under his or her supervision to an alleged violator of any boating law or ordinance and all copies of every boating citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(6) The chief administrative officer shall transmit, on a form approved by the *commission* ~~department~~, the *commission* ~~department~~ record copy of the uniform boating citation to the *commission* ~~department~~ within 5 days after submission of the original and one copy

to the court. A copy of such transmittal shall also be provided to the court having jurisdiction for accountability purposes.

(10) Upon final disposition of any alleged offense for which a uniform boating citation has been issued, the court shall, within ten days, certify said disposition to the *commission* ~~department~~.

Section 34. Section 327.803, Florida Statutes, is amended to read:

327.803 Boating Advisory Council.—

(1) The Boating Advisory Council is created within the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ and shall be composed of 16 members. The ~~initial~~ members ~~shall be appointed before August 1, 1994, and must~~ include:

(a) One representative from the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~, who shall serve as the chair of the council.

(b) One representative each from the *Department of Environmental Protection* ~~Game and Fresh Water Fish Commission~~, the United States Coast Guard Auxiliary, the United States Power Squadron, and the inland navigation districts.

(c) One representative of manatee protection interests, one representative of the marine industries, two representatives of water-related environmental groups, one representative of marine manufacturers, one representative of commercial vessel owners or operators, one representative of sport boat racing, and two representatives of the boating public, each of whom shall be nominated by the *executive director of the Fish and Wildlife Conservation Commission* ~~Secretary of Environmental Protection~~ and appointed by the Governor to serve staggered 2-year terms.

(d) One member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives.

(e) One member of the Senate, who shall be appointed by the President of the Senate.

(2) The council shall meet at the call of the chair, at the request of a majority of its membership, or at such times as may be prescribed by rule.

(3) The purpose of the council is to make recommendations to the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ and the Department of Community Affairs regarding issues affecting the boating community, including, but not limited to, issues related to:

(a) Boating safety education.

(b) Boating-related facilities, including marinas and boat testing facilities.

(c) Boat usage.

~~However, it is not the purpose of the council to make recommendations to the Marine Fisheries Commission.~~

(4) Members of the council shall serve without compensation.

Section 35. Section 327.804, Florida Statutes, is amended to read:

327.804 Compilation of statistics on boating accidents and violations.—The *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ shall compile statistics on boating accidents and boating violations of the age groups of persons affected by chapter 96-187, Laws of Florida.

Section 36. Section 327.90, Florida Statutes, is amended to read:

327.90 Transactions by electronic or telephonic means.—The *commission* ~~department~~ is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 37. Paragraph (c) of subsection (2) of section 328.01, Florida Statutes, is amended to read:

328.01 Application for certificate of title.—

(2)

(c) In making application for an initial title, the owner of a homemade vessel shall establish proof of ownership by submitting with the application:

1. A notarized statement of the builder or its equivalent, whichever is acceptable to the Department of Highway Safety and Motor Vehicles, if the vessel is less than 16 feet in length; or

2. A certificate of inspection from the *Fish and Wildlife Conservation* ~~Division of Law Enforcement of the Department of Environmental Protection or the Game and Fresh Water Fish~~ Commission and a notarized statement of the builder or its equivalent, whichever is acceptable to the Department of Highway Safety and Motor Vehicles, if the vessel is 16 feet or more in length.

Section 38. Subsection (1) of section 339.281, Florida Statutes, is amended to read:

339.281 Damage to transportation facility by vessel; marine accident report; investigative authorities; penalties.—

(1) Whenever any vessel has caused damage to a transportation facility, the managing owner, agent, or master of such vessel shall immediately, or as soon thereafter as possible, report the same to the nearest *Fish and Wildlife Conservation Commission officer* ~~Florida Marine Patrol~~, the sheriff of the county wherein such accident occurred, ~~the Game and Fresh Water Fish Commission,~~ or the Florida Highway Patrol, who shall immediately go to the scene of the accident and, if necessary, board the vessel subsequent to the accident in pursuance of its investigation. The law enforcement agency investigating the accident shall submit a copy of its report to the department.

Section 39. Section 370.025, Florida Statutes, 1998 Supplement, is amended to read:

370.025 Marine fisheries; policy and standards.—

(1) The Legislature hereby declares the policy of the state to be management and preservation of its renewable marine fishery resources, based upon the best available information, emphasizing protection and enhancement of the marine and estuarine environment in such a manner as to provide for optimum sustained benefits and use to all the people of this state for present and future generations.

(2) The commission is instructed to make recommendations annually to the Governor and the Legislature regarding marine fisheries research priorities and funding. All administrative and enforcement responsibilities which are unaffected by the specific provisions of this act are the responsibility of the commission.

(3)~~(2)~~ All rules relating to saltwater fisheries adopted by the *commission* ~~department pursuant to this chapter or adopted by the Marine Fisheries Commission and approved by the Governor and Cabinet as the Board of Trustees of the Internal Improvement Trust Fund~~ shall be consistent with the following standards:

(a) The paramount concern of conservation and management measures shall be the continuing health and abundance of the marine fisheries resources of this state.

(b) Conservation and management measures shall be based upon the best information available, including biological, sociological, economic, and other information deemed relevant by the commission.

(c) Conservation and management measures shall permit reasonable means and quantities of annual harvest, consistent with maximum practicable sustainable stock abundance on a continuing basis.

(d) When possible and practicable, stocks of fish shall be managed as a biological unit.

(e) Conservation and management measures shall assure proper quality control of marine resources that enter commerce.

(f) State marine fishery management plans shall be developed to implement management of important marine fishery resources.

(g) Conservation and management decisions shall be fair and equitable to all the people of this state and carried out in such a manner that no individual, corporation, or entity acquires an excessive share of such privileges.

(h) Federal fishery management plans and fishery management plans of other states or interstate commissions should be considered when developing state marine fishery management plans. Inconsistencies should be avoided unless it is determined that it is in the best interest of the fisheries or residents of this state to be inconsistent.

(4) Pursuant to s. 9, Art. IV of the State Constitution, the commission has full constitutional rulemaking authority over marine life, and listed species as defined in s. 372.072(3), except for:

(a) Endangered or threatened marine species for which rulemaking shall be done pursuant to chapter 120; and

(b) The authority to regulate fishing gear in residential, manmade saltwater canals which is retained by the Legislature and specifically not delegated to the commission.

(c) Marine aquaculture products produced by an individual certified under s. 597.004. This exception does not apply to snook, prohibited and restricted marine species identified by rule of the commission, and rulemaking authority granted pursuant to s. 370.027(4).

Section 40. *Subsections (1), (2), and (3) of section 370.027, Florida Statutes, 1998 Supplement, are repealed.*

Section 41. Subsections (4) and (5) of section 370.06, Florida Statutes, 1998 Supplement, are amended to read:

370.06 Licenses.—

(4) SPECIAL ACTIVITY LICENSES.—

(a) A special activity license is required for any person to use gear or equipment not authorized in this chapter or rule of the *Fish and Wildlife Conservation* ~~Marine Fisheries~~Commission for harvesting saltwater species. In accordance with this chapter, s. 16, Art. X of the State Constitution, and rules of the ~~Marine Fisheries~~ commission, the *commission* ~~department~~ may issue special activity licenses for the use of nonconforming gear or equipment, including, but not limited to, trawls, seines and entangling nets, traps, and hook and line gear, to be used in harvesting saltwater species for scientific and governmental purposes, and, where allowable, for innovative fisheries. The *commission* ~~department~~ may prescribe by rule application requirements and terms, conditions, and restrictions to be incorporated into each special activity license. This subsection does not apply to gear or equipment used by certified marine aquaculturists *as provided for in s. 597.004* to harvest marine aquaculture products.

(b) The *commission* ~~department~~ is authorized to issue special activity licenses in accordance with this section and s. 370.31, to permit the importation *and*~~,~~ possession~~, and aquaculture~~ of *wild* anadromous sturgeon. The special activity license shall provide for specific management practices to ~~prevent the release and escape of cultured anadromous sturgeon and to~~ protect indigenous populations of saltwater species.

(c) The Department *of Agriculture and Consumer Services* is authorized to issue special activity licenses, in accordance with s. 370.071, to permit the harvest or cultivation of oysters, clams, mussels, and crabs when such activities relate to quality control, sanitation, public health regulations, innovative technologies for aquaculture activities, or the protection of shellfish resources provided in this chapter~~, unless such authority is delegated to the Department of Agriculture and Consumer Services, pursuant to a memorandum of understanding~~.

(d) The conditions and specific management practices established in this section may be incorporated into permits and authorizations issued pursuant to chapter 253, chapter 373, chapter 403, or this chapter, when incorporating such provisions is in accordance with the aquaculture permit consolidation procedures. No separate issuance of a special activity license is required when conditions and specific management practices are incorporated into permits or authorizations under this paragraph. Implementation of this section to consolidate permitting actions does not constitute rules within the meaning of s. 120.52.

(e) The *commission* ~~department~~ is authorized to issue special activity licenses in accordance with *s.* ~~ss. 370.071,~~ 370.101~~,~~ and this section; aquaculture permit consolidation procedures in s. 370.26*(2)*~~(3)(a)~~; and rules of the ~~Marine Fisheries~~ commission to permit the capture and possession of saltwater species protected by law and used as stock for artificial cultivation and propagation.

(f) The *commission* ~~department~~ is authorized to adopt rules to govern the administration of special activities licenses as provided in this chapter and rules of the ~~Marine Fisheries~~ commission. Such rules may prescribe application requirements and terms, conditions, and restrictions for any such special activity license requested pursuant to this section.

(5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

(a) For purposes of this section, the following definitions shall apply:

1. “Person” means an individual.

2. “Resident” means any person who has:

a. Continuously resided in this state for 6 months immediately preceding the making of his or her application for an Apalachicola Bay oyster harvesting license; or

b. Established a domicile in this state and evidenced that domicile as provided in s. 222.17.

(b) No person shall harvest oysters from the Apalachicola Bay without a valid Apalachicola Bay oyster harvesting license issued by the Department *of Agriculture and Consumer Services*. This requirement shall not apply to anyone harvesting noncommercial quantities of oysters in accordance with chapter 46-27, Florida Administrative Code, or to any person less than 18 years old.

(c) Any person wishing to obtain an Apalachicola Bay oyster harvesting license shall submit an annual fee for the license during a 45-day period from May 17 to June 30 of each year preceding the license year for which the license is valid. Failure to pay the annual fee within the required time period shall result in a $500 late fee being imposed before issuance of the license.

(d) The Department *of Agriculture and Consumer Services* shall collect an annual fee of $100 from residents and $500 from nonresidents for the issuance of an Apalachicola Bay oyster harvesting license. The license year shall begin on July 1 of each year and end on June 30 of the following year. The license shall be valid only for the licensee. Only bona fide residents of Florida may obtain a resident license pursuant to this subsection.

(e) Each person who applies for an Apalachicola Bay oyster harvesting license shall, before receiving the license, attend an educational seminar of not more than 16 hours length, developed and conducted jointly by the Apalachicola National Estuarine Research Reserve, the ~~department's~~ Division of Law Enforcement *of the Fish and Wildlife Conservation Commission*, and the *Department of Agriculture and Consumer Services'* ~~department's~~ Apalachicola District Shellfish Environmental Assessment Laboratory. The seminar shall address, among other things, oyster biology, conservation of the Apalachicola Bay, sanitary care of oysters, small business management, and water safety. The seminar shall be offered five times per year, and each person attending shall receive a certificate of participation to present when obtaining an Apalachicola Bay oyster harvesting license.

(f) Each person, while harvesting oysters in Apalachicola Bay, shall have in possession a valid Apalachicola Bay oyster harvesting license, or proof of having applied for a license within the required time period,

and shall produce such license or proof of application upon request of any law enforcement officer.

(g) Each person who obtains an Apalachicola Bay oyster harvesting license shall prominently display the license number upon any vessel the person owns which is used for the taking of oysters, in numbers which are at least 10 inches high and 1 inch wide, so that the permit number is readily identifiable from the air and water. Only one vessel displaying a given number may be used at any time. A licensee may harvest oysters from the vessel of another licensee.

(h) Any person holding an Apalachicola Bay oyster harvesting license shall receive credit for the license fee against the saltwater products license fee.

(i) The proceeds from Apalachicola Bay oyster harvesting license fees shall be deposited in the *General Inspection* ~~Marine Resources Conservation~~ Trust Fund and, less reasonable administrative costs, shall be used or distributed by the Department *of Agriculture and Consumer Services* for the following purposes in Apalachicola Bay:

1. Relaying and transplanting live oysters.

2. Shell planting to construct or rehabilitate oyster bars.

3. Education programs for licensed oyster harvesters on oyster biology, aquaculture, boating and water safety, sanitation, resource conservation, small business management, marketing, and other relevant subjects.

4. Research directed toward the enhancement of oyster production in the bay and the water management needs of the bay.

(j) Any person who violates any of the provisions of paragraphs (b) and (d)-(g) commits a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. Nothing in this subsection shall limit the application of existing penalties.

(k) Any oyster harvesting license issued pursuant to this subsection must be in compliance with the rules of the Fish and Wildlife Conservation Commission regulating gear or equipment, harvest seasons, size and bag limits, and the taking of saltwater species.

Section 42. Section 370.0608, Florida Statutes, 1998 Supplement, is amended to read:

370.0608 Deposit of license fees; allocation of federal funds.—

(1) All license fees collected pursuant to s. 370.0605 shall be deposited into the Marine Resources Conservation Trust Fund, to be used as follows:

(a) Not more than 5 percent of the total fees collected shall be ~~for the Marine Fisheries Commission to be~~ used to carry out the responsibilities of the *Fish and Wildlife Conservation* Commission and to provide for the award of funds to marine research institutions in this state for the purposes of enabling such institutions to conduct worthy marine research projects.

(b) Not less than 2.5 percent of the total fees collected shall be used for aquatic education purposes.

(c)1. The remainder of such fees shall be used by the department for the following program functions:

a. Not more than 5 percent of the total fees collected, for administration of the licensing program and for information and education.

b. Not more than 30 percent of the total fees collected, for law enforcement.

c. Not less than 27.5 percent of the total fees collected, for marine research.

d. Not less than 30 percent of the total fees collected, for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.

2. The Legislature shall annually appropriate to the *commission* ~~Department of Environmental Protection~~ from the General Revenue Fund for the activities and programs specified in subparagraph 1. at least the same amount of money as was appropriated to the Department *of Environmental Protection* from the General Revenue Fund for such activities and programs for fiscal year 1988-1989, and the amounts appropriated to the *commission* ~~department~~ for such activities and programs from the Marine Resources Conservation Trust Fund shall be in addition to the amount appropriated to the *commission* ~~department~~ for such activities and programs from the General Revenue Fund. The proceeds from recreational saltwater fishing license fees paid by fishers shall only be appropriated to the *commission* ~~Department of Environmental Protection~~.

(2) ~~The Department of Environmental Protection and the Game and Fresh Water Fish Commission shall develop and maintain a memorandum of understanding to provide for the equitable allocation of federal aid available to Florida pursuant to the Sport Fish Restoration Administration Funds.~~ Funds available from the Wallop-Breaux Aquatic Resources Trust Fund shall be distributed *by the commission* between the *Division of Freshwater Fisheries and the Division of Marine Fisheries* ~~department and the commission~~ in proportion to the numbers of resident fresh and saltwater anglers as determined by the most current data on license sales. Unless otherwise provided by federal law, ~~the department and~~ the commission, at a minimum, shall provide the following:

(a) Not less than 5 percent or more than 10 percent of the funds allocated to *the commission* ~~each agency~~ shall be expended for an aquatic resources education program; and

(b) Not less than 10 percent of the funds allocated to *the commission* ~~each agency~~ shall be expended for acquisition, development, renovation, or improvement of boating facilities.

(3) All license fees collected pursuant to s. 370.0605 shall be transferred to the Marine Resources Conservation Trust Fund within 7 days following the last business day of the week in which the license fees were received by the commission. One-fifth of the total proceeds derived from the sale of 5-year licenses and replacement 5-year licenses, and all interest derived therefrom, shall be available for appropriation annually.

Section 43. Section 370.063, Florida Statutes, is amended to read:

370.063 Special recreational crawfish license.—There is created a special recreational crawfish license, to be issued to qualified persons as provided by this section for the recreational harvest of crawfish (spiny lobster) beginning August 5, 1994.

(1) The special recreational crawfish license shall be available to any individual crawfish trap number holder who also possesses a saltwater products license during the 1993-1994 license year. ~~For the 1994-1995 license year and for each license year thereafter,~~ A person issued a special recreational crawfish license may not also possess a trap number.

(2) ~~Beginning August 5, 1994,~~ The special recreational crawfish license is required in order to harvest crawfish from state territorial waters in quantities in excess of the regular recreational bag limit but not in excess of a special bag limit *as* ~~to be~~ established by the Marine Fisheries Commission for these harvesters before the 1994-1995 license year. Such special bag limit does not apply during the 2-day sport season established by the *Fish and Wildlife Conservation* Commission.

(3) The holder of a special recreational crawfish license must also possess the recreational crawfish stamp required by s. 370.14(11) and the license required by s. 370.0605.

(4) As a condition precedent to the issuance of a special recreational crawfish license, the applicant must agree to file quarterly reports with the *Fish and Wildlife Conservation Commission* ~~Division of Marine Resources of the Department of Environmental Protection,~~ in such form as the *commission* ~~division~~ requires, detailing the amount of the licenseholder's crawfish (spiny lobster) harvest in the previous quarter,

including the harvest of other recreational harvesters aboard the licenseholder's vessel.

(5) The *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ shall issue special recreational crawfish licenses ~~beginning in 1994 for the 1994-1995 license year~~. The fee for each such license is $100 per year. Each license issued in *any* ~~1994 for the 1994-1995~~ license year must be renewed by June 30 of each subsequent year by the initial individual holder thereof. Noncompliance with the reporting requirement in subsection (4) or with the special recreational bag limit established under subsection (6) constitutes grounds for which the *commission* ~~department~~ may refuse to renew the license for a subsequent license year. The number of such licenses outstanding in any one license year may not exceed the number issued for the 1994-1995 license year. A license is not transferable by any method. Licenses that are not renewed expire and may be reissued by the *commission in the subsequent* ~~department beginning in the 1995-1996~~ license year to new applicants otherwise qualified under this section.

(6) To promote conservation of the spiny lobster (crawfish) resource, consistent with equitable distribution and availability of the resource, the ~~Marine Fisheries~~ commission shall establish a spiny lobster management plan incorporating the special recreational crawfish license, including, but not limited to, the establishment of a special recreational bag limit for the holders of such license as required by subsection (2). Such special recreational bag limit must not be less than twice the higher of the daily recreational bag limits.

(7) The proceeds of the fees collected under this section must be deposited in the Marine Resources Conservation Trust Fund and used as follows:

(a) Thirty-five percent for research and the development of reliable recreational catch statistics for the crawfish (spiny lobster) fishery.

(b) *Twenty* ~~Forty-five~~ percent ~~to be used by the Department of Environmental Protection~~ for administration ~~and enforcement~~ of this section.

(c) *Forty-five* ~~Twenty~~ percent to be used ~~by the Marine Fisheries Commission~~ for *enforcement* ~~the purposes~~ of this section.

~~(8) The Department of Environmental Protection may adopt rules to carry out the purpose and intent of the special recreational lobster license program.~~

Section 44. Section 370.071, Florida Statutes, is amended to read:

370.071 Shellfish processors; regulation.—

(1) The Department *of Agriculture and Consumer Services, hereinafter referred to as department,* is authorized to adopt by rule regulations, specifications, and codes relating to sanitary practices for catching, cultivating, handling, processing, packaging, preserving, canning, smoking, and storing of oysters, clams, mussels, and crabs. The department is also authorized to license aquaculture facilities used to culture oysters, clams, mussels, and crabs when such activities relate to quality control, sanitary, and public health practices pursuant to this section and s. 370.06(4). The department is also authorized to license or certify facilities used for processing oysters, clams, mussels, and crabs, to suspend or revoke such licenses or certificates upon satisfactory evidence of any violation of rules adopted pursuant to this section, and to seize and destroy any adulterated or misbranded shellfish products as defined by rule.

(2) A shellfish processing plant certification license is required to operate any facility in which oysters, clams, mussels, or crabs are processed, including but not limited to: an oyster, clam, or mussel cannery; a shell stock dealership; an oyster, clam, or mussel shucking plant; an oyster, clam, or mussel repacking plant; an oyster, clam, or mussel controlled purification plant; or a crab or soft-shell crab processing or shedding plant.

(3) The department may suspend or revoke any shellfish processing plant certification license upon satisfactory evidence that the licensee has violated any regulation, specification, or code adopted under this section and may seize and destroy any shellfish product which is defined by rule to be an adulterated or misbranded shellfish product.

Section 45. Section 370.12, Florida Statutes, 1998 Supplement, is amended to read:

370.12 Marine animals; regulation.—

(1) PROTECTION OF MARINE TURTLES.—

(a) This subsection may be cited as the "Marine Turtle Protection Act."

(b) The Legislature intends, pursuant to the provisions of this subsection, to ensure that the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ has the appropriate authority and resources to implement its responsibilities under the recovery plans of the United States Fish and Wildlife Service for the following species of marine turtle:

1. Atlantic loggerhead turtle (Caretta caretta caretta).

2. Atlantic green turtle (Chelonis mydas mydas).

3. Leatherback turtle (Dermochelys coriacea).

4. Atlantic hawksbill turtle (Eretmochelys imbricata imbricata).

5. Atlantic ridley turtle (Lepidochelys kempi).

(c)1. Unless otherwise provided by the federal Endangered Species Act or its implementing regulations, no person may take, possess, disturb, mutilate, destroy, cause to be destroyed, sell, offer for sale, transfer, molest, or harass any marine turtle or its nest or eggs at any time. For purposes of this subsection, "take" means an act which actually kills or injures marine turtles, and includes significant habitat modification or degradation that kills or injures marine turtles by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering.

2. Unless otherwise provided by the federal Endangered Species Act or its implementing regulations, no person, firm, or corporation may take, kill, disturb, mutilate, molest, harass, or destroy any marine turtle.

3. No person, firm, or corporation may possess any marine turtle, their nests, eggs, hatchlings, or parts thereof unless it is in possession of a special permit or loan agreement from the *commission* ~~department~~ enabling the holder to possess a marine turtle or parts thereof for scientific, educational, or exhibitional purposes, or for conservation activities such as relocating nests, eggs, or animals away from construction sites. Notwithstanding any other provisions of general or special law to the contrary, the *commission* ~~department~~ may issue such authorization to any properly accredited person for the purpose of marine turtle conservation upon such terms, conditions, and restrictions as it may prescribe by rule *adopted pursuant to chapter 120*. The *commission* ~~department~~ shall have the authority to adopt rules *pursuant to chapter 120* to permit the possession of marine turtles pursuant to this paragraph. For the purposes of this subsection, a "properly accredited person" is defined as:

a. Students of colleges or universities whose studies with saltwater animals are under the direction of their teacher or professor;

b. Scientific or technical faculty of public or private colleges or universities;

c. Scientific or technical employees of private research institutions and consulting firms;

d. Scientific or technical employees of city, county, state, or federal research or regulatory agencies;

e. Members in good standing or recognized and properly chartered conservation organizations, the Audubon Society, or the Sierra Club;

f. Persons affiliated with aquarium facilities or museums, or contracted as an agent therefor, which are open to the public with or without an admission fee; or

g. Persons without specific affiliations listed above, but who are recognized by the *commission* ~~department~~ for their contributions to marine conservation such as scientific or technical publications, or through a history of cooperation with the *commission* ~~department~~ in conservation programs such as turtle nesting surveys, or through advanced educational programs such as high school marine science centers.

(d) Any application for a Department *of Environmental Protection* permit or other type of approval for an activity that affects marine turtles or their nests or habitat shall be subject to conditions and requirements for marine turtle protection as part of the permitting or approval process.

(e) The Department *of Environmental Protection* may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting marine turtles and hatchlings and their habitat pursuant to the provisions of s. 161.053(5). When the department is considering a permit for a beach restoration, beach renourishment, or inlet sand transfer project and the applicant has had an active marine turtle nest relocation program or the applicant has agreed to and has the ability to administer a program, the department must not restrict the timing of the project. Where appropriate, the department, *in accordance with the applicable rules of the Fish and Wildlife Conservation Commission,* shall require as a condition of the permit that the applicant relocate and monitor all turtle nests that would be affected by the beach restoration, beach renourishment, or sand transfer activities. Such relocation and monitoring activities shall be conducted in a manner that ensures successful hatching. This limitation on the department's authority applies only on the Atlantic coast of Florida.

(f) The department shall recommend denial of a permit application if the activity would result in a "take" as defined in this subsection, unless, as provided for in the federal Endangered Species Act and its implementing regulations, such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

(g) The department shall give special consideration to beach preservation and beach nourishment projects that restore habitat of endangered marine turtle species. Nest relocation shall be considered for all such projects in urbanized areas. When an applicant for a beach restoration, beach renourishment, or inlet sand transfer project has had an active marine turtle nest relocation program or the applicant has agreed to have and has the ability to administer a program, the department in issuing a permit for a project must not restrict the timing of the project. Where appropriate, the department, *in accordance with the applicable rules of the Fish and Wildlife Conservation Commission,* shall require as a condition of the permit that the applicant relocate and monitor all turtle nests that would be affected by the beach restoration, beach renourishment, or sand transfer activities. Such relocation and monitoring activities shall be conducted in a manner that ensures successful hatching. This limitation on the department's authority applies only on the Atlantic coast of Florida.

(h) The *Fish and Wildlife Conservation Commission* ~~department~~ shall provide grants to coastal local governments, educational institutions, and Florida-based nonprofit organizations to conduct marine turtle research, conservation, and education activities within the state. The *commission* ~~department~~ shall adopt by rule *pursuant to chapter 120* procedures for submitting grant applications and criteria for allocating available funds. The criteria must include the scope of the proposed activity, the relevance of the proposed activity to the recovery plans for marine turtles, the demand and public support for the proposed activity, the duration of the proposed activity, the availability of alternative funding, and the estimated cost of the activity. The *executive director* ~~secretary~~ of the *commission* ~~department~~ shall appoint a committee of at least five members, including at least two nongovernmental representatives, to consider and choose grant recipients from proposals submitted by eligible entities. Committee members shall not receive any compensation from the *commission* ~~department~~.

(2) PROTECTION OF MANATEES OR SEA COWS.—

(a) This subsection shall be known and may be cited as the "Florida Manatee Sanctuary Act."

(b) The State of Florida is hereby declared to be a refuge and sanctuary for the manatee, the "Florida state marine mammal."

(c) Whenever the *Fish and Wildlife Conservation Commission* ~~department~~ is satisfied that the interest of science will be subserved, and that the application for a permit to possess a manatee or sea cow (Trichechus manatus) is for a scientific or propagational purpose and should be granted, and after concurrence by the United States Department of the Interior, the *commission* ~~Division of Marine Resources~~ may grant to any person making such application a special permit to possess a manatee or sea cow, which permit shall specify the exact number which shall be maintained in captivity.

(d) Except as may be authorized by the terms of a valid state permit issued pursuant to paragraph (c) or by the terms of a valid federal permit, it is unlawful for any person at any time, by any means, or in any manner intentionally or negligently to annoy, molest, harass, or disturb or attempt to molest, harass, or disturb any manatee; injure or harm or attempt to injure or harm any manatee; capture or collect or attempt to capture or collect any manatee; pursue, hunt, wound, or kill or attempt to pursue, hunt, wound, or kill any manatee; or possess, literally or constructively, any manatee or any part of any manatee.

(e) Any gun, net, trap, spear, harpoon, boat of any kind, aircraft, automobile of any kind, other motorized vehicle, chemical, explosive, electrical equipment, scuba or other subaquatic gear, or other instrument, device, or apparatus of any kind or description used in violation of any provision of paragraph (d) may be forfeited upon conviction. The foregoing provisions relating to seizure and forfeiture of vehicles, vessels, equipment, or supplies do not apply when such vehicles, vessels, equipment, or supplies are owned by, or titled in the name of, innocent parties; and such provisions shall not vitiate any valid lien, retain title contract, or chattel mortgage on such vehicles, vessels, equipment, or supplies if such lien, retain title contract, or chattel mortgage is property of public record at the time of the seizure.

(f) In order to protect manatees or sea cows from harmful collisions with motorboats or from harassment, the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ shall adopt rules under chapter 120 regarding the expansion of existing, or construction of new, marine facilities and mooring or docking slips, by the addition or construction of five or more powerboat slips, and regulating the operation and speed of motorboat traffic, only where manatee sightings are frequent and it can be generally assumed, based on available scientific information, that they inhabit these areas on a regular or continuous basis:

1. In Lee County: the entire Orange River, including the Tice Florida Power and Light Corporation discharge canal and adjoining waters of the Caloosahatchee River within 1 mile of the confluence of the Orange and Caloosahatchee Rivers.

2. In Brevard County: those portions of the Indian River within three-fourths of a mile of the Orlando Utilities Commission Delespine power plant effluent and the Florida Power and Light Frontenac power plant effluents.

3. In Indian River County: the discharge canals of the Vero Beach Municipal Power Plant and connecting waters within 1¼ miles thereof.

4. In St. Lucie County: the discharge of the Henry D. King Municipal Electric Station and connecting waters within 1 mile thereof.

5. In Palm Beach County: the discharges of the Florida Power and Light Riviera Beach power plant and connecting waters within 1½ miles thereof.

6. In Broward County: the discharge canal of the Florida Power and Light Port Everglades power plant and connecting waters within 1½

miles thereof and the discharge canal of the Florida Power and Light Fort Lauderdale power plant and connecting waters within 2 miles thereof. For purposes of ensuring the physical safety of boaters in a sometimes turbulent area, the area from the easternmost edge of the authorized navigation project of the intracoastal waterway east through the Port Everglades Inlet is excluded from this regulatory zone.

7. In Citrus County: headwaters of the Crystal River, commonly referred to as King's Bay, and the Homosassa River.

8. In Volusia County: Blue Springs Run and connecting waters of the St. Johns River within 1 mile of the confluence of Blue Springs and the St. Johns River; and Thompson Creek, Strickland Creek, Dodson Creek, and the Tomoka River.

9. In Hillsborough County: that portion of the Alafia River from the main shipping channel in Tampa Bay to U.S. Highway 41.

10. In Sarasota County: the Venice Inlet and connecting waters within 1 mile thereof, including Lyons Bay, Donna Bay, Roberts Bay, and Hatchett Creek, excluding the waters of the intracoastal waterway and the right-of-way bordering the centerline of the intracoastal waterway.

11. In Collier County: within the Port of Islands, within section 9, township 52 south, range 28 east, and certain unsurveyed lands, all east-west canals and the north-south canals to the southerly extent of the intersecting east-west canals which lie southerly of the centerline of U.S. Highway 41.

12. In Manatee County: that portion of the Manatee River east of the west line of section 17, range 19 east, township 34 south; the Braden River south of the north line and east of the west line of section 29, range 18 east, township 34 south; Terra Ceia Bay and River, east of the west line of sections 26 and 35 of range 17 east, township 33 south, and east of the west line of section 2, range 17 east, township 34 south; and Bishop Harbor east of the west line of section 13, range 17 east, township 33 south.

13. In Dade County: those portions of Black Creek lying south and east of the water control dam, including all boat basins and connecting canals within 1 mile of the dam.

(g) The *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ shall adopt rules *pursuant to chapter 120* regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis within that portion of the Indian River between the St. Lucie Inlet in Martin County and the Jupiter Inlet in Palm Beach County. In addition, the *commission* ~~department~~ shall adopt rules *pursuant to chapter 120* regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis within the Loxahatchee River in Palm Beach and Martin Counties, including the north and southwest forks thereof. A limited lane or corridor providing for reasonable motorboat speeds may be identified and designated within this area.

(h) The *commission* ~~department~~ shall adopt rules *pursuant to chapter 120* regulating the operation and speed of motorboat traffic only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis within the Withlacoochee River and its tributaries in Citrus and Levy Counties. The specific areas to be regulated include the Withlacoochee River and the U.S. 19 bridge westward to a line between U.S. Coast Guard markers number 33 and number 34 at the mouth of the river, including all side channels and coves along that portion of the river; Bennets' Creek from its beginning to its confluence with the Withlacoochee River; Bird's Creek from its beginning to its confluence with the Withlacoochee River; and the two dredged canal systems on the north side of the Withlacoochee River southwest of Yankeetown. A limited lane or corridor providing for reasonable motorboat speeds may be identified and designated within this area.

(i) If any new power plant is constructed or other source of warm water discharge is discovered within the state which attracts a concentration of manatees or sea cows, the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ is directed to adopt rules *pursuant to chapter 120* regulating the operation and speed of motorboat traffic within the area of such discharge. Such rules shall designate a zone which is sufficient in size, and which shall remain in effect for a sufficient period of time, to protect the manatees or sea cows.

(j) It is the intent of the Legislature through adoption of this paragraph to allow the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ to post and regulate boat speeds only where manatee sightings are frequent and it can be generally assumed that they inhabit these areas on a regular or continuous basis. It is not the intent of the Legislature to permit the *commission* ~~department~~ to post and regulate boat speeds generally in the above-described inlets, bays, rivers, creeks, thereby unduly interfering with the rights of fishers, boaters, and water skiers using the areas for recreational and commercial purposes. Limited lanes or corridors providing for reasonable motorboat speeds may be identified and designated within these areas.

(k) The *commission* ~~department~~ shall adopt rules *pursuant to chapter 120* regulating the operation and speed of motorboat traffic all year around within Turkey Creek and its tributaries and within Manatee Cove in Brevard County. The specific areas to be regulated consist of:

1. A body of water which starts at Melbourne-Tillman Drainage District structure MS-1, section 35, township 28 south, range 37 east, running east to include all natural waters and tributaries of Turkey Creek, section 26, township 28 south, range 37 east, to the confluence of Turkey Creek and the Indian River, section 24, township 28 south, range 37 east, including all lagoon waters of the Indian River bordered on the west by Palm Bay Point, the north by Castaway Point, the east by the four immediate spoil islands, and the south by Cape Malabar, thence northward along the shoreline of the Indian River to Palm Bay Point.

2. A triangle-shaped body of water forming a cove (commonly referred to as Manatee Cove) on the east side of the Banana River, with northern boundaries beginning and running parallel to the east-west cement bulkhead located 870 feet south of SR 520 Relief Bridge in Cocoa Beach and with western boundaries running in line with the City of Cocoa Beach channel markers 121 and 127 and all waters east of these boundaries in section 34, township 24 south, range 37 east; the center coordinates of this cove are 28°20′14″ north, 80°35′17″ west.

~~(l) The Legislature recognizes that, while the manatee or sea cow is designated a marine mammal by federal law, many of the warm water wintering areas are in freshwater springs and rivers which are under the primary state law enforcement jurisdiction of the Florida Game and Fresh Water Fish Commission. The law enforcement provisions of this section shall be carried out jointly by the department and the commission, with the department serving as the lead agency. The specific areas of jurisdictional responsibility are to be established between the department and the commission by interagency agreement.~~

(l)~~(m)~~ The *commission* ~~department~~ shall promulgate regulations *pursuant to chapter 120* relating to the operation and speed of motor boat traffic in port waters with due regard to the safety requirements of such traffic and the navigational hazards related to the movement of commercial vessels.

(m)~~(n)~~ The *commission* ~~department~~ may designate by rule *adopted pursuant to chapter 120* other portions of state waters where manatees are frequently sighted and it can be assumed that manatees inhabit such waters periodically or continuously. Upon designation of such waters, the *commission* ~~department~~ shall adopt rules *pursuant to chapter 120* to regulate motorboat speed and operation which are necessary to protect manatees from harmful collisions with motorboats and from harassment. The *commission* ~~department~~ may adopt rules *pursuant to chapter 120* to protect manatee habitat, such as seagrass

beds, within such waters from destruction by boats or other human activity. Such rules shall not protect noxious aquatic plants subject to control under s. 369.20.

(n)~~(o)~~ The *commission* ~~department~~ may designate, by rule *adopted pursuant to chapter 120*, limited areas as a safe haven for manatees to rest, feed, reproduce, give birth, or nurse undisturbed by human activity. Access by motor boat to private residences, boat houses, and boat docks through these areas by residents, and their authorized guests, who must cross one of these areas to have water access to their property is permitted when the motorboat is operated at idle speed, no wake.

(o)~~(p)~~ Except in the marked navigation channel of the Florida Intracoastal Waterway as defined in s. 327.02 and the area within 100 feet of such channel, a local government may regulate, by ordinance, motorboat speed and operation on waters within its jurisdiction where manatees are frequently sighted and can be generally assumed to inhabit periodically or continuously. However, such an ordinance may not take effect until it has been reviewed and approved by the *commission* ~~department~~. If the *commission* ~~department~~ and a local government disagree on the provisions of an ordinance, a local manatee protection committee must be formed to review the technical data of the *commission* ~~department~~ and the United States Fish and Wildlife Service, and to resolve conflicts regarding the ordinance. The manatee protection committee must be comprised of:

1. A representative of the *commission* ~~department~~;
2. A representative of the county;
3. A representative of the United States Fish and Wildlife Service;
4. A representative of a local marine-related business;
5. A representative of the Save the Manatee Club;
6. A local fisher;
7. An affected property owner; and
8. A representative of the Florida Marine Patrol.

If local and state regulations are established for the same area, the more restrictive regulation shall prevail.

(p)~~(q)~~ The *commission* ~~department~~ shall evaluate the need for use of fenders to prevent crushing of manatees between vessels (100′ or larger) and bulkheads or wharves in counties where manatees have been crushed by such vessels. For areas in counties where evidence indicates that manatees have been crushed between vessels and bulkheads or wharves, the *commission* ~~department~~ shall:

1. Adopt rules *pursuant to chapter 120* requiring use of fenders for construction of future bulkheads or wharves; and

2. Implement a plan and time schedule to require retrofitting of existing bulkheads or wharves consistent with port bulkhead or wharf repair or replacement schedules.

The fenders shall provide sufficient standoff from the bulkhead or wharf under maximum operational compression to ensure that manatees cannot be crushed between the vessel and the bulkhead or wharf.

(q)~~(r)~~ Any violation of a restricted area established by this subsection, or established by rule *pursuant to chapter 120* or ordinance pursuant to this subsection, shall be considered a violation of the boating laws of this state and shall be charged on a uniform boating citation as provided in s. 327.74, except as otherwise provided in paragraph (s). Any person who refuses to post a bond or accept and sign a uniform boating citation shall, as provided in s. 327.73(3), be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(r)~~(s)~~ Except as otherwise provided in this paragraph, any person violating the provisions of this subsection or any rule or ordinance adopted pursuant to this subsection shall be guilty of a misdemeanor, punishable as provided in s. 370.021(2)(a) or (b).

1. Any person operating a vessel in excess of a posted speed limit shall be guilty of a civil infraction, punishable as provided in s. 327.73, except as provided in subparagraph 2.

2. This paragraph does not apply to persons violating restrictions governing “No Entry” zones or “Motorboat Prohibited” zones, who, if convicted, shall be guilty of a misdemeanor, punishable as provided in s. 370.021(2)(a) or (b), or, if such violation demonstrates blatant or willful action, may be found guilty of harassment as described in paragraph (d).

(3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).—It is unlawful to catch, attempt to catch, molest, injure, kill, or annoy, or otherwise interfere with the normal activity and well-being of, mammalian dolphins (porpoises), except as may be authorized as a federal permit.

(4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

(a) Each fiscal year the Save the Manatee Trust Fund shall be available to fund an impartial scientific benchmark census of the manatee population in the state. Weather permitting, the study shall be conducted annually by the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ and the results shall be made available to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet for use in the evaluation and development of manatee protection measures. In addition, the Save the Manatee Trust Fund shall be available for annual funding of activities of public and private organizations and those of the *commission* ~~department~~ intended to provide manatee and marine mammal protection and recovery effort; manufacture and erection of informational and regulatory signs; production, publication, and distribution of educational materials; participation in manatee and marine mammal research programs, including carcass salvage and other programs; programs intended to assist the recovery of the manatee as an endangered species, assist the recovery of the endangered or threatened marine mammals, and prevent the endangerment of other species of marine mammals; and other similar programs intended to protect and enhance the recovery of the manatee and other species of marine mammals. The *commission* ~~department~~ shall annually solicit advisory recommendations from the Save the Manatee Committee affiliated with the Save the Manatee Club, as identified and recognized in Executive Order 85-19, on the use of funds from the Save the Manatee Trust Fund.

(b) Each fiscal year moneys in the Save the Manatee Trust Fund shall also be used, pursuant to s. 327.28(1)(b), to reimburse the cost of activities related to manatee rehabilitation by facilities that rescue, rehabilitate, and release manatees as authorized pursuant to the Fish and Wildlife Service of the United States Department of the Interior. Such facilities must be involved in the actual rescue and full-time acute care veterinarian-based rehabilitation of manatees. The cost of activities includes, but is not limited to, costs associated with expansion, capital outlay, repair, maintenance, and operations related to the rescue, treatment, stabilization, maintenance, release, and monitoring of manatees. Moneys distributed through contractual agreement to each facility for manatee rehabilitation shall be proportionate to the number of manatees under acute care rehabilitation and those released during the previous fiscal year. However, the reimbursement may not exceed the total amount available pursuant to ss. 327.25(7) and 327.28(1)(b) for the purposes provided in this paragraph. Prior to receiving reimbursement for the expenses of rescue, rehabilitation, and release, a facility that qualifies under state and federal regulations shall submit a plan to the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ for assisting the *commission* ~~department~~ and the Department of Highway Safety and Motor Vehicles in marketing the manatee specialty license plates. At a minimum, the plan shall include provisions for graphics, dissemination of brochures, recorded oral and visual presentation, and maintenance of a marketing exhibit. The plan shall be updated annually and the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ shall inspect each marketing exhibit at least once each year to ensure

the quality of the exhibit and promotional material. Each facility that receives funds for manatee rehabilitation shall annually provide the *commission* ~~department~~ a written report, within 30 days after the close of the state fiscal year, documenting the efforts and effectiveness of the facility's promotional activities.

(c) By December 1 each year, the *Fish and Wildlife Conservation Commission* ~~Department of Environmental Protection~~ shall provide the President of the Senate and the Speaker of the House of Representatives a written report, enumerating the amounts and purposes for which all proceeds in the Save the Manatee Trust Fund for the previous fiscal year are expended, in a manner consistent with those recovery tasks enumerated within the manatee recovery plan as required by the Endangered Species Act.

(d) When the federal and state governments remove the manatee from status as an endangered or threatened species, the annual allocation may be reduced.

Section 46. Subsections (2), (3), (8), (9), (10), and (11) of section 370.26, Florida Statutes, 1998 Supplement, are amended to read:

370.26 Aquaculture definitions; marine aquaculture products, producers, and facilities.—

(2) The Department of Environmental Protection shall encourage the development of aquaculture and the production of aquaculture products. The department shall develop a process consistent with this section that would consolidate permits, general permits, ~~special activity licenses,~~ and other regulatory requirements to streamline the permitting process and result in effective regulation of aquaculture activities. This process shall provide for a single application and application fee for marine aquaculture activities which are regulated by the department. Procedures to consolidate permitting actions under this section do not constitute rules within the meaning of s. 120.52.

(3) The Department of Agriculture and Consumer Services shall act as a clearinghouse for aquaculture applications, and act as a liaison between the *Fish and Wildlife Conservation Commission* ~~Division of Marine Resources~~, the Division of State Lands, the Department of Environmental Protection district offices, other divisions within the Department of Environmental Protection, and the water management districts. The Department of Agriculture and Consumer Services shall be responsible for regulating marine aquaculture producers, except as specifically provided herein.

(8) The department shall*:*

(a) Coordinate with the Aquaculture Review Council, the Aquaculture Interagency Coordinating Council, and the Department of Agriculture and Consumer Services when developing criteria for aquaculture general permits.

(b) Permit experimental technologies to collect and evaluate data necessary to reduce or mitigate environmental concerns.

(c) Provide technical expertise and promote the transfer of information that would be beneficial to the development of aquaculture.

(9) The *Fish and Wildlife Conservation Commission* ~~department~~ shall encourage the development of aquaculture in the state through the following:

(a) Providing assistance in developing technologies applicable to aquaculture activities, evaluating practicable production alternatives, and providing management agreements to develop innovative culture practices.

~~(b) Permitting experimental technologies to collect and evaluate data necessary to reduce or mitigate environmental concerns.~~

~~(c) Providing technical expertise and promoting the transfer of information that would be beneficial to the development of aquaculture.~~

(b)~~(d)~~ Facilitating aquaculture research on life histories, stock enhancement, and alternative species, and providing research results that would assist in the evaluation, development, and commercial production of candidate species for aquaculture, including:

1. Providing eggs, larvae, fry, and fingerlings to aquaculturists when excess cultured stocks are available from the *commission's* ~~department's~~ facilities and the culture activities are consistent with the *commission's* ~~department's~~ stock enhancement projects. Such stocks may be obtained by reimbursing the *commission* ~~department~~ for the cost of production on a per-unit basis. Revenues resulting from the sale of stocks shall be deposited into the trust fund used to support the production of such stocks.

2. Conducting research programs to evaluate candidate species when funding and staff are available.

3. Encouraging the private production of marine fish and shellfish stocks for the purpose of providing such stocks for statewide stock enhancement programs. When such stocks become available, the *commission* ~~department~~ shall reduce or eliminate duplicative production practices that would result in direct competition with private commercial producers.

4. Developing a working group, in cooperation with the Department of Agriculture and Consumer Services, the Aquaculture Review Council, and the Aquaculture Interagency Coordinating Council, to plan and facilitate the development of private marine fish and nonfish hatcheries and to encourage private/public partnerships to promote the production of marine aquaculture products.

(c)~~(e)~~ *Coordinating with* ~~Cooperating with the Game and Fresh Water Fish Commission and~~ public and private research institutions within the state to advance the aquaculture production and sale of sturgeon as a food fish.

(10) The *Fish and Wildlife Conservation Commission* ~~department~~ shall coordinate with the Aquaculture Review Council and the Department of Agriculture and Consumer Services to establish and implement grant programs to provide funding for projects and programs that are identified in the state's aquaculture plan, pending legislative appropriations. The *commission* ~~department~~ and the Department of Agriculture and Consumer Services shall establish and implement a grant program to make grants available to qualified nonprofit, educational, and research entities or local governments to fund infrastructure, planning, practical and applied research, development projects, production economic analysis, and training and stock enhancement projects, and to make grants available to counties, municipalities, and other state and local entities for applied aquaculture projects that are directed to economic development, pending legislative appropriations.

(11) The *Fish and Wildlife Conservation Commission* ~~department~~ shall provide assistance to the Department of Agriculture and Consumer Services in the development of an aquaculture plan for the state.

Section 47. Section 372.072, Florida Statutes, is amended to read:

372.072 Endangered and Threatened Species Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida Endangered and Threatened Species Act ~~of 1977~~."

(2) DECLARATION OF POLICY.—The Legislature recognizes that the State of Florida harbors a wide diversity of fish and wildlife and that it is the policy of this state to conserve and wisely manage these resources, with particular attention to those species defined by the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission, the Department of Environmental Protection, or the United States Department of Interior, or successor agencies, as being endangered or threatened. As Florida has more endangered and threatened species than any other continental state, it is the intent of the Legislature to provide for research and management to conserve and protect these species as a natural resource.

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

(a) "Fish and wildlife" means any member of the animal kingdom, including, but not limited to, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate.

(b) "Endangered species" means any species of fish and wildlife naturally occurring in Florida, whose prospects of survival are in jeopardy due to modification or loss of habitat; overutilization for commercial, sporting, scientific, or educational purposes; disease; predation; inadequacy of regulatory mechanisms; or other natural or manmade factors affecting its continued existence.

(c) "Threatened species" means any species of fish and wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subjected to increased stress as a result of further modification of its environment.

(4) INTERAGENCY COORDINATION.—

(a)~~1.~~ The ~~Game and Fresh Water Fish~~ commission shall be responsible for research and management of freshwater and upland species, *and for research and management of marine species*.

~~2. The Department of Environmental Protection shall be responsible for research and management of marine species.~~

(b) Recognizing that citizen awareness is a key element in the success of this plan, the ~~Game and Fresh Water Fish~~ commission~~, the Department of Environmental Protection,~~ and the Office of Environmental Education of the Department of Education are encouraged to work together to develop a public education program with emphasis on, but not limited to, both public and private schools.

(c) The ~~Department of Environmental Protection, the Marine Fisheries Commission, or the Game and Fresh Water Fish~~ commission, in consultation with the Department of Agriculture and Consumer Services, ~~the Department of Commerce,~~ the Department of Community Affairs, or the Department of Transportation, may establish reduced speed zones along roads, streets, and highways to protect endangered species or threatened species.

(5) ANNUAL REPORT.—The director of the ~~Game and Fresh Water Fish~~ commission~~, in consultation with the Secretary of Environmental Protection,~~ shall, at least 30 days prior to each annual session of the Legislature, transmit to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate Senate and House committees, a revised and updated plan for management and conservation of endangered and threatened species, including criteria for research and management priorities; a description of the educational program; statewide policies pertaining to protection of endangered and threatened species; additional legislation which may be required; and the recommended level of funding for the following year, along with a progress report and budget request.

Section 48. Section 372.0725, Florida Statutes, is amended to read:

372.0725 Killing or wounding of any species designated as endangered, threatened, or of special concern; criminal penalties.—It is unlawful for a person to intentionally kill or wound any fish or wildlife of a species designated by the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission as endangered, threatened, or of special concern, or to intentionally destroy the eggs or nest of any such fish or wildlife, except as provided for in the rules of the ~~Game and Fresh Water Fish~~ commission~~, the Department of Environmental Protection, or the Marine Fisheries Commission~~. Any person who violates this provision with regard to an endangered or threatened species is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 49. Section 372.073, Florida Statutes, is amended to read:

372.073 Endangered and Threatened Species Reward Program.—

(1) There is established within the *Fish and Wildlife Conservation* ~~Game and Fresh Water Fish~~ Commission the Endangered and Threatened Species Reward Program, to be funded from the Nongame Wildlife Trust Fund. The commission may post rewards to persons responsible for providing information leading to the arrest and conviction of persons illegally killing or wounding or wrongfully possessing any of the endangered and threatened species listed on the official Florida list of such species maintained by the commission or the arrest and conviction of persons who violate s. 372.667 or s. 372.671. Additional funds may be provided by donations from interested individuals and organizations. The reward program is to be administered by the commission. The commission shall establish a schedule of rewards.

(2) The commission may expend funds only for the following purposes:

(a) The payment of rewards to persons, other than law enforcement officers, commission personnel, and members of their immediate families, for information as specified in subsection (1); or

(b) The promotion of public recognition and awareness of the Endangered and Threatened Species Reward Program.

Section 50. Paragraph (a) of subsection (2) and subsection (6) of section 370.093, Florida Statutes, 1998 Supplement, are amended to read:

370.093 Illegal use of nets.—

(2)(a) Beginning July 1, 1998, it is also unlawful to take or harvest, or to attempt to take or harvest, any marine life in Florida waters with any net, as defined in subsection (3) and any attachments to such net, that combined are larger than 500 square feet and have not been expressly authorized for such use by rule of the *Fish and Wildlife Conservation* ~~Marine Fisheries~~ Commission ~~under s. 370.027~~. The use of currently legal shrimp trawls and purse seines outside nearshore and inshore Florida waters shall continue to be legal until the commission implements rules regulating those types of gear.

(6) The *Fish and Wildlife Conservation* ~~Marine Fisheries~~ Commission is granted authority to adopt rules pursuant to *s.* ~~ss.~~ 370.025 ~~and 370.027~~ implementing this section and the prohibitions and restrictions of s. 16, Art. X of the State Constitution.

Section 51. Subsection (2) and paragraph (a) of subsection (4) of section 376.11, Florida Statutes, 1998 Supplement, are amended to read:

376.11 Florida Coastal Protection Trust Fund.—

(2) The Florida Coastal Protection Trust Fund is established, to be used by the department *and the Fish and Wildlife Conservation Commission* as a nonlapsing revolving fund for carrying out the purposes of ss. 376.011-376.21. To this fund shall be credited all registration fees, penalties, judgments, damages recovered pursuant to s. 376.121, other fees and charges related to ss. 376.011-376.21, and the excise tax revenues levied, collected, and credited pursuant to ss. 206.9935(1) and 206.9945(1)(a). Charges against the fund shall be in accordance with this section.

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(a) Administrative expenses, personnel expenses, and equipment costs of the department *and the Fish and Wildlife Conservation Commission* related to the enforcement of ss. 376.011-376.21 subject to s. 376.185.

Section 52. *Section 20.325, Florida Statutes, is repealed.*

Section 53. *Section 370.026, Florida Statutes, is repealed.*

Section 54. *Notwithstanding chapter 60K-5, Florida Administrative Code, or state law to the contrary, employees transferring from the Department of Environmental Protection, the Florida Game and Fresh Water Fish Commission, and the Marine Fisheries Commission, to fill positions transferred to the Fish and Wildlife Conservation Commission, shall also transfer any accrued annual leave, sick leave, regular compensatory leave and special compensatory leave balances.*

Section 55. Notwithstanding chapter 60K-5, Administrative Code, or state law to the contrary, employees transferring from the Department of Environmental Protection to fill positions transferred to the Department of Agriculture and Consumer Services shall also transfer any accrued annual leave, sick leave, regular compensatory leave and special compensatory leave balances.

Section 56. Notwithstanding the provisions of subsection (2) of section 20.255, Florida Statutes, the Secretary of the Department of Environmental Protection is authorized to restructure and reorganize the department to increase efficiency in carrying out the agency's statutory mission and objectives. The Secretary shall report to the Governor, the Speaker of the House, and the President of the Senate no later than December 1, 1999, on the department's organizational structure. The report must contain recommended statutory changes needed to accomplish the department's new structure.

Section 57. *The Division of Statutory Revision of the Office of Legislative Services is directed to prepare a reviser's bill for introduction at the 2000 Regular Session of the Legislature to change "Game and Fresh Water Fish Commission" to "Fish and Wildlife Conservation Commission" and to make such further changes as are necessary to conform the Florida Statutes to the organizational changes created by this act.*

Section 58. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared severable.*

Section 59. This act shall take effect July 1, 1999.

And the title is amended as follows:

On page 1,
remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof:

A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; creating s. 20.331, F.S.; creating the Fish and Wildlife Conservation Commission; establishing administrative units within the new commission; establishing sources of funding; transferring the Game and Fresh Water Fish Commission, the Marine Fisheries Commission, and various bureaus of the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing for administrative transfer of certain offices; providing legislative intent; providing for an operating agreement and an annual work plan regarding responsibilities shared by the department and the commission; providing for submission of the work plan to the Governor and the Legislature; providing for a memorandum of agreement between the commission and the department regarding responsibilities of the Florida Marine Research Institute to the department; amending s. 20.255, F.S.; revising language with respect to the administrative makeup of the Department of Environmental Protection to conform to the act; providing for the appropriation of certain revenues and federal funds to the commission; providing for limitation on expenditures by the commission; providing for the appointment of a working group by the Executive Office of the Governor; amending s. 20.14, F.S.; adding a Division of Aquaculture of the Department of Agriculture and Consumer Services; amending s. 206.606, F.S.; adjusting distribution of fuel tax proceeds in conformance to the act to the commission; amending s. 320.08058, F.S.; conforming terminology to the act; amending s. 327.02, F.S.; providing definitions and repealing s. 327.02(6), F.S.; to remove reference to the Department of Environmental Protection; amending s. 327.25, F.S.; providing for classification and registration of vessels; adjusting location of antique license vessel decal; amending s. 327.26, F.S.; providing for stickers or emblems for the Save the Manatee Trust Fund; amending s. 327.28, F.S.; providing for the appropriation and distribution of vessel registration funds; amending s. 327.30, F.S.; providing requirements regarding collisions, accidents, and casualties; amending s. 327.35215, F.S.; providing penalties; amending s. 327.395, F.S.; providing for boating safety identification cards; amending s. 327.41, F.S.; providing for uniform watering regulatory markers; amending s. 327.43, F.S.; providing for navigation channel requirements; amending s. 327.46, F.S.; providing for the establishment of restricted areas on the waters of the state; repealing s. 258.398, F.S.; amending s. 327.48, F.S.; providing requirements for regattas, races, marine parades, tournaments, or exhibitions; amending s. 327.70, F.S.; providing for the enforcement of chapters 327 and 328, F.S.; amending s. 327.71, F.S.; providing an exemption; amending s. 327.731, F.S.; providing for mandatory education for violators; amending s. 327.74, F.S.; providing for uniform boating citations; amending s. 327.803, F.S.; providing for a Boating Advisory Council; amending s. 327.804, F.S.; providing for statistics on boating accidents and violations; amending s. 327.90, F.S.; providing for electronic or telephonic transactions; amending s. 328.01, F.S.; providing for application for certificate of title; amending s. 339.281, F.S.; providing for marine accident reports; amending s. 370.025, F.S.; providing marine policy and standards, and rulemaking authority for the Fish and Wildlife Conservation Commission; repealing s. 370.027(1), (2), and (3), F.S.; deleting provisions relating to rulemaking authority with respect to marine life; amending s. 370.06, F.S.; transferring responsibilities for issuing certain licenses related to marine life to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; amending s. 370.0608, F.S.; providing for the deposit of license fees; allocating of federal funds; amending s. 370.063, F.S.; correcting references; deleting obsolete dates; adjusting use of fees; amending s. 370.071, F.S.; transferring responsibilities for the regulation of shellfish processors to the Department of Agriculture and Consumer Services; amending s. 370.12, F.S.; providing rulemaking guidance related to endangered marine mammals; correcting obsolete references; amending s. 370.26, F.S.; transferring certain activities related to aquaculture to the Fish and Wildlife Conservation Commission; amending s. 372.072, F.S.; relating to the Endangered and Threatened Species Act; correcting obsolete references; amending s. 372.0725, F.S.; providing penalties for the killing or wounding of any species designated as endangered, threatened, or of special concern; amending s. 372.073, F.S.; transferring responsibility for the Endangered and Threatened Species Reward Program to the Fish and Wildlife Conservation Commission; amending s. 370.093, F.S.; correcting cross references; amending s. 376.11, F.S., authorizing additional users of the Coastal Protection Trust Fund; providing for the transfer of employee benefits for employees of designated state agencies; authorizing the Department of Environmental Protection to restructure and reorganize; providing for a report to the Legislature on the restructure and reorganization; repealing s. 20.325, F.S.; abolishing the Game and Fresh Water Fish Commission; repealing s. 370.026, F.S.; abolishing the Marine Fisheries Commission; instructing Division of Statutory Revision to draft reviser's bill for year 2000 Regular Session; providing an effective date.

Rep. Alexander moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 1855—A bill to be entitled An act relating to agriculture and consumer services; amending s. 501.913, F.S.; revising provisions relating to identity of registrant of antifreeze; providing liability; amending s. 501.916, F.S., relating to mislabeling of antifreeze; revising required labeling to be included on antifreeze; amending s. 501.919, F.S.; revising provisions relating to enforcement and stop-sale orders; amending s. 501.922, F.S., relating to violation of the antifreeze act; revising penalties and suspension of registration; repealing s. 531.54, F.S., relating to salaries and expenses of enforcement; amending s. 570.191, F.S., relating to the Agricultural Emergency Eradication Trust Fund; clarifying the definition of "agricultural emergency"; creating ss. 570.251-570.275, F.S.; creating the "Florida Agricultural Development Act"; providing legislative findings; providing definitions; establishing the Florida Agricultural Development Authority; providing powers and duties; providing for membership of a board; providing for terms of board members; providing for organization of the board; providing general powers of the authority; providing for an executive director and specifying duties; requiring an annual report; providing for the use of surplus moneys by the authority; providing for combination of state and

federal programs to facilitate the purposes of the authority; establishing a beginning farmer loan program; providing purposes of the loan program; authorizing the authority to participate in federal programs; requiring the authority to provide for loan criteria by rule; authorizing the authority to provide loan requirements; authorizing the authority to make loans to beginning farmers for agricultural land and improvements and depreciable agricultural property; authorizing the authority to make loans to mortgage lenders and other lenders; authorizing the authority to purchase mortgage loans and secured loans from mortgage lenders; providing powers of the authority relating to loans; providing for the issuance of bonds and notes by the authority; authorizing the authority to establish bond reserve funds; providing remedies of bondholders and holders of notes; providing for the pledging of bonds by the state; providing that bonds and notes shall be considered legal investments; providing requirements with respect to funds of the authority; authorizing examination of accounts by the Auditor General; requiring a report; providing limitation of liability for members of the authority; requiring the assistance of state officers, agencies, and departments; providing for construction of the act; requiring disclosure of specified conflicts of interest; prohibiting certain participation in the event of a conflict of interest; specifying conflicts of interest with respect to the executive director of the authority; providing exemption from competitive bid laws; creating s. 159.8082, F.S.; establishing the agricultural development bond pool; amending s. 159.804, F.S.; providing for specific allocations of state volume limitations to the agricultural development pool; amending s. 159.809; specifying provisions for bond issuance reports not received; amending s. 570.46, F.S.; revising the powers and duties of the Division of Standards; deleting a reference to testing of samples; amending s. 570.48, F.S., relating to duties of the Division of Fruit and Vegetables; providing for the appointment, certification, licensure, and supervision of certain inspectors; amending s. 570.952, F.S., relating to the Florida Agriculture Center and Horse Park Authority; deleting requirements relating to a quorum and official actions; creating s. 570.235, F.S.; creating the Pest Exclusion Advisory Committee within the Department of Agriculture and Consumer Services; establishing membership of the advisory committee; providing duties of the advisory committee; requiring a report; amending s. 581.184, F.S.; establishing a citrus canker-free buffer area; requiring the development of a compensation plan; providing a limitation for compensation; amending s. 588.011, F.S.; revising legal fence requirements; amending s. 588.12, F.S.; revising legislative findings regarding livestock at large; amending s. 588.13, F.S.; revising definitions; repealing s. 588.14, F.S.; relating to duty of owners of livestock; amending s. 588.16, F.S.; revising the authority to impound livestock running at large; amending s. 588.17, F.S.; revising provisions relating to the disposition of impounded livestock; amending s. 588.18, F.S.; revising fees relating to livestock at large; amending s. 588.19, F.S.; revising procedures for defraying certain costs; amending s. 589.081, F.S.; clarifying language regarding distribution to counties of gross receipts funds from Withlacoochee and Goethe State Forests; amending s. 593.1141, F.S.; revising references to the Agricultural Stabilization and Conservation Service; amending s. 616.05, F.S.; clarifying requirements regarding the publication of notice to amend the charter of a fair association; amending s. 616.07, F.S.; revising the tax exempt status of fair associations to include exemption from special assessments; amending s. 616.08, F.S.; clarifying provisions regarding the authority of a fair association to sell, mortgage, lease, or convey property; amending s. 616.13, F.S.; revising restrictions regarding the operation of temporary amusement rides; amending s. 616.15, F.S.; requiring certain notice to be sent upon application for a permit to conduct a public fair or exposition; requiring the department to consider proximity of fairs and expositions when issuing permits; authorizing the denial or withdrawal of permits based on competition; amending s. 616.242, F.S., relating to safety standards for amusement rides; revising documentation provided to the department for an annual permit; revising the rulemaking authority of the department; revising fees and inspection standards; prohibiting bungy catapulting or reverse bungy jumping; amending s. 616.251, F.S.; exempting certain lands from the provisions of s. 380.06; amending s. 616.260, F.S.; revising the tax exempt status of the Florida State Fair Authority to include exemption from special assessments; amending s. 823.14, F.S.; clarifying a definition pertaining to the Florida Right to Farm Act; amending s. 828.12, F.S.; revising provisions relating to cruelty to animals; amending s. 828.125, F.S., relating to killing or aggravated abuse of registered breed horses or cattle; revising provisions relating to prohibited acts; amending s. 823.14, F.S.; providing legislative findings regarding the effect of music on animal husbandry; preempting nuisance from noise from raising livestock to the state; providing findings; establishing certain sound limits; providing that certain special assessments shall not be due from a fair association or state fair; providing an effective date.

—was read the second time by title.

Representative(s) Putnam offered the following:

Amendment 1 (with title amendment)—On page 9, line 8, through page 39, line 22,
remove from the bill: all of said lines

And the title is amended as follows:

On page 1, line 19, through page 3, line 12,
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 570.46, F.S.; revising

Rep. Putnam moved the adoption of the amendment, which was adopted.

Representative(s) Lacasa offered the following:

Amendment 2 (with title amendment)—On page 44, between lines 19 and 20, of the bill

insert:

Section 16. Section 581.1841, Florida Statutes, is created to read:

581.1841 Emergency procedures for citrus canker removal in residential properties.—

(1) To carry out its duties with respect to emergency responses to citrus canker when such activities involve entry onto private residential properties in an urban area to achieve detection and elimination of host plants, or other regulated articles, infected or suspected of harboring citrus canker bacteria, the department shall:

(a) Develop and provide a system for dissemination of information to the public concerning bacterial citrus canker and the methods used for its eradication or control. The information disseminated must specify the characteristics of the disease, the products and procedures to be used, any expected effects on the human population and the environment in the area in which the program is to be carried out, and any recommended safety precautions as well as any alternative methods of responding to the disease.

(b) Use products that comply with all applicable state and federal laws and rules.

(c) Ensure that its emergency procedures for citrus canker removal in residential properties are reviewed and approved by scientific experts selected by the department and found to be biologically sound and in compliance with the National Plant Board Principles of Plant Quarantine.

(2) The department shall give notice in writing to each property owner, or his or her authorized representative, not less than 3 days prior to entering the property for the purpose of surveying for bacterial citrus canker. The notice must be in the form of a written statement outlining the purpose of the survey and the potential results of the survey. In addition, the department shall post a sign centrally located in each neighborhood where a citrus canker survey is being conducted. The sign shall state in bold lettering "CITRUS CANKER SURVEY IN PROGRESS."

(3) If after the survey is completed the department suspects that citrus canker is present, a department plant pathologist must inspect the suspect property and conduct a visual diagnosis. Upon determination of a citrus canker positive or exposed host tree, the department shall notify

the property owners or their authorized representatives, in writing, of the action to be taken. Such notice must be in the form of an immediate final order and must be delivered to the property owner within 30 working days after diagnosis. The property owner must be given 5 working days from the delivery of the immediate final order to review it. Delivery must be in the form of personal delivery or by certified mail. If the owner refuses delivery or fails to pick up the certified mail, the notice shall be posted on the affected property. The department shall implement its order to remove citrus-canker-affected host plants, and other articles, after 10 working days from the date of the delivery of the order or sooner if the property owner signs a waiver agreeing to such action.

And the title is amended as follows:

On page 3, line 31, after the semicolon

insert: creating s. 581.1841, F.S.; requiring the Department of Agriculture and Consumer Services to establish emergency procedures for citrus canker removal in residential areas;

Rep. Lacasa moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

On motion by Rep. Putnam, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Putnam offered the following:

Amendment 3 (with title amendment)—On page 57, lines 14-21, remove from the bill: all of said lines

And the title is amended as follows:

On page 5, lines 14-15,
remove from the title of the bill: all of said lines

and insert in lieu thereof: jumping;

Rep. Putnam moved the adoption of the amendment, which was adopted.

On motion by Rep. Putnam, the rules were suspended and CS/HB 1855, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Crow	Henriquez	Pruitt
Albright	Dennis	Heyman	Putnam
Alexander	Detert	Hill	Rayson
Andrews	Diaz de la Portilla	Johnson	Reddick
Argenziano	Dockery	Jones	Ritchie
Arnall	Edwards	Kelly	Ritter
Bainter	Effman	Kilmer	Roberts
Ball	Eggelletion	Kosmas	Rojas
Barreiro	Farkas	Kyle	Russell
Bense	Fasano	Lacasa	Ryan
Betancourt	Feeney	Lawson	Sanderson
Bilirakis	Fiorentino	Levine	Sembler
Bitner	Flanagan	Littlefield	Smith, C.
Bloom	Frankel	Logan	Smith, K.
Boyd	Fuller	Lynn	Sobel
Bradley	Futch	Maygarden	Sorensen
Bronson	Garcia	Melvin	Spratt
Brown	Gay	Merchant	Stafford
Brummer	Goode	Miller, J.	Stansel
Bush	Goodlette	Miller, L.	Starks
Byrd	Gottlieb	Minton	Suarez
Cantens	Green, C.	Morroni	Sublette
Casey	Greene, A.	Murman	Trovillion
Chestnut	Greenstein	Ogles	Tullis
Constantine	Hafner	Patterson	Turnbull
Cosgrove	Harrington	Peaden	Valdes
Crady	Hart	Posey	Villalobos
Crist	Healey	Prieguez	Wallace
Warner	Wiles	Wilson	Wise
Waters			

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Maygarden, the rules were suspended and—

HB 1883—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; creating the Florida Retirement System Actuarial Assumption Conference; providing for duties and members; 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), and 121.071(1), F.S., relating to contribution rates; amending ss. 121.052, 121.055, and 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 and correcting 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) and (12), F.S., relating to Florida Retirement System membership eligibility and retirement contribution payments for blind vending facility operators; repealing s. 121.027, F.S., relating to rulemaking authority for that act; providing an effective date.

—was taken up, having been read the second time, and amended, earlier today.

On motion by Rep. Gay, the House reconsidered the vote by which **Amendment 6** was adopted.

The question recurred on the adoption of Amendment 6.

On motion by Rep. Gay, under Rule 142(h), the following late-filed amendment to the amendment was considered.

Representative(s) Gay, Arnall, and Dockery offered the following:

Amendment 1 to Amendment 6—On page 1, lines 19-31,
remove from the amendment: all of said lines

and insert in lieu thereof:

112.18 Firefighters *and state law enforcement officers*; special provisions relative to disability.—

(1) Any condition or impairment of health of any Florida *state*, municipal, county, port authority, special tax district, or fire control district firefighter *or state law enforcement officer* caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter *or state law*

enforcement officer shall have successfully passed a physical examination upon entering into any such service as a firefighter *or state law enforcement officer*, which examination

Rep. Gay moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 6**, as amended, which was adopted.

On motion by Rep. Gay, the rules were suspended and HB 1883, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Dennis	Johnson	Ritter
Albright	Detert	Jones	Roberts
Alexander	Diaz de la Portilla	Kelly	Rojas
Andrews	Dockery	Kilmer	Russell
Argenziano	Edwards	Kosmas	Ryan
Arnall	Effman	Kyle	Sanderson
Bainter	Farkas	Lacasa	Sembler
Ball	Fasano	Lawson	Smith, C.
Barreiro	Feeney	Levine	Smith, K.
Bense	Fiorentino	Littlefield	Sobel
Betancourt	Flanagan	Logan	Sorensen
Bilirakis	Frankel	Lynn	Spratt
Bitner	Fuller	Maygarden	Stafford
Bloom	Futch	Melvin	Stansel
Boyd	Garcia	Merchant	Starks
Bradley	Gay	Miller, J.	Suarez
Bronson	Goode	Miller, L.	Sublette
Brown	Goodlette	Minton	Trovillion
Brummer	Gottlieb	Morroni	Tullis
Bush	Green, C.	Murman	Turnbull
Byrd	Greene, A.	Ogles	Valdes
Cantens	Greenstein	Peaden	Villalobos
Casey	Hafner	Posey	Wallace
Chestnut	Harrington	Prieguez	Warner
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Flanagan, **HB 2263** was temporarily postponed under Rule 141 and the second reading nullified.

HB 2029—A bill to be entitled An act relating to emergency management; amending s. 240.295, F.S.; prescribing duties of the Board of Regents with respect to identifying public hurricane evacuation shelter space on certain campuses; deleting a requirement for the submission of a report; revising a condition precedent to a requirement for specified building construction standards; amending s. 252.38, F.S.; revising provisions relating to the appointment, salary, and direction and control of a county emergency management agency director; amending s. 252.385, F.S.; revising legislative intent; including certain private facilities within a survey of prospective public hurricane evacuation shelters; including district school boards and community college boards of trustees among those coordinating and implementing such survey; revising completion dates for the retrofitting of specified facilities; exempting the owner or lessee of a shelter scheduled for retrofitting from a requirement to make certain improvements; providing that specified public facilities be made available as public hurricane evacuation shelters; requiring the Department of Management Services to incorporate public hurricane evacuation shelter provisions into lease agreements for state agencies; providing specifications for suitable leased public facilities; amending s. 252.51, F.S.; revising provisions which provide exemption from liability for persons or organizations who permit real estate or premises to be used for sheltering persons during specified emergencies; exempting the state, its political subdivisions, agents, and employees from liability for damages caused by emergency management workers in certain situations; providing exceptions; defining "emergency management worker"; repealing s. 252.855, F.S., which requires the development of consolidated reporting forms for specified storage tank registration programs and single annual fee payment and due date for reporting required from specified petroleum distributors and retail outlets; providing an effective date.

—was read the second time by title.

The Committee on General Appropriations offered the following:

Amendment 1 (with title amendment)—On page 2, line 25, through page 3, line 17,
remove from the bill: all of said lines

and insert in lieu thereof:

(4) The Board of Regents shall, in consultation with local and state emergency management agencies, assess existing facilities to identify the extent to which each campus has public *hurricane evacuation* shelter space. *The board shall submit to the Governor and the Legislature by September 30 of each year a 5-year capital improvements program that identifies new or retrofitted facilities that will incorporate enhanced hurricane resistance standards and that can be used as public hurricane evacuation shelters.* ~~adequate to house those students, faculty, and employees expected to seek public shelter prior to or during a disaster and those other persons for which the campus has agreed with the local emergency management agency or other voluntary organization to provide shelter space. The board shall submit a report describing the results of its assessment to the Governor and the Legislature by February 1, 1994. At the discretion of the board, this report may be accompanied by a list of proposed improvements to existing buildings to improve shelter capacity and an estimate of the costs associated with implementing these improvements.~~ Until a *county in which a* campus *is located* has sufficient *public hurricane evacuation* shelter space, any *campus* building for which a design contract is entered into subsequent to July 1, *2000* ~~1994~~, *and which has been identified by the board, with the concurrence of the local emergency management agency or the Department of Community Affairs, to be appropriate for use as a public hurricane evacuation shelter,* must be constructed in accordance with public shelter standards ~~unless the board, with the concurrence of the local emergency management agency or the Department of Community Affairs, exempts the building or part thereof from shelter standards because of its location, size, or other characteristic~~.

And the title is amended as follows:

On page 1, lines 6 through 9,
remove from the title of the bill: all of said lines

and insert in lieu thereof: space on certain campuses; requiring the submission of a capital improvements program; deleting a requirement for the submission of a report; revising a condition precedent to a requirement for specified building construction standards; revising applicability; removing an exemption;

Rep. Gay moved the adoption of the amendment, which was adopted.

On motion by Rep. Gay, the rules were suspended and HB 2029, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Ball	Boyd	Cantens
Albright	Barreiro	Bradley	Casey
Alexander	Bense	Bronson	Chestnut
Andrews	Betancourt	Brown	Constantine
Argenziano	Bilirakis	Brummer	Cosgrove
Arnall	Bitner	Bush	Crady
Bainter	Bloom	Byrd	Crist

Crow	Hafner	Miller, J.	Smith, C.
Dennis	Harrington	Miller, L.	Smith, K.
Detert	Hart	Minton	Sobel
Diaz de la Portilla	Healey	Morroni	Sorensen
Dockery	Henriquez	Murman	Spratt
Edwards	Heyman	Ogles	Stafford
Effman	Hill	Patterson	Stansel
Farkas	Johnson	Peaden	Starks
Fasano	Jones	Posey	Suarez
Fiorentino	Kelly	Prieguez	Sublette
Flanagan	Kilmer	Pruitt	Trovillion
Frankel	Kosmas	Putnam	Tullis
Fuller	Kyle	Rayson	Turnbull
Futch	Lacasa	Reddick	Valdes
Garcia	Lawson	Ritchie	Villalobos
Gay	Levine	Ritter	Wallace
Goode	Littlefield	Roberts	Warner
Goodlette	Logan	Rojas	Waters
Gottlieb	Lynn	Russell	Wiles
Green, C.	Maygarden	Ryan	Wilson
Greene, A.	Melvin	Sanderson	Wise
Greenstein	Merchant	Sembler	

Nays—None

Votes after roll call:
Yeas—Feeney

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/HB 1707—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.112, F.S.; revising reporting requirements; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.131, F.S.; authorizing the designee of an agency head to extend the other-personal-services employment of a health care practitioner; amending s. 110.151, F.S.; modifying duties of state agencies for child care programs sponsored by the agencies; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for adoption of rules; providing for a workforce report; amending s. 110.205, F.S.; authorizing the Department of Management Services to designate specified employees within the Governor's Office to have salaries and benefits in accordance with the rules of Senior Management Service; authorizing specified employees to have benefits comparable to legislative employees; conforming provisions to changes made by the act; providing for the designation of Senior Management Service exempt positions; repealing s. 110.207(1)(g), F.S., relating to statewide planning of career service broadbanding compensation and classification; amending s. 110.209, F.S.; adding critical market pay to the list of pay additives; requiring certain pay implementations to be subject to review and recommendation by the Department of Management Services and approval by the Office of Planning and Budgeting; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 110.605, F.S.; providing a uniform appraisal system for employees and positions in the Selected Exempt Service; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 112.3145, F.S.; redefining the terms "local officer" and "specified state employee" for purposes of financial disclosure requirements; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 216.011, F.S.; redefining the term "operating capital outlay"; amending s. 255.25, F.S.; exempting certain leases from the competitive bidding process; amending ss. 255.249 and 255.257, F.S.; revising the threshold for leased space facility requirements; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending ss. 281.02, 281.03, 281.04, 281.05, 281.06, and 281.08, F.S.; including reference to the Florida Capitol Police; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.105, F.S., relating to use of State Suncom Network by nonprofit schools; amending s. 282.1095, F.S.; authorizing the Department of Management Services to acquire a state agency law enforcement radio system; authorizing the Joint Task Force on State Agency Law Enforcement Communications to advise the department regarding the system; deleting obsolete provisions; amending ss. 320.0802 and 327.25, F.S.; removing the time limits on the surcharges used to fund the system; removing obsolete provisions; amending s. 282.322, F.S.; amending the requirements for written reports on designated information resources management projects; amending s. 282.3091, F.S.; revising the membership of the State Technology Council; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.017, F.S.; increasing purchasing category threshold amounts; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending s. 287.151, F.S.; revising purchasing requirements for certain state motor vehicles; amending ss. 287.16 and 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; requiring a report from agency heads on employee use of state motor vehicles; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021 and 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; repealing ch. 98-310, Laws of Florida, relating to evaluation of the state contract for air carrier service; authorizing the department to negotiate air services to and from Tallahassee and other cities; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; providing an effective date.

—was read the second time by title. On motion by Rep. Posey, the rules were suspended and the bill was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Boyd	Crow	Garcia
Albright	Bradley	Detert	Gay
Alexander	Bronson	Diaz de la Portilla	Goode
Andrews	Brown	Dockery	Goodlette
Argenziano	Brummer	Edwards	Gottlieb
Arnall	Bush	Effman	Green, C.
Bainter	Byrd	Farkas	Greene, A.
Ball	Cantens	Fasano	Greenstein
Barreiro	Casey	Feeney	Hafner
Bense	Chestnut	Fiorentino	Harrington
Betancourt	Constantine	Flanagan	Hart
Bilirakis	Cosgrove	Frankel	Healey
Bitner	Crady	Fuller	Henriquez
Bloom	Crist	Futch	Heyman

Johnson	Miller, J.	Ritter	Suarez
Jones	Miller, L.	Roberts	Sublette
Kelly	Minton	Rojas	Trovillion
Kilmer	Morroni	Russell	Tullis
Kosmas	Murman	Ryan	Turnbull
Kyle	Ogles	Sanderson	Valdes
Lacasa	Patterson	Sembler	Villalobos
Lawson	Peaden	Smith, C.	Wallace
Levine	Posey	Smith, K.	Warner
Littlefield	Prieguez	Sobel	Waters
Logan	Pruitt	Sorensen	Wiles
Lynn	Putnam	Spratt	Wilson
Maygarden	Rayson	Stafford	Wise
Melvin	Reddick	Stansel	
Merchant	Ritchie	Starks	

Nays—None

Votes after roll call:
Yeas—Dennis, Hill

So the bill passed and was immediately certified to the Senate.

HB 1753—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; modifying rate filing requirements for approval of health insurance policy forms by the Department of Insurance; amending s. 627.411, F.S.; providing guidelines for determining when benefits are considered reasonable in relation to the premium charged for purposes of disapproval of health insurance policy forms by the department; providing an effective date.

—was read the second time by title.

The Committee on Health Care Services offered the following:

Amendment 1—On page 1, lines 15-26,
remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. Subsections (1), (6), (7), and (8) of section 627.410, Florida Statutes, 1998 Supplement, are amended to read:

627.410 Filing, approval of forms.—

(1) No basic insurance policy or annuity contract form, or application form where written application is required and is to be made a part of the policy or contract, or group certificates issued under a master contract delivered in this state, or printed rider or endorsement form or form of renewal certificate, shall be delivered or issued for delivery in this state, unless the form has been filed with the department at its offices in Tallahassee by or in behalf of the insurer which proposes to use such form and has been approved by the department. This provision does not apply to*:*

(a) Surety bonds or to *specially rated inland marine risks, or*

(b) Policies, riders, endorsements, or forms of unique character which are designed for and used with relation to insurance upon a particular subject (other than as to *individual or small group* health insurance), or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or health insurance policies and are used at the request of the individual policyholder, contract holder, or certificateholder. As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state shall be filed with the department for information purposes only.

(6)(a) An insurer shall not deliver or issue for delivery or renew in this state any health insurance policy form until it has filed with the department a copy of every applicable rating manual, rating schedule, change in rating manual, and change in rating schedule; if rating manuals and rating schedules are not applicable, the insurer must file with the department applicable premium rates and any change in applicable premium rates. *This provision does not apply to rating manuals, rating schedules, changes in rating manuals or schedules, or if rating manuals or schedules are not applicable, to premium rates or changes in such rates, relating to policies, riders, endorsements, or forms of unique character which are designed for and used with relation to insurance upon a particular subject or to benefits under group health insurance policies insuring 51 or more persons and are used at the request of the individual policyholder, contract holder, or certificate holder.*

Rep. Goode moved the adoption of the amendment, which was adopted.

The Committee on Health Care Services offered the following:

Amendment 2—On page 2, lines 18-20,
remove from the bill: all of said lines

and insert in lieu thereof:

2. Premium class definitions which classify insured based on year of issue or duration since issue.

3. Attained age premium structures on policy forms

Rep. Goode moved the adoption of the amendment, which was adopted.

The Committee on Insurance offered the following:

Amendment 3—On page 12, lines 21-29
remove from the bill: all of said lines

and insert in lieu thereof:

4. The lifetime loss ratios in subparagraphs 1. and 2. may be adjusted in accordance with the following formula:

$R' = (A - 25I) R/A$

where:

R = the loss ratio from subparagraphs 1. and 2.;

A = the average annualized premium per individual policy or per group certificate;

$I = (CPI\text{-}U, year\ N\text{-}1)/103.9$;

R' *= the adjusted loss ratio.*

R' *cannot be more than 10 percentage points less than R nor less than 50 percent, except that* R' *cannot be less than 45 percent as to accident only non-cancellable policies. The CPI-U is the consumer price index for all urban consumers, for all items and for all regions of the U. S. combined, as determined by the U. S. Department of Labor, Bureau of Statistics as of September of each year. Year N-1 is the calendar year immediately preceding the calendar year (N) in which the rate filing is submitted in Florida.*

5. Blanket insurance is exempt from the loss ratios described in subparagraphs 1.-3. The minimum loss ratio for blanket insurance is 65 percent.

6. Medicare supplement and long-term-care insurance are exempt from the loss ratios described in subparagraphs 1.-3. The minimum loss ratios for Medicare supplement insurance must be established in accordance with s. 627.674. The minimum loss ratios for long-term-care insurance shall be established in accordance with s. 627.9407.

Rep. Patterson moved the adoption of the amendment.

On motion by Rep. Patterson, under Rule 142(h), the following late-filed amendment to the amendment was considered.

Representative(s) Patterson and Byrd offered the following:

Amendment 1 to Amendment 3—On page 2, lines 15 and 16,
remove from the amendment: all of said lines

and insert in lieu thereof:
Benefits under long-term care insurance policies shall be deemed

reasonable in relation to premiums provided the expected loss ratio is at least 60 percent, calculated in a manner which provides for adequate reserving of the long-term care insurance risk. In determining the expected loss ratio, the Insurance Department shall adopt rules consistent with the Long-Term Care Model Regulation as approved by the National Association of Insurance Commissioners in July 1998.

Rep. Patterson moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 3**, as amended, which was adopted.

The Committee on Insurance offered the following:

Amendment 4 (with title amendment)—On page 13, between lines 3 & 4 of the bill

insert:

Section 2. Subsection (6) is added to section 626.883, Florida Statutes, to read:

626.883 Administrator as intermediary; collections held in fiduciary capacity; establishment of account; disbursement; payments on behalf of insurer.—

(6) All payments to a health care provider by a fiscal intermediary for noncapitated providers must include an explanation of services being reimbursed which includes, at a minimum, the patient's name, the date of service, the procedure code, the amount of reimbursement, and the identification of the plan on whose behalf the payment is being made. For capitated providers, the statement of services must include the number of patients covered by the contract, the rate per patient, the total amount of the payment, and the identification of the plan on whose behalf the payment is being made.

Section 3. Paragraph (a) of subsection (2) of section 641.316, Florida Statutes, 1998 Supplement, is amended to read:

641.316 Fiscal intermediary services.—

(2)(a) The term "fiduciary" or "fiscal intermediary services" means reimbursements received or collected on behalf of health care professionals for services rendered, patient and provider accounting, financial reporting and auditing, receipts and collections management, compensation and reimbursement disbursement services, or other related fiduciary services pursuant to health care professional contracts with health maintenance organizations. *All payments to a health care provider by a fiscal intermediary for noncapitated providers must include an explanation of services being reimbursed which includes, at a minimum, the patient's name, the date of service, the procedure code, the amount of reimbursement, and the identification of the plan on whose behalf the payment is being made. For capitated providers, the statement of services must include the number of patients covered by the contract, the rate per patient, the total amount of the payment, and the identification of the plan on whose behalf the payment is being made.*

And the title is amended as follows:

On page 1, line 10

after the semicolon insert: amending s. 626.883, F.S.; relating to payments on behalf of insurer; amending s. 641.316, F.S.; relating to payments to a health care provider;

Rep. Jones moved the adoption of the amendment, which was adopted.

On motion by Rep. Wiles, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Wiles offered the following:

Amendment 5—On page 5, lines 2 & 3,
remove from the bill: *only if it is a significant factor, as determined by the insurer,*

Rep. Wiles moved the adoption of the amendment, which was adopted.

On motion by Rep. Wiles, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Wiles offered the following:

Amendment 6—On page 10, lines 23-25,
remove from the bill: all of said lines

and insert in lieu thereof:

2. Contains provisions *that constitute unfair discrimination pursuant to s. 626.9541(1)(g),* ~~which are unfair or inequitable as contrary to the public policy of this state~~ or which encourages misrepresentation ~~or which apply rating~~

Rep. Wiles moved the adoption of the amendment, which was adopted.

Rep. Wiles moved that, under Rule 142(h), late-filed Amendment 7 be allowed for consideration, which was not agreed to. The vote was:

Yeas—39

Betancourt	Eggelletion	Kosmas	Ryan
Bloom	Frankel	Lawson	Smith, C.
Boyd	Gottlieb	Levine	Sobel
Brown	Greene, A.	Logan	Stafford
Bush	Greenstein	Miller, L.	Stansel
Chestnut	Hafner	Rayson	Suarez
Cosgrove	Healey	Reddick	Turnbull
Dennis	Henriquez	Ritchie	Wiles
Edwards	Heyman	Ritter	Wilson
Effman	Hill	Roberts	

Nays—74

The Chair	Crow	Kilmer	Rojas
Albright	Detert	Kyle	Russell
Alexander	Diaz de la Portilla	Lacasa	Sanderson
Andrews	Farkas	Littlefield	Sembler
Argenziano	Fasano	Lynn	Smith, K.
Arnall	Feeney	Maygarden	Sorensen
Bainter	Fiorentino	Melvin	Spratt
Ball	Flanagan	Merchant	Starks
Barreiro	Fuller	Miller, J.	Sublette
Bense	Futch	Minton	Trovillion
Bilirakis	Gay	Morroni	Tullis
Bitner	Goode	Murman	Valdes
Bradley	Goodlette	Ogles	Villalobos
Bronson	Green, C.	Patterson	Wallace
Brummer	Harrington	Peaden	Warner
Byrd	Hart	Posey	Waters
Cantens	Johnson	Prieguez	Wise
Crady	Jones	Pruitt	
Crist	Kelly	Putnam	

Rep. Rayson moved that, under Rule 142(h), late-filed Amendment 8 be allowed for consideration. Further consideration of the motion was temporarily postponed.

Reconsideration

On motion by Rep. Feeney, the House reconsidered the vote by which the motion by Rep. Wiles to allow late-filed Amendment 7 for consideration was not agreed to. The question recurred on the motion by Rep. Wiles to allow consideration of late-filed Amendment 7, which was agreed to.

Representative(s) Wiles offered the following:

Amendment 7—On page 3, line 22, of the bill

insert:

3. Each individual accident and health insurer that discontinues the availability of a policy form and that has no other policy form providing

similar benefits which is still being marketed in the state shall offer every existing insured who is currently paying premiums under the discontinued policy form the option to apply for coverage under any individual accident and health insurance policy form which is still being marketed in the state by the same insurer. Individuals who fail to satisfy the insurer's underwriting guidelines or standards for issuance of a replacement policy shall be issued coverage if they apply for such replacement coverage within 180 days' written notice to the insured persons from the insurer, without regard to health status or claims experience. However, individuals who apply for the replacement coverage described in this subparagraph who fail to satisfy the insurer's underwriting guidelines or standards may be charged a premium rate not to exceed 140 percent of the standard premium rate charged by the insurer for the coverage. The replacement coverage described in this subparagraph shall waive any preexisting condition limitations or waiting periods satisfied under the preceding, discontinued policy form.

4. For purposes of this paragraph an individual accident and health insurance policy form shall be deemed to provide similar benefits to another individual accident and health insurance policy form if the forms are of the same type, e.g. major medical; hospital/surgical; disability; home health care; long-term care, and at least 70 percent of the benefits provided by one form are also provided by the other.

Rep. Wiles moved the adoption of the amendment, which was adopted.

The question recurred on the motion by Rep. Rayson to allow late-filed Amendment 8 for consideration, which was not agreed to.

Rep. Cosgrove moved that, under Rule 142(h), late-filed Amendment 9 be allowed for consideration, which was not agreed to.

Rep. Cosgrove moved that, under Rule 142(h), late-filed Amendment 10 be allowed for consideration, which was not agreed to.

On motion by Rep. Patterson, the rules were suspended and HB 1753, as amended, was read the third time by title. On passage, the vote was:

Yeas—88

The Chair	Crist	Jones	Roberts
Albright	Detert	Kelly	Russell
Alexander	Dockery	Kilmer	Ryan
Andrews	Eggelletion	Kyle	Sanderson
Argenziano	Farkas	Lacasa	Sembler
Arnall	Fasano	Lawson	Smith, C.
Bainter	Feeney	Littlefield	Smith, K.
Ball	Fiorentino	Logan	Sorensen
Barreiro	Flanagan	Lynn	Spratt
Bense	Fuller	Maygarden	Starks
Bilirakis	Futch	Melvin	Suarez
Bitner	Garcia	Merchant	Sublette
Bronson	Gay	Miller, J.	Trovillion
Brown	Goode	Minton	Tullis
Brummer	Goodlette	Murman	Valdes
Bush	Green, C.	Patterson	Villalobos
Byrd	Hafner	Peaden	Wallace
Cantens	Harrington	Posey	Warner
Casey	Hart	Prieguez	Waters
Chestnut	Henriquez	Pruitt	Wiles
Constantine	Hill	Putnam	Wilson
Crady	Johnson	Reddick	Wise

Nays—24

Betancourt	Edwards	Heyman	Rayson
Bloom	Effman	Kosmas	Ritchie
Bradley	Frankel	Levine	Ritter
Cosgrove	Gottlieb	Miller, L.	Rojas
Crow	Greene, A.	Morroni	Sobel
Diaz de la Portilla	Healey	Ogles	Stafford

Votes after roll call:
Yeas—Boyd, Dennis, Stansel, Turnbull
Nays to Yeas—Bradley

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Motions Relating to Committee References

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 1145 was withdrawn from the Committee on Community Affairs and placed on the appropriate Calendar.

Motion

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, the rules were suspended and all bills not reached on today's Special Order Calendars, except for temporarily postponed taxation bills, were added to the end of tomorrow afternoon's Special Order Calendar.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has refused to recede from Senate Amendment 1 to CS/HBs 751, 753 & 755 and has acceded to the request of the House for the appointment of a conference committee.

The President has appointed the following Senators as conferees on the part of the Senate: Senator Cowin, Chairman; Senators Horne, Lee, Sullivan, Webster, and Senator McKay, Alternate.

Faye W. Blanton, Secretary

Motion to Adjourn

Rep. Arnall moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 8:50 a.m., Friday, April 23. The motion was agreed to.

Recorded Votes

Rep. Crist:

Yea—CS/HB 377

Rep. Feeney:

Yea—HB 1031; HB 1843; HB 2163

Rep. Goode:

Yea—HB 467; HB 2203

Rep. Putnam:

Yea—HB 911

Rep. Valdes:

Change from Nay to Yea—HB 847

Rep. Waters:

Yea—HB 2177

Rep. Wise:

Yea—CS/HB 11

Cosponsors

HB 55—Dennis, Harrington, Ogles, Tullis, Wiles
CS/HB 121—Johnson
HB 161—Ritchie
HB 411—Chestnut
HB 457—J. Miller
HB 951—Lynn
HB 2185—Bense, Brummer

HR 9075—A. Greene
HR 9109—J. Miller

Introduction and Reference

By Representative Ogles—

HB 2281—A bill to be entitled An act relating to hospitals; amending s. 395.0191, F.S.; providing staff membership and clinical privileges for licensed optometrists; providing certain limitations; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

First Reading of Committee Substitutes by Publication

By the Committees on Governmental Operations; Election Reform; Representatives Detert, Turnbull, Logan, Wiles, Stafford, Heyman, Ritter, and Brown—

CS/CS/HB 559, 171 & 565—A bill to be entitled An act relating to campaign financing; amending s. 104.31, F.S.; prohibiting the use of public employees or facilities for purposes of promoting or opposing candidates or issues or supporting public officials; providing exceptions; providing a penalty; amending s. 106.011, F.S.; revising definitions of the terms "political committee," "contribution," "expenditure," and "political advertisement"; amending s. 106.03, F.S.; requiring additional information for registration of political committees; adding penalties; amending ss. 106.04 and 106.07, F.S.; requiring reports of committees of continuous existence and political committees to include certain information if a majority of the committee's contributors share a common economic or special interest; prohibiting committees of continuous existence from making certain expenditures without first registering as a political committee; providing effective dates.

By the Committee on Judiciary; Representative Crist—

CS/HB 2039—A bill to be entitled An act relating to postconviction proceedings; creating the "Death Penalty Appeals Reform Act of 1999"; amending s. 27.701, F.S., relating to capital collateral regional counsels; removing time limitation upon running for or holding state office by regional counsel, in order to permit a person appointed as regional counsel to run for or accept appointment to a state office within 2 years following vacation of office; amending s. 27.702, F.S., relating to duties of the capital collateral regional counsel; providing for certain representation of persons sentenced to death to conform to changes made by the act; providing a cross reference; prohibiting any state employee, or person contracting with a state officer, from utilizing state resources to file, argue, research, or prepare in any way a "successive postconviction pleading," as defined, in state or federal court; restricting utilization of state resources to the filing of one postconviction pleading in any of specified courts; amending s. 27.708, F.S., relating to access to prisoners and compliance by capital collateral regional counsel with the Florida Rules of Criminal Procedure; removing reference to compliance with such rules and providing for compliance by the regional counsel with ch. 924, F.S., to conform to changes made by the act; amending s. 27.710, F.S., relating to registry of attorneys applying to represent persons in postconviction capital collateral proceedings and notification to the Attorney General; revising guidelines and time limitation for certain notice relating to appointment of counsel to conform to changes made by the act; amending s. 27.711, F.S., relating to terms and conditions of appointment of attorneys as counsel in postconviction capital collateral proceedings; substituting reference to timely filing of motion for postconviction relief under the Florida Rules of Criminal Procedure with reference to filing under ch. 924, F.S., to conform to changes made by the act; amending s. 79.01, F.S., relating to application and writ of habeas corpus; providing that a judgment of conviction or sentence which has been affirmed on direct appeal constitutes lawful authority to detain a person for purposes of construing specified provisions unless the trial court did not have jurisdiction over the person or subject matter jurisdiction, or unless the trial court exceeded the maximum sentence allowed by statute; amending s. 119.19, F.S., relating to capital postconviction public records production; substituting reference to certain court rules with reference to ch. 924, F.S., to conform to changes made by the act; conforming terminology; removing requirements that the Attorney General provide certain notification to the Department of Corrections and that the department deliver certain public records to the capital postconviction records repository; providing for certain notification of compliance by law enforcement agencies to the state attorney in lieu of the Attorney General; removing certain requirements for notification or certification of compliance by the Secretary of Corrections, public defenders or private counsel, state attorneys, the Attorney General, and other persons or agencies; revising guidelines and time limitations relating to certain notification to law enforcement agencies, provision of public records by law enforcement agencies, written demands for public records or additional records by counsel representing defendants, and filing of objections and hearings on demands; conforming terminology; removing provisions relating to pending court motions to conform to changes made by the act; removing provisions relating to filing of affidavits of diligent search of the records repository by defendant's counsel; removing provisions relating to court orders for agency production of additional public records; removing requirement that the trial court resolve disputes arising under s. 119.19, F.S.; revising responsibilities and duties of defendant's counsel, including duties relating to copying of records at the records repository; prohibiting defendant's counsel from soliciting another person to make a request for public records; providing for imposition of sanctions; providing that the provisions of s. 119.19, F.S., do not constitute grounds to expand the time limitations in ch. 924, F.S.; amending s. 922.06, F.S., relating to stay of execution of death sentence; providing that the execution of a death sentence may be stayed only by the Governor incident to a direct appeal, a postconviction proceeding conducted in accordance with specified provisions, or a habeas corpus proceeding conducted in accordance with specified provisions; conforming terminology to changes made by the act; reenacting s. 922.052(2), F.S., relating to issuance of warrant of execution, to incorporate said amendment in a reference; amending s. 924.051, F.S., relating to terms and conditions of appeals and collateral review in criminal cases; removing provisions prohibiting consideration of motion for collateral or other postconviction relief in a capital case under specified circumstances and removing provisions prohibiting calling of expert witness to testify unless approved by the court; amending s. 924.055, F.S., relating to postconviction review in capital cases; providing legislative findings and intent; creating ss. 924.056, 924.057, 924.058, and 924.059, F.S.; providing procedures for state postconviction proceedings in capital cases in which the trial court imposes a sentence of death; requiring appointment of the capital collateral regional counsel as postconviction counsel within a specified period after imposition of a death sentence; providing an exception and prohibiting expenditure of state resources if the defendant declines the appointment of postconviction counsel; requiring the defendant to waive attorney-client privilege with trial counsel regarding certain matters; requiring the defendant to instruct his or her trial counsel to assist and cooperate fully with postconviction counsel; providing circumstances under which the defendant is not entitled to further postconviction legal representation provided by the state; requiring the court to order that postconviction counsel be excused from representing the defendant, and prohibiting expenditure of further state resources for postconviction representation of that defendant, under specified circumstances when the defendant has requested removal of counsel; restricting the number of pleadings and appeals that appointed counsel may file to one pleading seeking postconviction relief in state court, one pleading seeking postconviction relief in federal district court, and, if deemed necessary and appropriate under federal law, one appeal in the federal circuit court of appeals; permitting the filing of an appropriate petition in the United States Supreme Court if deemed necessary and permissible under federal law; requiring orders for expedited transcripts and provision of copies to postconviction counsel within a specified period; requiring all postconviction pleadings that challenge the judgment or sentence to be filed in the Florida Supreme Court within a certain time period; providing postconviction procedures applicable to cases in which the trial court imposed a sentence of death before July 1, 1999; revising guidelines and time limitations; requiring filing of the motion for postconviction relief in the trial court, or filing of the claim alleging ineffectiveness of counsel in the Supreme Court, within 180 days after

the effective date of the act; prohibiting the filing of any further motion, or amendment to a motion, for postconviction relief after this 180-day period; providing procedures for all postconviction cases; prohibiting the circuit court from entertaining a pleading filed in violation of certain time limitations; providing an exception to permit the defendant one 30-day extension; permitting the Attorney General to file any responsive pleading within 60 days after the filing of any postconviction petition; providing for extensions of time; prohibiting the consideration of amendments to a pleading which are filed in violation of the time limitations; providing that factual allegations made by the defendant in any petition and not admitted by the state are deemed denied; prohibiting the expenditure of state resources in preparation or consideration of any pleading, claim, or amendment to a pleading filed in violation of specified provisions; requiring constructive waiver of pleadings filed in violation of such provisions; providing for denial of all postconviction claims in that case by operation of law; providing that the alleged inability of postconviction counsel to provide legal representation or obtain evidence or records may not be a basis for consideration of pleadings filed in violation of the time limitations; prescribing a restriction upon the amount and rate of compensation to which private counsel is entitled if the postconviction claim is denied by operation of law, and prohibiting reappointment of the private counsel in future capital postconviction proceedings under certain circumstances; specifying that a postconviction claim may not be based on any ground that was or could have been raised at trial or, if properly preserved, on direct appeal; requiring denial as a matter of law of such an unbased claim and prohibiting the court from considering it; requiring the defendant to explain with specificity why each claim is based on a ground that was not or could not have been so raised; prohibiting the court from granting relief on a postconviction claim unless the defendant demonstrates clearly and convincingly that but for the alleged collateral error there would have been a different outcome at trial in the penalty phase; requiring the court to apply the rule of harmless error to any capital postconviction pleading; prohibiting any state court from hearing a successive petition for postconviction relief of any type in a capital case; prohibiting the utilization by a state employee, contracting party, or other person receiving state compensation to file a successive postconviction claim in a state or federal court; requiring the Attorney General to notify the Speaker of the House of Representatives, the President of the Senate, and the Commission on the Administration of Justice regarding an attempt by such person receiving state compensation to file a successive postconviction claim in a state or federal court; requiring the providing of certain information to postconviction counsel by the state attorney and the defendant's trial counsel; requiring the circuit court to conduct an evidentiary hearing within a specified period if requested by the defendant; providing that the defendant may call to testify at the hearing only those witnesses identified in the postconviction pleading; providing that no expert witness may be called unless approved by the court; requiring the court to issue a final order denying or granting postconviction relief within 30 days after the conclusion of the hearing; requiring the Supreme Court to render a final decision denying or granting any postconviction relief or remanding the case within a specified period; requiring the circuit court to expedite any case so remanded and make all factual findings and conclusions of law within a specified period; requiring the Supreme Court to render a final decision within 90 days of the circuit court's order on remand; requiring the Attorney General to provide Supreme Court orders to victim's family; amending s. 27.7091, F.S., relating to legislative recommendations to Supreme Court regarding capital postconviction proceedings, to correct a cross reference; repealing Rule 3.850, Florida Rules of Criminal Procedure, relating to grant of new trial, to the extent of inconsistency with the act; providing an effective date.

Ceremonial Resolutions

Adoption by Publication

At the request of Rep. Bullard—

HR 9183—A resolution honoring Alvah H. Chapman, Jr.

WHEREAS, Alvah H. Chapman, Jr., who retired as Chairman of Knight-Ridder, Inc., in 1989 after almost 30 years with that organization and remains a director of the organization, is an active civic leader in the Miami area, and

WHEREAS, Mr. Chapman, a native of Columbus, Georgia, and a graduate of The Citadel in South Carolina, served as a B-17 bomber pilot and squadron commander in World War II, completing 37 combat missions with the 8th Air Force, and

WHEREAS, after the war, Mr. Chapman began his newspaper career at the Columbus Ledger-Enquirer and subsequently worked for the St. Petersburg Times and the Savannah newspapers before joining The Miami Herald, a Knight newspaper, in 1960, and

WHEREAS, Mr. Chapman became Chief Executive Officer of Knight-Ridder, Inc., in 1976 and Chairman in 1982, a position he held until his retirement, and

WHEREAS, Mr. Chapman's long-standing, continuing, and tireless civic leadership includes serving as Chairman of the Community Partnership for the Homeless, Inc., Chairman Emeritus of the Board of Trustees of the Florida International University Foundation, and Founding Chairman of Community Anti-Drug Coalitions of America, an outgrowth of his work as Chairman of the National Coalition Committee of the President's Drug Advisory Council, and

WHEREAS, Mr. Chapman served, at the request of the late Governor Lawton Chiles, as Chairman of the Governor's Commission on the Homeless and, at the request of the late Governor and of former President George Bush, as Chairman of We Will Rebuild, a community effort to rebuild after the devastation wrought by Hurricane Andrew, and

WHEREAS, Mr. Chapman is also a member of the Orange Bowl Committee and serves on the Board of Trustees of the John S. and James L. Knight Foundation, and

WHEREAS, it is fitting that Mr. Chapman be honored, not only for his professional achievements, but also for his extraordinary civic leadership, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Alvah H. Chapman, Jr., is hereby honored for his many years of extraordinary service to the citizens of this state, both as a newspaper executive and as a civic leader.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Alvah H. Chapman, Jr., as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 115.

At the request of Rep. Byrd—

HR 9197—A resolution recognizing A.D. "Sandy" MacKinnon as the Greater Brandon Chamber of Commerce "1998 Key Citizen of the Year."

WHEREAS, A.D. "Sandy" MacKinnon has served on the board of directors of the Greater Brandon Chamber of Commerce, the Tampa Chamber of Commerce, and Brandon Community Hospital, and

WHEREAS, Sandy MacKinnon is the past president of the Brandon Rotary Club, past chairman of the Tampa Sports Authority, and past chairman of the Brandon Chamber's Transportation Task Force, and

WHEREAS, Sandy MacKinnon currently is a major supporter of the Brandon Crisis Pregnancy Center, serves on the executive committee of the Tampa Sports Authority, and the Tampa Chamber of Commerce, and is a member of the Brandon Chamber of Commerce, and the board of directors for the 2012 Olympics, and

WHEREAS, the Greater Brandon Chamber of Commerce annually recognizes a person who has unselfishly devoted himself or herself to the community by giving countless volunteer hours as "Key Citizen of the Year," and

WHEREAS, on January 15, 1998, the Greater Brandon Chamber of Commerce named Sandy MacKinnon the "Key Citizen of the Year," describing him as "a man who, with his beloved spouse, epitomizes service above self, community service with business service, unselfishness, and charity for his fellow man," NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to recognize A.D. "Sandy" MacKinnon, the Greater Brandon Chamber of Commerce "1998 Key Citizen of the Year," for his outstanding community service.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to A.D. "Sandy" MacKinnon as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 115.

Reports of Councils and Standing Committees

Committee Reports

Received April 22:

The Committee on Governmental Operations recommends the following pass:
HB 2125, with 12 amendments (unanimous)

The above bill was placed on the appropriate Calendar.

The Committee on Transportation & Economic Development Appropriations recommends the following pass:
CS/CS/HB 17, with 1 amendment (fiscal note attached, unanimous)
HB 73, with 1 amendment (fiscal note attached)

The above bills were placed on the appropriate Calendar.

The Committee on Education Innovation recommends the following pass:
HB 1717, with 4 amendments

The above bill was referred to the Committee on Education Appropriations.

The Committee on Governmental Operations recommends the following pass:
HB 1067, with 1 amendment (unanimous)
HB 1851 (unanimous)

The above bills were referred to the Committee on General Appropriations.

The Committee on Governmental Operations recommends the following pass:
HB 2111, with 2 amendments (unanimous)

The above bill was referred to the Committee on Transportation & Economic Development Appropriations.

The Committee on Judiciary recommends a committee substitute for the following:
HB 2039 (unanimous)

The above committee substitute was referred to the Committee on Criminal Justice Appropriations, subject to review under Rule 113(b), and, under the rule, HB 2039 was laid on the table.

The Committee on Governmental Operations recommends the following pass:
HB 2043, with 1 amendment (unanimous)

The above bill was referred to the Committee on Crime & Punishment.

The Committee on Governmental Operations recommends the following pass:
HB 1095 (unanimous)
HB 1097 (unanimous)
HB 1103, with 1 amendment (unanimous)

The above bills were referred to the Committee on Finance & Taxation.

The Committee on Governmental Operations recommends the following pass:
HB 2049, with 1 amendment (unanimous)

The above bill was referred to the Committee on Real Property & Probate.

The Committee on Governmental Operations recommends a committee substitute for the following:
CS/HBs 559, 171 & 565

The above committee substitute was referred to the Committee on Governmental Rules & Regulations, subject to review under Rule 113(b), and, under the rule, CS/HBs 559, 171 & 565 was laid on the table.

Excused

Reps. Bullard, Jacobs, Wasserman Schultz; Rep. Eggelletion until 3:56 p.m.

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time:

CS for CS/SB's 366 & 382 and SB 708 (school readiness): Rep. Warner (Chair), Rep. Lynn, Rep. Chestnut, Rep. Logan (alternate).

CS/HBs 751, 753 & 755 (education system): Rep. Lynn (Chair), Rep. Diaz de la Portilla, Rep. Melvin, Rep. Feeney, Rep. Roberts, Rep. Logan (alternate).

HB 775 (civil litigation reform): Rep. Feeney (Chair), Rep. Bitner, Rep. Byrd, Rep. Constantine, Rep. Minton, Rep. Bradley (alternate), Rep. Levine (alternate).

SBs 2500 and 2502 (appropriations): Rep. Pruitt (Chair), Rep. L. Miller (Vice Chair); At Large—Rep. Bloom, Rep. Bradley, Rep. Lacasa (Lead Member for SB 2502, implementing bill), Rep. Dockery, Rep. Feeney, Rep. Garcia, Rep. Jones, Rep. Logan, Rep. Bitner (alternate), Rep. Flanagan (alternate), Rep. Wasserman Schultz (alternate); Criminal Justice Appropriations—Rep. Villalobos (Chair), Rep. Crady, Rep. Ball, Rep. Cosgrove, Rep. Crist, Rep. Bush (alternate), Rep. Morroni (alternate); Education Appropriations—Rep. Wise (Chair), Rep. Chestnut, Rep. Constantine, Rep. Lynn, Rep. Turnbull, Rep. Alexander (alternate), Rep. Dennis (alternate); General Government Appropriations—Rep. Sembler (Chair), Rep. Minton, Rep. Byrd, Rep. Eggelletion, Rep. Gay, Rep. Roberts (alternate), Rep. Bense (alternate); Health & Human Services Appropriations—Rep. Sanderson (Chair), Rep. Hafner, Rep. Farkas, Rep. A. Greene, Rep. Maygarden, Rep. Casey (alternate), Rep. Hill (alternate); Transportation & Economic Development Appropriations—Rep. Fuller (Chair), Rep. Reddick, Rep. Crow, Rep. K. Smith, Rep. Valdes, Rep. Bronson (alternate), Rep. Harrington (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:55 p.m., to reconvene at 8:50 a.m., Friday, April 23.