



# Journal of the Senate

Number 16

Thursday, May 3, 1979

The Senate was called to order by the President at 9:00 a.m.  
A quorum present—40:

Mr. President	Gordon	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Ware
Fechtcl	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn

Prayer by the Rev. Philip E. Lykes, pastor, Southside Baptist Church, Lakeland:

Heavenly father, God of Abraham, Isaac, Jacob and Jesus and Father of us all. I want to thank you for this fantastically beautiful day and for the privilege of being alive. And, Father, I want to thank you that you care about the world that you have put together in such a tremendous way.

And I thank you, Father, for men and women who desire to be used to improve the world in which they live. And, Father, I ask you to fill their minds with great ideas, that we should not be imprisoned by mediocrity, that the great ideas would make great men and women and a great state and a great people that can bring delight to your heart and a smile to your face, Father. And I pray this in Jesus' name. Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for May 3, 1979:

SB 54	SB 888	SB 129
SB 323	SB 893	SB 24
SB 213	SB 694	CS for SB 209
CS for SB 81	SB 246	SB 327
SB 171	SB 250	SB 362
SB 490	CS for SB's	SB 439
SB 551	68 and 25	SB 729
SB 413	SB 481	SB 716
SB 531	CS for SB 367	
SB 573	SB 128	

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 920 with 4 amendments

The Committee on Agriculture recommends the following pass: SB 1148

The bills contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Commerce recommends the following pass: SB 979 with 1 amendment

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Corrections, Probation and Parole recommends the following pass: SB 1248 with 2 amendments

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 472

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Agriculture recommends the following pass: SB 834 with 2 amendments

The bill was referred to Ways and Means Subcommittee D under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 849

The Committee on Agriculture recommends the following pass: SB 1109 with 2 amendments

The bills contained in the foregoing reports were referred to Ways and Means Subcommittee E under the original reference.

The Committee on Agriculture recommends the following pass:

SB 895	SB 980 with 2 amendments
SB 916 with 3 amendments	

The Committee on Commerce recommends the following pass:

SB 468 with 2 amendments	SB 884
SB 555	SB 941
SB 580	SB 1162 with 5 amendments

The Committee on Corrections, Probation and Parole recommends the following pass: SB 158 with 2 amendments, HB 441

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

SB 560 with 2 amendments	HB 382 with 2 amendments
SB 1122 with 2 amendments	

The Committee on Judiciary-Criminal recommends the following pass: SB 817 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce recommends the following pass:

SB 401	SB 1002
SB 505 with 4 amendments	SB 1005 with 2 amendments
SB 663	SB 1119 with 1 amendment
SB 999 with 2 amendments	

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

SB 337	SB 641
SB 574	SB 647 with 2 amendments
SB 586 with 2 amendments	SB 779 with 1 amendment

The Committee on Judiciary-Criminal recommends the following pass: SB 664 with 1 amendment

The Committee on Ways and Means recommends the following pass:

- SB 64 with 3 amendments SB 451
- SB 278 with 1 amendment SB 482
- SB 355 with 3 amendments SB 685 with 2 amendments
- CS for SB 431 with 4 amendments

The Committee on Judiciary-Criminal recommends the following pass:

- SB 438 SB 887 with 1 amendment
- SB 738 HB 1515 with 1 amendment

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

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 509

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 380

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 932

The bill with Committee Substitute attached was referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 609

The bill with Committee Substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 529

The bill with Committee Substitute attached was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 827

The bill with Committee Substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Agriculture recommends a Committee Substitute for the following: SB 1258

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 383

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

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 864

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 761

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 457, SB 203

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Judiciary-Criminal recommends the following not pass: SB 845

The bill was laid on the table.

**BILLS REFERRED TO SUBCOMMITTEE**

SB 1197 has been referred to Ways and Means Subcommittee E, which will report to the full committee within 15 days.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Holloway, by two-thirds vote HB 1543 was also referred to the Committee on Transportation.

On motions by Senator Hill, by two-thirds vote Senate Bills 1041 and 1048 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Peterson, the rules were waived and Ways and Means Subcommittee B was granted permission to extend time of adjournment of the meeting May 4 until 1:00 p.m.

On motion by Senator Johnston, the rules were waived and the Committee on Health and Rehabilitative Services was granted permission to extend time of adjournment of the meeting May 8 until 6:00 p.m.

On motion by Senator Spicola, the rules were waived and by two-thirds vote SB 932 was withdrawn from the Committee on Corrections, Probation and Parole.

**REQUESTS FOR EXTENSION OF TIME**

May 2, 1979

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following:

- SB 357 by Senator Fechtel SB 1219 by Senator Grizzle
- SB 823 by Senator Carlucci

May 2, 1979

The Committee on Commerce requests an extension of 15 days for consideration of the following:

- SB 41 by Senator Steinberg SB 282 by Senator Grizzle
- SB 43 by Senator Steinberg and others SB 288 by Senator Scarborough
- SB 59 by Senator Gordon SB 317 by Senator Henderson
- SB 104 by Senator Gordon SB 351 by Senator Stuart
- SB 117 by Senator McKnight SB 405 by Senator MacKay
- SB 173 by Senator Holloway SB 434 by Senator Jenne
- SB 189 by Senator MacKay SB 443 by Senator MacKay
- SB 190 by Senator Henderson SB 445 by Senator Poole
- SB 204 by Senator Poole and others SB 484 by Senator McKnight
- SB 240 by Health and Rehabilitative Services Committee and Senator MacKay SB 492 by Senator Scott
- SB 516 by Senator Scott
- SB 549 by Senator Holloway
- SB 562 by Senator Hill
- SB 565 by Senator Holloway
- SB 570 by Senator Thomas

May 2, 1979

The Committee on Commerce requests an extension of 15 days for consideration of the following:

- SB 578 by Senator Gordon SB 922 by Senator Ware
- SB 607 by Senator Myers SB 925 by Senator McClain
- SB 612 by Senator McKnight SB 943 by Senator Peterson
- SB 624 by Senator MacKay SB 947 by Senator Stuart
- SB 625 by Senator MacKay SB 948 by Senator Williamson
- SB 640 by Senator Johnston SB 951 by Senator Trask
- SB 642 by Senator Poole SB 963 by Senator Stuart
- SB 669 by Senator Winn SB 971 by Senator Winn
- SB 715 by Senator Barron and others SB 981 by Senator Thomas and others
- SB 909 by Senator Williamson SB 983 by Senator Maxwell
- SB 901 by Senator MacKay HB 51 by Representative Dunbar and others
- SB 915 by Senator Thomas SB 498 by Senator Scott
- SB 921 by Senator Hill

May 2, 1979

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 360 by Senators Scott, Ware and others  
 SB 896 by Senator Dunn  
 SB 923 by Senator Dunn  
 SB 935 by Senator Dunn  
 SB 937 by Senator Dunn and others

CS for HB 4 by Finance & Tax Committee, Representative Richmond and others

HB 436 by Criminal Justice Committee

HB 1531 by Criminal Justice Committee and Representative Crawford

May 3, 1979

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 630 by Senator Thomas  
 SB 645 by Senator MacKay and others  
 SB 652 by Senator Skinner

May 1, 1979

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following:

SB 816 by Senator Fechtel  
 SB 817 by Senator Holloway  
 SB 819 by Senator Carlucci  
 SB 829 by Senator Spicola  
 SB 837 by Senator Stuart

May 1, 1979

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following:

SB 833 by Senator Spicola  
 SB 918 by Transportation Committee

May 2, 1979

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SB 503 by Senator Hair and others  
 SB 739 by Senator Grizzle  
 SB 976 by Senator Hill

May 3, 1979

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SB 629 by Senator Henderson  
 SB 668 by Senator Neal  
 SB 713 by Senator Neal  
 HB 466 by Representative Mann  
 HB 534 by Representative Ewing  
 HB 558 by Representative Hawkins  
 HB 565 by Representative Smith  
 HB 593 by Representatives Nuckolls and Mann  
 HB 598 by Representatives Nuckolls and Mann  
 HB 600 by Representatives Nuckolls and Mann  
 HB 669 by Representative Smith

HB 814 by Representative Kirkwood and others  
 HB 815 by Representative Kirkwood and others  
 HB 825 by Representatives Morgan and Price  
 HB 827 by Representatives Thompson and Hodges  
 HB 851 by Representative Hieber  
 HB 854 by Representative Patchett  
 HB 907 by Representative Hawkins  
 HB 943 by Representative Myers  
 HB 944 by Representative Myers  
 HB 954 by Representative Danson  
 HB 955 by Representative Danson  
 HB 974 by Representatives Nuckolls and Mann  
 HB 1096 by Representative Hieber  
 HB 1117 by Representative Patchett  
 HB 1139 by Representatives Richmond and Smith  
 HB 1152 by Representative Liberti  
 HB 1153 by Representative Liberti  
 HB 1158 by Representative Myers  
 HB 1159 by Representative Campbell  
 HB 1161 by Representative Watt  
 HB 1162 by Representative Weinstock  
 HB 1163 by Representative Campbell  
 HB 1165 by Representative Liberti  
 HB 1175 by Representative Nergard

HB 1176 by Representative Nergard  
 HB 1177 by Representative Martinez  
 HB 1178 by Representative Helen Gordon Davis  
 HB 1179 by Representative Helen Gordon Davis  
 HB 1180 by Representative Martinez  
 HB 1181 by Representative Beard and others  
 HB 1183 by Representative Helen Gordon Davis  
 HB 1194 by Representative Shackelford  
 HB 1195 by Representative Shackelford  
 HB 1197 by Representative Shackelford  
 HB 1198 by Representative Shackelford  
 HB 1207 by Representative Hawkins  
 HB 1319 by Representative Martin  
 HB 1398 by Representatives Nuckolls and Mann  
 SB 653 by Senator MacKay and others  
 SB 654 by Senator MacKay and others  
 SB 655 by Senator MacKay and others  
 SJR 673 by Senator Henderson  
 SM 674 by Senator Jenne  
 SB 683 by Senator Jenne  
 SCR 689 by Senator Dunn and others  
 SJR 697 by Senator Stuart  
 SB 719 by Senator D. Childers  
 HCR 362 by Representative Nuckolls  
 HCR 1572 by Representative A. E. Johnson

May 2, 1979

The Special Master for Claims requests an extension of 15 days for consideration of the following:

SB 962 by Senator Ware

#### MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

##### Appointments Subject to Confirmation by the Senate

The Secretary of State on April 27, 1979 certified that pursuant to the provisions of Section 114.05, Florida Statutes, a certificate subject to confirmation by the Senate had been prepared for the following:

Thomas L. Hires, Sr., Tampa, Member of the Game and Fresh Water Fish Commission, for term ending January 6, 1983

[Referred to the Committees on Natural Resources and Conservation and Executive Business]

#### SPECIAL ORDER

On motion by Senator Henderson, consideration of SB 54 was deferred until 10 a.m.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 846 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Beard—

HB 846—A bill to be entitled An act relating to unauthorized use of police or fire radio frequencies; creating s. 843.165, Florida Statutes; prohibiting any unauthorized person from transmitting sounds or speech over police or fire radio frequencies; providing penalties; providing exceptions; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

SPECIAL ORDER, continued

SB 323 was taken up and on motion by Senator Spicola, by two-thirds vote HB 846, a companion measure, was withdrawn from the Committee on Judiciary-Criminal. On motions by Senator Spicola, by two-thirds vote HB 846 was substituted for SB 323 and by two-thirds vote read the second time by title.

Senator Spicola moved the following amendment which was adopted:

Amendment 1—On page 1, line 17, insert after "frequency": with knowledge that such frequency is

On motion by Senator Spicola, by two-thirds vote HB 846 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Maxwell	Thomas
Anderson	Grizzle	McKnight	Tobiassen
Barron	Hair	Peterson	Trask
Carlucci	Henderson	Scarborough	Vogt
Childers, D.	Hill	Scott	Ware
Childers, W. D.	Holloway	Skinner	Williamson
Dunn	Jenne	Spicola	Winn
Fechtcl	Johnston	Steinberg	
Frank	MacKay	Stuart	

Nays—None

Votes after roll call:

Yea—Myers, Neal, Poole

SB 323 was laid on the table.

SB 213 was taken up and on motion by Senator Ware, the rules were waived and by two-thirds vote HB 649 was withdrawn from the Committee on Rules and Calendar. On motion by Senator Ware—

HB 649—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 125.563(4), 163.3204, 193.621(6),(7), 233.255(4), 240.042(2)(p), 253.02(1), 253.031(4), 253.74(2), 253.76, 258.165(5), 270.22, 270.23, 286.021, 286.031, 298.01(1),(4), 298.02(1), 298.03(1), 298.07(1),(3), 298.09(2), 298.11(3),(4), 298.15, 298.16(2),(3), 298.26, 298.34(1), 316.272-1(1), 335.17(3), 370.02(3), 370.0211, 371.141(2), 373.012(1),(3), 373.016(3), 373.019, 373.026, 373.029(3), 373.039, 373.129, 373.196(1), 373.203(1), 373.206, 373.209(2),(3), 373.406(4), 373.423-3(3), 373.439, 373.498, 373.603, 374.75, 374.76, 374.78, 374.79, 374.81, 374.82, 374.83, 374.84, 374.88, 374.93, 376.051(1), 376.10, 377.07, 377.075, 377.10, 377.19(1), 377.24(2), 377.242, 377.243(1), 377.244(1), 403.031(1), 403.085(1),(3), 403.1822(2), 403.1834(4)-(6), 403.1835(3), 403.281(1), 403.414(3), 403.511(1), 403.714(1), and 487.061(1), Florida Statutes, amending ss. 20.18(5)(a), 316.293(3), 370.021(5), 370.151(3)(a), (5), (8)(a), 370.16(2), (3), (4)(b), (6), (7), (9), (12), (15)(a), (17)(a), (19), (21)-(23), (26), (27), (30), (32), (34), 373.033(1), (2)(a), (3), 403.061(23), 403.086(1)(a),(b), 403.182(7),(8), 403.415(3)(i),

(5), 403.703(1), 403.813(1)(f), 478.121(4), and 487.031(9)(b), (c), Florida Statutes (1978 Supplement), and repealing s. 253-015, Florida Statutes, to conform to the provisions of ch. 75-22, Laws of Florida, the Florida Environmental Reorganization Act of 1975, by changing nomenclature to reflect certain transfers of powers, duties, and functions made by that act and by deleting provisions impliedly repealed by that act; to conform to the provisions of s. 4, ch. 77-306, Laws of Florida, by changing nomenclature to reflect the transfer of powers, duties, and functions made by that act; to conform to the provisions of s. 1, ch. 75-125, Laws of Florida, by changing nomenclature to reflect a change in name of a water management district made by that act; to revise cross-references to reflect renumbering by the reviser; and to delete obsolete provisions.

—a companion measure, was substituted for SB 213 and read the second time by title.

Senators Neal and Ware offered the following amendments which were moved by Senator Ware and adopted:

Amendment 1—On pages 34-37, strike all of section 32, including the note. Renumber subsequent sections.

Amendment 2—On page 1, line 10 in title, strike "370.0211," and on page 2, lines 8 through 12, strike the words "to conform to the provisions of s. 4, ch. 77-306, Laws of Florida, by changing nomenclature to reflect the transfer of powers, duties and functions made by that act"

On motion by Senator Ware, by two-thirds vote HB 649 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Grizzle	McClain	Thomas
Anderson	Hair	McKnight	Tobiassen
Carlucci	Henderson	Peterson	Trask
Childers, D.	Hill	Scarborough	Vogt
Childers, W. D.	Holloway	Scott	Ware
Dunn	Jenne	Skinner	Williamson
Fechtcl	Johnston	Spicola	Winn
Frank	MacKay	Steinberg	
Gorman	Maxwell	Stuart	

Nays—None

Votes after roll call:

Yea—Myers, Poole

SB 213 was laid on the table.

By the Committee on Agriculture and Senator Johnston—

CS for SB 81—A bill to be entitled An act relating to the retail sale of fresh fruits and vegetables; creating the "Produce Labeling Act of 1979"; permitting growers and shippers to label fresh fruits and vegetables produced in Florida as products of Florida; requiring country of origin labeling on fresh fruits and vegetables grown outside the United States and sold in Florida; prohibiting retail vendors from willfully and knowingly removing such labels; providing that the Department of Agriculture and Consumer Services enforce the act; providing a penalty; providing an effective date.

—was read the first time by title and SB 81 was laid on the table.

On motion by Senator Johnston, by two-thirds vote CS for SB 81 was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Johnston and adopted:

Amendment 1—On page 2, line 2, after "origin." insert: marking shall be done prior to delivery into Florida.

On motion by Senator Johnston, by two-thirds vote CS for SB 81 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—34

Mr. President	Grizzle	McClain	Thomas
Anderson	Hair	McKnight	Tobiassen
Carlucci	Henderson	Peterson	Trask
Childers, D.	Hill	Scarborough	Vogt
Childers, W. D.	Holloway	Scott	Ware
Dunn	Jenne	Skinner	Williamson
Frank	Johnston	Spicola	Winn
Gordon	MacKay	Steinberg	
Gorman	Maxwell	Stuart	

## Nays—None

## Votes after roll call:

Yea—Myers, Neal, Poole

SB 171—A bill to be entitled An act relating to retardation; amending s. 393.063(6), Florida Statutes, to delete the age of onset in the definition of the term developmental disability; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendment which was moved by Senator Chamberlin and adopted:

**Amendment 1**—On page 1, line 18, insert after the period: For the purposes of this act cerebral palsy shall not include individuals who are victims of strokes.

Senator Chamberlin moved the following amendment which was adopted:

**Amendment 2**—On page 1 in title, strike all of lines 2 through 5 inclusive and insert: An act relating to developmental disability; amending s. 393.063(6), Florida Statutes; deleting the age of onset in the definition of the term developmental disability for purposes of the chapter on retardation; limiting applicability of the term cerebral palsy; providing an

On motion by Senator Chamberlin, by two-thirds vote SB 171 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—34

Mr. President	Gordon	Maxwell	Steinberg
Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Myers	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Frank	MacKay	Spicola	

## Nays—None

## Vote after roll call:

Yea—Neal

SB 490—A bill to be entitled An act relating to the Department of Insurance; amending s. 624.311(1) and (4), Florida Statutes, authorizing the department to destroy certain original examination records and other specified licensing records to facilitate efficient use of floorspace; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Hair and adopted:

**Amendment 1**—On page 1, line 21, after the word "documents" insert: pursuant to Chapter 267, F.S.

On motion by Senator Hair, by two-thirds vote SB 490 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—34

Mr. President	Gorman	McClain	Thomas
Anderson	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Peterson	Trask
Chamberlin	Hill	Scarborough	Vogt
Childers, D.	Holloway	Scott	Ware
Childers, W. D.	Jenne	Skinner	Williamson
Dunn	Johnston	Spicola	Winn
Fechtcl	MacKay	Steinberg	
Frank	Maxwell	Stuart	

## Nays—None

## Votes after roll call:

Yea—Myers, Neal, Poole

Consideration of SB 551 was deferred.

SB 413—A bill to be entitled An act relating to public buildings and works; amending s. 255.05(1), Florida Statutes; providing that the director of the Department of General Services may delegate to state agencies the authority to exempt any person entering into certain contracts for the construction or repair of public buildings or works from executing the payment and performance bond; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Tobiassen and adopted:

**Amendment 1**—On page 2, line 16, insert after the period (.): Neither the director nor any other person shall be held personally liable for the reasonable exercise of the discretionary powers provided in this subsection.

**Amendment 2**—On page 1 in title, line 10, after the word "bond;" insert: providing exemptions from personal liability;

On motion by Senator Tobiassen, by two-thirds vote SB 413 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—35

Mr. President	Gordon	Maxwell	Steinberg
Anderson	Gorman	McClain	Stuart
Carlucci	Grizzle	McKnight	Thomas
Chamberlin	Hair	Peterson	Tobiassen
Childers, D.	Henderson	Poole	Trask
Childers, W. D.	Hill	Scarborough	Vogt
Dunn	Holloway	Scott	Ware
Fechtcl	Jenne	Skinner	Winn
Frank	Johnston	Spicola	

## Nays—None

## Votes after roll call:

Yea—Myers, Neal

SB 531—A bill to be entitled An act relating to school food service programs; amending s. 228.195(4), Florida Statutes; changing the formula for determining the level of state support for the district school food service programs; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote SB 531 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gordon	McClain	Steinberg
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiassen
Carlucci	Hair	Neal	Trask
Chamberlin	Hill	Peterson	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Winn
Dunn	Johnston	Scott	
Fechtcl	MacKay	Skinner	
Frank	Maxwell	Spicola	

Nays—None

SB 573—A bill to be entitled An act relating to unemployment compensation; amending s. 443.06(2), (8), Florida Statutes, 1978 Supplement; providing circumstances for disqualification of a claimant; providing that certain retirement benefits are not disqualifying; amending s. 443.07(4)(b), (d), Florida Statutes, 1978 Supplement; requiring certain notice of hearing; prescribing procedures for appeals; amending s. 443.08(1)(b), (g), (5)(d), Florida Statutes, 1978 Supplement; providing for computation of employer's benefit ratio; prescribing criteria for determining whether employment under different employers is continuous; prescribing circumstances for changing financing methods; amending s. 443.09(1), (2)(a), Florida Statutes; correcting cross-references; providing circumstances for termination of coverage; amending s. 443.12(1), (2)(b), Florida Statutes, 1978 Supplement; conforming language; requiring the Division of Employment Security of the Department of Labor and Employment Security to have a seal; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 573 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	McClain	Steinberg
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiassen
Carlucci	Hair	Neal	Trask
Chamberlin	Hill	Peterson	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Fechtcl	MacKay	Skinner	
Frank	Maxwell	Spicola	

Nays—None

SB 888—A bill to be entitled An act relating to the Florida Honey Certification Law; amending s. 586.09, Florida Statutes; providing for administrative fines in addition to other penalties under the law; providing for revocation or suspension of permits and certificates; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendments which were moved by Senator Peterson and adopted:

Amendment 1—On page 1, strike all of lines 27 through and including line 29 and insert: (2) *In addition to or in lieu of the penalties provided in this chapter, the department may, after notice and hearing, impose a fine not exceeding \$5,000 for the violation of any of the*

Amendment 2—On page 1 in title, line 5, after the word "to" insert: or in lieu of

On motion by Senator Peterson, by two-thirds vote SB 888 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	Myers	Thomas
Anderson	Grizzle	Neal	Tobiassen
Barron	Henderson	Peterson	Trask
Carlucci	Holloway	Poole	Vogt
Chamberlin	Jenne	Scarborough	Ware
Childers, D.	Johnston	Scott	Williamson
Childers, W. D.	MacKay	Skinner	Winn
Dunn	Maxwell	Spicola	
Frank	McClain	Steinberg	
Gordon	McKnight	Stuart	

Nays—None

Votes after roll call:

Yea—Fechtcl, Hill

SB 893—A bill to be entitled An act relating to the Florida Honey Certification Law; amending s. 586.15, Florida Statutes, increasing the penalty for violation of any provision of the chapter; repealing s. 586.08, Florida Statutes, to conform to the act; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 893 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Grizzle	McKnight	Stuart
Anderson	Hair	Myers	Thomas
Barron	Henderson	Neal	Tobiassen
Carlucci	Hill	Peterson	Trask
Chamberlin	Holloway	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	
Gorman	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—Fechtcl

SB 694—A bill to be entitled An act relating to insurance; amending s. 631.54(5), Florida Statutes; redefining the term "insolvent insurer"; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 694 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Grizzle	McKnight	Stuart
Anderson	Hair	Myers	Thomas
Barron	Henderson	Neal	Tobiassen
Carlucci	Hill	Peterson	Trask
Chamberlin	Holloway	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	
Gorman	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—Fechtcl

On motion by Senator Hair, the rules were waived and SB 694 was ordered immediately certified to the House.

Consideration of SB 246 was deferred.

SB 250—A bill to be entitled An act relating to the Florida Consumer Finance Act; amending s. 516.09(2), Florida Statutes, 1978 Supplement; permitting persons licensed under the act to relocate within the same county under the same license; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 250 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—37

Mr. President	Hair	Myers	Thomas
Anderson	Henderson	Neal	Tobiassen
Barron	Hill	Peterson	Trask
Chamberlin	Holloway	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Winn
Gordon	Maxwell	Spicola	
Gorman	McClain	Steinberg	
Grizzle	McKnight	Stuart	

## Nays—2

Carlucci Frank

## Vote after roll call:

Yea—Fechtcl

By the Committee on Judiciary-Criminal and Senators McClain and Dunn—

CS for SB's 68 and 25—A bill to be entitled An act relating to arson; amending s. 806.01, Florida Statutes; expanding the applicability of penalties for the degrees of arson to persons who cause the damage or who aid, abet, counsel, hire, or otherwise procure the damage; applying the most severe penalty for the damage, by fire or explosion, to certain property within certain institutions; expanding the definition of "structure" to include appurtenances to real property or any tent or other portable building or watercraft; amending s. 806.111, Florida Statutes; prohibiting the transportation of a fire bomb with certain intent; providing a penalty; redefining the term "fire bomb"; proscribing the crimes of failure to control or report dangerous fires; providing penalties; exempting fires for legitimate agricultural purposes; providing severability; providing an effective date.

—was read the first time by title and Senate Bills 68 and 25 were laid on the table.

On motion by Senator McClain, by two-thirds vote CS for SB's 68 and 25 was read the second time by title.

Senator McClain moved the following amendment:

Amendment 1—On page 4, line 7, strike "or" and insert: and

On motion by Senator McClain, further consideration of CS for SB's 68 and 25 with pending amendment was deferred.

SB 481—A bill to be entitled An act relating to district school systems; amending s. 230.23(5)(h), Florida Statutes, 1978 Supplement; increasing the maximum limits of certain awards which may be made to personnel of the system; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote SB 481 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—35

Mr. President	Childers, W. D.	Hair	Johnston
Anderson	Dunn	Henderson	MacKay
Barron	Frank	Hill	Maxwell
Chamberlin	Gorman	Holloway	McClain
Childers, D.	Grizzle	Jenne	McKnight

Neal	Scott	Stuart	Vogt
Peterson	Skinner	Thomas	Williamson
Poole	Spicola	Tobiassen	Winn
Scarborough	Steinberg	Trask	

Nays—None

Votes after roll call:

Yea—Fechtcl, Myers

Senator Scarborough presiding

By the Committee on Health and Rehabilitative Services and Senator Poole—

CS for SB 367—A bill to be entitled An act relating to hospital licensing and regulation; creating s. 395.035, Florida Statutes; requiring hospitals to allow certain licensed health care providers consideration for the use of hospital facilities and membership on the hospital staff; providing for the authority of hospital medical staff in reviewing the applications for appointment; requiring the setting of standards and procedures for implementation of this section within 180 days; providing an effective date.

—was read the first time by title and SB 367 was laid on the table.

On motion by Senator Poole, by two-thirds vote CS for SB 367 was read the second time by title.

Senator Poole moved the following amendment which was adopted:

Amendment 1—On page 1, line 30, insert after the word review: "for approval or disapproval"

On motion by Senator Poole, by two-thirds vote CS for SB 367 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—33

Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Peterson	Trask
Childers, D.	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtcl	Johnston	Spicola	
Frank	MacKay	Steinberg	
Gordon	Maxwell	Stuart	

## Nays—1

Neal

Vote after roll call:

Yea—Myers

SB 128—A bill to be entitled An act relating to the Beverage Law; amending s. 564.06(2)-(4), Florida Statutes, to reduce the excise taxes on wines manufactured in Florida from Florida-grown products; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Fechtcl and adopted:

Amendment 1—On page 1, line 28, after "apply." hyphen through all of lines 28 through 30.

Amendment 2—On page 2, strike all of lines 4 through and including line 6 and insert: \$2.43 per gallon, except that *this tax shall not be required to be paid there shall be paid by all manufacturers and distributors a tax of \$1.22 per gallon and no more*, upon all wines manufactured in Florida

Amendment 3—On page 2, strike all of lines 14 through and including line 16 and insert: \$3.50 per gallon, except that *this*

tax shall not be required to be paid there shall be paid by all manufacturers and distributors a tax of \$2.63 per gallon and no more, upon all natural sparkling wines

Amendment 4—On page 2 after line 20, insert new section 2 to read: Section 2. The exemption from the payment of taxes of subsections (2), (3), and (4) of section 564.06, Florida Statutes, shall not preclude the division from making periodic inspections necessary to carry out the provisions of this section.

(Renumber subsequent sections.)

Amendment 5—On page 1 in title, line 3, strike "reduce" and insert: eliminate

Amendment 6—On page 1, line 5, insert after "products;": providing that such elimination shall not preclude certain inspections by the division;

On motion by Senator Fechtel, by two-thirds vote SB 128 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Anderson	Gorman	Maxwell	Steinberg
Barron	Grizzle	McClain	Thomas
Carlucci	Hair	McKnight	Tobiassen
Chamberlin	Henderson	Neal	Vogt
Childers, W. D.	Hill	Poole	Ware
Fechtcl	Holloway	Scarborough	
Frank	Jenne	Skinner	
Gordon	Johnston	Spicola	

Nays—4

Childers, D.	MacKay	Peterson	Trask
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Votes after roll call:

Yeas—Scott, Williamson

Yea to Nay—Chamberlin

SB 129—A bill to be entitled An act relating to the Beverage Law; amending s. 564.02(2)(a), (3), Florida Statutes; reducing the license tax for manufacturers engaged in manufacturing or bottling wine made from Florida-grown products and certain concentrates thereof; reducing the license tax for distributors licensed as such manufacturers whose sales and distribution are limited to such wines; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Fechtel and adopted:

Amendment 1—On page 1, line 24, insert after "engaged": exclusively

Amendment 2—On page 2, line 3, after "\$12.50.", strike all of lines 3 through 10 and insert: *A manufacturer licensed under s. 564.02(2)(a) may be licensed as a distributor under s. 564.02(3) if the manufacturer's sales and distribution are limited to wines manufactured under such license and made from Florida-grown fresh fruits, berries, or grapes, or concentrates of fruits, berries, or grapes grown and concentrated in Florida and bottled in Florida. A manufacturer so licensed shall pay a state license tax of \$50 for each and every such distribution establishment or branch he may operate or conduct.*

Amendment 3—On page 1 in title, line 5, insert after "engaged": exclusively

On motion by Senator Fechtel, by two-thirds vote SB 129 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Anderson	Childers, W. D.	Fechtcl	Gordon
Barron	Dunn	Frank	Gorman

Grizzle	Jenne	Scarborough	Vogt
Hair	Johnston	Scott	Ware
Henderson	Maxwell	Spicola	Williamson
Hill	McClain	Thomas	Winn
Holloway	Poole	Tobiassen	

Nays—10

Chamberlin	McKnight	Peterson	Trask
Childers, D.	Myers	Skinner	
MacKay	Neal	Steinberg	

SB 24—A bill to be entitled An act relating to the tax exemption for totally and permanently disabled persons; amending ss. 196.012(10), 196.101(3), (5), Florida Statutes; providing additional requirements with respect to persons defined as being totally and permanently disabled for purposes of such exemption; amending the form of the Physician's Certification of Total and Permanent Disability accordingly; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 24 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Myers	Trask
Chamberlin	Henderson	Neal	Vogt
Childers, D.	Hill	Poole	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtcl	Johnston	Skinner	
Frank	MacKay	Spicola	
Gordon	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Peterson

By the Committee on Education and Senators Chamberlin, Hill, Johnston, Poole, Steinberg, McKnight, Spicola, MacKay, Ware, Jenne, Tobiassen, Skinner, Trask, Stuart, Dunn, Frank, Scarborough, Barron, McClain, Grizzle and Hair—

CS for SB 209—A bill to be entitled An act relating to public school personnel; amending s. 231.40, Florida Statutes; providing for sick leave time for all full-time employees of a district school system; deleting a restriction on the allowance of sick leave time for instructional staff; authorizing school boards to promulgate rules to permit certain voluntarily participating employees of a district school system to pool accrued sick leave for disbursement to any participating employee in need of sick leave; providing conditions; authorizing school boards to set a maximum amount of sick leave which may be contributed to the pool and a maximum number of days for which sick leave may be drawn from the pool; providing other requirements and restrictions; amending ss. 231.41(2), 231.43, Florida Statutes; correcting cross references; providing an effective date.

—was read the first time by title and SB 209 was laid on the table.

On motion by Senator Chamberlin, by two-thirds vote CS for SB 209 was read the second time by title.

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

Amendment 1—On page 7, between lines 3 and 4, insert a new section 4: Section 4. Section 230.7592, Florida Statutes, is created to read:

230.7592 Sick leave.—Each community college board shall adopt rules whereby any full-time employee who is unable to perform his or her duties at the college because of illness, or because of illness or death of father, mother, brother, sister, husband, wife, child or other close relative or member of the

employee's own household and consequently has to be absent from work shall be granted leave of absence for sickness by the president or by the president's designated representative. The following provisions shall govern sick leave:

(1) Extent of leave with compensation

(a) Each full-time employee shall earn one day of sick leave with compensation for each calendar month or major fraction of a calendar month of service, not to exceed twelve (12) days for each fiscal year; provided, that such leave be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. Accumulated sick leave may be transferred from another Florida community college, the Florida department of education, the Florida university system or a Florida district school board; provided that at least one-half ( $\frac{1}{2}$ ) of the sick leave accumulated at any time must have been established in the college in which currently employed.

(b) A board may establish rules and prescribe procedures whereby a full-time employee may, at the beginning date of employment any year, be credited with twelve (12) days of sick leave with compensation in excess of the number of days the employee has earned. Upon termination of employment, the employee's final compensation shall be adjusted in an amount necessary to insure that sick leave with compensation shall not exceed the days of earned sick leave as provided herein.

(c) A board may establish rules and prescribe standards to permit a full-time employee to be absent not to exceed two (2) days for personal reasons and two (2) days for emergencies; provided, however, that such absences for personal reasons and emergencies shall be charged only to accrued sick leave; and provided, further, that leave for personal reasons and emergencies shall be noncumulative.

(d) A board may establish rules to provide terminal pay to a full-time employee on retirement, or to his or her beneficiary if service is terminated by death, who has attained eligibility for retirement benefits under the Florida teachers retirement system, Florida retirement system, or Florida state and county employees retirement system; provided, however, that such terminal pay shall not exceed an amount determined by the daily rate of pay of the employee at retirement or death multiplied by one-half ( $\frac{1}{2}$ ) of the total number of accumulated sick leave days credited to the employee or sixty (60) days, whichever is less at the time of retirement or death. If an employee retires and receives terminal pay benefits based on unused sick leave credit, all unused sick leave credit shall become invalid; however, if an employee retires without receiving terminal pay benefits and interrupts retirement to return to employment, his or her sick leave credit shall be reinstated.

(2) Claim must be filed. Any full-time employee who finds it necessary to be absent from his or her duties because of illness as defined in this section, shall notify the president or a college official designated by the president, if possible before the opening of college on the day on which the employee must be absent or during the day except for emergency reasons recognized by the board as valid. Any employee shall, before claiming and receiving compensation for the time absent from his or her duties while absent because of sick leave as prescribed in this section, make and file a written certificate which shall set forth the day or days absent, that such absence was necessary and that he or she is entitled or not entitled to receive pay for such absence in accordance with the provisions of this section; provided, however, that the board may prescribe rules under which the president may require a certificate of illness from a licensed physician or from the county health officer.

(3) Compensation. Any full-time employee having unused sick leave credit shall receive full-time compensation for the time justifiably absent on sick leave; provided that no compensation may be allowed beyond that provided in subsection 4.

(4) Sick leave pool. Notwithstanding any other provision of this section, a board may, based upon the maintenance of reliable and accurate records by the community college showing the amount of sick leave which has been accumulated and is unused by employees in accordance with this section, may, by rule, establish a plan allowing participating full-time

employees of a community college to pool sick leave accrued and allowing any sick leave thus pooled to be disbursed to any participating employee who is in need of sick leave in excess of that amount he has personally accrued. Such rules shall include, but not be limited to, the following provisions:

(a) Participation in the sick leave pool shall at all times be voluntary on the part of employees.

(b) Any full-time employee shall be eligible for participation in the sick leave pool after 1 year of employment with the community college; provided that such employee has accrued a minimum amount of unused sick leave, which minimum shall be established by rule.

(c) Any sick leave pooled pursuant to this section shall be removed from the personally accumulated sick leave balance of the employee donating such leave.

(d) Participating employees shall make equal contributions to the sick leave pool. There shall be established a maximum amount of sick leave which may be contributed by an employee to the pool. After the initial contribution which an employee makes upon electing to participate, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contribution shall be equally required of all employees participating in the pool.

(e) Any sick leave time drawn from the pool by a participating employee must be used for said employee's personal illness, accident, or injury.

(f) A participating employee shall not be eligible to use sick leave from the pool until all of his or her sick leave has been depleted. There shall be established a maximum number of days for which an employee may draw sick leave from the sick leave pool.

(g) A participating employee who uses sick leave from the pool shall not be required to recontribute such sick leave to the pool, except as otherwise provided herein.

(h) A participating employee who chooses to no longer participate in the sick leave pool shall not be eligible to withdraw any sick leave already contributed to the pool.

(i) Alleged abuse of the use of the sick leave pool shall be investigated and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and be subject to such other disciplinary action as determined by the board to be appropriate. Rules adopted for the administration of this program shall provide for the investigation of the use of sick leave utilized by the participating employee in the sick leave pool.

(Renumber subsequent section.)

**Amendment 2**—On page 1 in title, strike all of line 2 and insert: An act relating to community college and public school personnel. Strike on line 20 providing an effective date and insert: creating s. 230.7592, Florida Statutes; providing for sick leave time for all full-time employees of a community college; authorizing community college boards to promulgate rules to permit certain voluntarily participating employees of a community college to pool accrued sick leave for disbursement to any participating employee in need of sick leave; providing conditions; authorizing community college boards to set a maximum amount of sick leave which may be contributed to the pool and a maximum number of days for which sick leave may be drawn from the pool; providing other requirements and restrictions; providing an effective date.

On motion by Senator Chamberlin, by two-thirds vote CS for SB 209 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dunn	Hair	MacKay
Anderson	Fechtcl	Henderson	Maxwell
Barron	Frank	Hill	McClain
Chamberlin	Gordon	Holloway	McKnight
Childers, D.	Gorman	Jenne	Myers
Childers, W. D.	Grizzle	Johnston	Neal

Poole	Spicola	Tobiassen	Williamson
Scarborough	Steinberg	Trask	Winn
Scott	Stuart	Vogt	
Skinner	Thomas	Ware	

Nays—1

Carlucci

Vote after roll call:

Yea—Peterson

Consideration of SB 327 was deferred.

**SB 362**—A bill to be entitled An act relating to the Board of Pharmacy; requiring the board to issue a permit, upon application, to certain animal control agencies to buy, possess, and use sodium pentobarbital to euthanize injured, sick, or abandoned domestic animals; providing for an application fee; providing for annual renewal of the permit; providing for revocation or suspension of the permit; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 16, strike the word “licensed” and insert after the word “society”: “registered with the Secretary of State”

**Amendment 2**—On page 1, line 19, strike the period (.) and insert: in lawful possession of said animal control agency or humane society by law or county or municipal law or ordinance.

**Amendment 3**—On page 1, strike all of lines 21, 22 and 23 and insert: (2) The Board of Pharmacy, in accordance with F.S. 465.21, shall charge an original permit application fee of \$50 and an annual permit renewal fee not to exceed \$25.

On motion by Senator Gorman, by two-thirds vote SB 362 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Grizzle	McClain	Steinberg
Barron	Hair	McKnight	Stuart
Chamberlin	Henderson	Myers	Thomas
Childers, D.	Hill	Neal	Tobiassen
Childers, W. D.	Holloway	Peterson	Trask
Fechtcl	Jenne	Poole	Vogt
Frank	Johnston	Scarborough	Ware
Gordon	MacKay	Scott	Williamson
Gorman	Maxwell	Spicola	Winn

Nays—None

**SB 439**—A bill to be entitled An act relating to citrus; adding s. 601.10(10), Florida Statutes; authorizing the Department of Citrus to purchase foreign currency or to deposit state funds in a foreign bank if necessary to satisfy a contract obligation made with any foreign entity; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendments which were moved by Senator Trask and adopted:

**Amendment 1**—On page 1, line 19, after the number “(10)” insert: *Subject to the concurrence of the State Treasurer,*

**Amendment 2**—On page 1, line 26, after the period insert: *All payments from these funds must have prior audit approval from the Office of the State Comptroller.*

On motion by Senator Trask, by two-thirds vote SB 439 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Henderson	Myers	Thomas
Chamberlin	Hill	Neal	Tobiassen
Childers, D.	Holloway	Peterson	Trask
Childers, W. D.	Jenne	Poole	Vogt
Fechtcl	Johnston	Scarborough	Ware
Frank	MacKay	Scott	Williamson
Gordon	Maxwell	Spicola	Winn

Nays—None

Vote after roll call:

Yea—Hair

The President presiding

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 1645 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Price and Morgan—

**HCR 1645**—A concurrent resolution commending Jack Glenn Haskin, former professor of physical education and recreation at Florida State University, for his significant achievements in helping shape the lives of countless students through personal contact while participating in Florida State University’s all-student circus.

—was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Thomas, by two-thirds vote HCR 1645 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the calendar.

On motion by Senator Thomas, HCR 1645 was taken up out of order by unanimous consent and by two-thirds vote read the second time by title, adopted and certified to the House. The vote was:

Yeas—38

Mr. President	Gorman	McKnight	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Hair	Neal	Tobiassen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtcl	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	
Gordon	McClain	Steinberg	

Nays—None

SPECIAL ORDER, continued

On motion by Senator Barron, the rules were waived and by two-thirds vote HB 1150 was placed at the end of the special order calendar.

The hour of 10:00 a.m. having arrived, the Senate took up for consideration—

**SB 54**—A bill to be entitled An act relating to coal slurry pipeline companies; creating s. 361.08, Florida Statutes; providing the right of eminent domain to coal pipeline companies; providing an effective date.

—which was pending roll call.

Senators Dunn, MacKay, Thomas, Hair and Scarborough offered the following amendment which was moved by Senator Dunn:

**Amendment 9**—On page 1, lines 10-28, strike sections 1 and 2 and insert new sections 1, 2 and 3

Section 1. Section 361.08, Florida Statutes, is created to read:

**361.08 Right of eminent domain to coal pipeline companies**—Any corporation, partnership, joint venture, association, or other legal entity organized under the laws of this state, or under the laws of any other state and qualified to do business in this state, for the purpose of supplying any electric utility or utilities, any city, town, village or the inhabitants thereof, or any community with coal or its derivatives and all mixtures and combinations thereof by pipeline, and for the purpose of serving as a common carrier operating or proposing to operate a pipeline or pipelines for transporting or delivering coal, or its derivatives, or any mixtures or combinations thereof, shall have the right of eminent domain for the purpose of acquiring title, easement, right-of-way, or other rights or interests in property, necessary to acquire and take private property which is or may be needed for the construction, operation, maintenance, repair, or replacement of coal slurry and derivative plants, pipelines, pumping stations, and any other installations and works incident thereto. The procedure to condemn property or interest therein shall be exercised in the manner set forth in chapters 73 and 74, Florida Statutes.

In any condemnation proceeding under this act the circuit court shall restrict the exercise of the right of eminent domain in the following particulars:

(1) The right of eminent domain shall be limited to the taking of property or interest therein from the owner which results in the least property or interest therein being taken to effect the purpose of the condemning entity.

(2) All takings shall be subject to the legal obligation (which shall become a restrictive covenant on the property or interest therein taken) on the part of the condemning authority and its successor in title or interest, jointly and severally, to convey the title or property interest taken to the condemnee or his heirs, successors, or assigns, if the condemned property or interest therein is not used within a reasonable time after the taking, which time limit shall be fixed by the court in the condemnation proceeding.

(3) If the property or interest therein is conveyed to the condemnee or to his heirs, successors or assigns, the grantee of such conveyance shall pay or cause to be paid to the condemning authority or to its successor in title or interest, as the case may be, consideration, in cash, which shall be equal to the value as determined as of the time of the taking, of the condemned property or interest therein being conveyed, discounted at a rate of 10 per cent per year, compounded annually, from the date of the taking to the date of the conveyance.

(4) The court, in any condemnation proceeding brought pursuant to this section, shall be bound by the findings of the Public Service Commission on the general issues of economic and environmental feasibility as determined pursuant to section 2 of this act.

Section 2. Section 361.09, Florida Statutes is created to read:

**361.09 Certain pipeline companies regulated.**—

(1) Any person, corporation or other legal entity which exercises or intends to exercise powers of eminent domain pursuant to s. 361.08 or which owns or operates a coal slurry pipeline which was constructed on property acquired by eminent domain shall be subject to regulation as a common carrier, by the Florida Public Service Commission, unless such regulation is preempted by regulation of the Interstate Commerce Commission, and then only to the extent that such actual regulation by the Interstate Commerce Commission, to assure fairness in rates, rate structure or tariffs, and conditions of service.

(2) The Florida Public Service Commission shall file for proposed adoption, within 180 days from the effective date of this act, the necessary rules for the implementation of this act. The rules shall provide, among other things, an administrative procedure, pursuant to Chapter 120, under and by which the Florida Public Service Commission shall determine the public need for and the economic and environmental feasibility

of any proposed coal slurry pipeline. A final order of the Florida Public Service Commission determining the economic and environmental feasibility of a coal slurry pipeline system shall be conclusive and binding on the court in any condemnation proceeding brought pursuant to s. 361.08 and chapters 73 or 74.

Section 3. This act shall take effect upon becoming a law.

Senator Gordon moved the following amendment to Amendment 9 which was adopted:

**Amendment 9A**—On page 1, insert:

Section 1. Legislative intent.—It is the intent of the Legislature that the purpose of adopting this section to provide eminent domain powers and related benefits to certain firms is to make available low cost electric power to all residents of the state, and that this section should be construed consistently with this public interest policy.

Renumber subsequent sections.

Senator Gordon moved the following amendment to Amendment 9 which failed:

**Amendment 9B**—On page 3, line 25, after the period (.) insert: Provided, however, that any investments made in this regard, where applicable, shall be treated under state law as an investment in plant facilities, affording no greater rate of return than on the firm's regular business operations; and that in determining its expenses said firm can charge as expenses only actual federal taxes paid, giving ratepayers the benefit of any tax investment credits given the firm or its subsidiaries in connection with any investments covered by this section.

Senator Spicola moved the following amendment to Amendment 9 which was adopted:

**Amendment 9C**—On page 3, line 20, after "pipeline," insert: Prior to the Public Service Commission determining the environmental feasibility of any proposed coal slurry pipeline, the Public Service Commission shall ask for comment from the Department of Environmental Regulation.

Senator Dunn moved the following amendment to Amendment 9 which was adopted:

**Amendment 9D**—On page 3, strike all of line 6 and insert: the extent that such regulation is actually preempted by the Interstate

Senator Vogt moved the following amendment to Amendment 9 which was adopted:

**Amendment 9E**—On page 3, line 28, insert: new Section 4 and renumber subsequent section

Section 4. It is the intent of the legislature that electric utility companies under the regulation of the Florida Public Service Commission shall not unduly profit from mark-ups on the purchase price of the coal for the pipeline, in the event that such companies are participants in the coal pipeline company. To this end, the Florida Public Service Commission shall have the right of access to the appropriate financial records of any coal pipeline company in which electric utility companies participate, with regard to any rate hearing for the affected electrical utility company. Should the Public Service Commission be unable to enforce this provision, they shall consider the average price of coal in Florida at that time as being the cost to the electrical utility company for rate-making purposes.

Amendment 9 as amended was adopted by two-thirds vote.

Senator Dunn moved the following amendment:

**Amendment 10**—On page 1 in title, line 5, after the semicolon insert: creating s. 361.09, Florida Statutes; providing for regulation of coal pipeline companies;

Senator Gordon moved the following amendment to Amendment 10 which was adopted:

**Amendment 10A**—On page 1 in title, strike lines 5 and 6 and insert: to coal pipeline companies; requiring that investments be treated as plant investments; requiring that tax investment credits inure to the benefit of ratepayers; specifying a legislative intent; providing an effective date.

Amendment 10 as amended was adopted.

SB 54 as further amended passed, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Henderson	Myers	Thomas
Childers, D.	Holloway	Neal	Trask
Childers, W. D.	Jenne	Poole	Vogt
Dunn	Johnston	Scott	Ware
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	

Nays—6

Carlucci	Hair	Peterson	Scarborough
Chamberlin	Hill		

Votes after roll call:

Yea—Gordon, Williamson

On motion by Senator Ware, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 171—A bill to be entitled An act relating to retardation; amending s. 393.063(6), Florida Statutes, to delete the age of onset in the definition of the term developmental disability; providing an effective date.

—as amended passed this day.

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

Amendment 3—On page 1, line 16, after the word "autism," insert: congenital dwarfism

SB 171 as further amended passed, was ordered engrossed and then certified to the House. The vote was:

Yeas—37

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiasen
Carlucci	Henderson	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Fechtel	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Neal

By direction of the President, the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON CS FOR SB 727**

*Honorable Philip D. Lewis*  
President of the Senate

*Honorable J. Hyatt Brown*  
Speaker of the House

Gentlemen:

Your Conference Committee on the disagreeing votes of the two Houses on Committee Substitute for SB 727, same being:

A bill to be entitled An act relating to professional and occupational regulation; amending s. 20.06(2), Florida Statutes, deleting certain powers of examining and licensing boards; amend-

ing s. 20.30, Florida Statutes, 1978 Supplement, renaming the Department of Professional and Occupational Regulation; abolishing the Division of Occupations and bureaus within the Division of General Services; creating the Division of Legal Services of the department; providing for directors of the divisions of the department; increasing the number of lay members on boards; amending s. 120.57(1)(a), Florida Statutes, 1978 Supplement, and adding a subsection, prohibiting any board within the department from conducting either formal or informal hearings; amending s. 215.37, Florida Statutes, 1978 Supplement, providing for the deposit of certain fees and other moneys in a Professional Regulatory Trust Fund; providing for finances and budgeting of the department; deleting a provision which requires each board to pay a percentage of its revenues into the General Revenue Fund; requiring the department to pay a percentage; requiring the maintenance of separate revenue accounts for each regulated profession; providing for reports; reorganizing chapter 455, Florida Statutes, and renumbering sections thereof; creating part I and part II of chapter 455, Florida Statutes, relating to the department; amending s. 455.001, Florida Statutes, providing legislative intent; creating s. 455.102, Florida Statutes, providing duties of the department with respect to the boards and regulated professions; authorizing the department to challenge rules of boards; amending s. 455.004, Florida Statutes, providing for contact of boards through regional offices; amending s. 455.007, Florida Statutes, requiring the department to perform certain administrative functions for the boards; providing the duties of the Division of Legal Services; requiring the Department of Legal Affairs to legally assist the boards; authorizing the department to employ assistance outside the department; granting the department certain investigatory powers; deleting provisions which relate to the use of legal services of the department by boards and which permit the boards to not use the department's investigative services; creating s. 455.105, Florida Statutes, requiring the department to issue licenses; providing hearing procedures with respect to licensing; providing witness immunity; amending s. 455.013, Florida Statutes, providing a procedure for receipt of complaints and determinations thereon by a panel of members of the appropriate board or by the department prior to a hearing; providing for issuance of final orders; authorizing judicial review; requiring periodic notification of the complainant; providing for informal dispositions of complaints; authorizing the department to file and pursue complaints whether written or oral; providing for confidentiality and its waiver; providing for publication of notice; providing witness immunity; creating s. 455.1065, Florida Statutes, authorizing the appropriate board to intervene in a proceeding regarding the issuance of a license; amending s. 455.05, Florida Statutes, expanding the applicability of provisions relating to evidence of licensure to all boards; creating ss. 455.108 and 455.109, Florida Statutes, requiring places of business established under a license by the department to post certain notices at their places of business; providing a penalty; exempting the boards and their members from liability; amending ss. 455.01 and 455.011, Florida Statutes, to conform to the act; amending s. 455.012, Florida Statutes, deleting provisions relating to the eligibility of aliens to engage in professions and occupations; amending ss. 455.016 and 455.02, Florida Statutes, to conform to the act; repealing s. 455.014, Florida Statutes, which requires the department to assist Cubans to become eligible for licensure; repealing s. 455.03, Florida Statutes, which exempts certain war veterans from examination requirements; repealing s. 455.04, Florida Statutes, relating to enforcement of certain health laws; repealing s. 455.08, Florida Statutes, relating to the confidentiality of certain records; repealing s. 455.09, Florida Statutes, relating to terms of licenses to conform to the act; renumbering ss. 455.06 and 455.07, Florida Statutes, to transfer provisions relating to liability insurance of the state and its political subdivisions and expenses of the Department of Legal Affairs to the appropriate chapters; requiring the relocation of certain boards; transferring investigative functions to the Division of Legal Services; transferring the personnel, records, property, and funds from each board to the department; granting the department certain powers during the reorganization period necessitated by the act; providing an effective date.

having met, and after full and free conference do recommend to their respective Houses as follows:

1. That the House recede from the House Amendments to Committee Substitute for Senate Bill 727.
2. That the House and Senate adopt the Conference Committee Amendments to Committee Substitute for Senate Bill 727 attached hereto and by reference made a part of this report.

3. That the House and Senate pass Committee Substitute for Senate Bill 727, as passed by the Senate, and as amended by said Conference Committee Amendments.

*Edgar M. Dunn, Jr.*  
*Mattox Hair*  
*Warren S. Henderson*  
*Kenneth M. Myers*

*George H. Sheldon, Chairman*  
*Dick J. Batchelor*  
*Thomas J. Bush*  
*Elaine Gordon*

Managers on the part of the Senate

Managers on the part of the House of Representatives

#### STATEMENT OF REVISIONS RESULTING FROM CONFERENCE COMMITTEE ACTION

The managers on the part of the Senate and of the House, at the Conference on the disagreeing votes of the two houses on the House amendments to the Committee Substitute for Senate Bill 727 submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the Conference Report:

- (1) At page 9, line 16 a minimum of two lay members are provided for boards having five or more members and at least one lay member is provided for boards having less than 5 members.
- (2) At page 19, line 24 provides for each regulatory board to determine the amount of licensing fees based upon estimates by the department of revenue required to implement this act or the appropriate practice act.
- (3) The issue of an individual's "right" to earn a living is not addressed.
- (4) At page 21, line 13 provision is made for terms and confirmation of board members, and board officers and meetings.
- (5) At page 22, line 3 compensation at the rate of \$50 per day is provided board members who are also eligible for reimbursement for expenses pursuant to the provisions of s. 112-061.
- (6) At page 14, line 23 board approval is provided for the departmental appointment of executive directors of the boards.
- (7) At page 15, line 24 the boards are given "adversely affected party" status under chapter 120 to challenge final agency actions of the department.
- (8) Regarding licensure examinations, the boards (on page 17, at line 19) are charged with a substantial role in the maintenance of reliability, and provision is made for the use of board approved national exams.
- (9) The department shall issue a license to any applicant certified to be qualified by the appropriate board (page 19, at line 6).
- (10) The disciplinary process (pages 22-23) was revised to provide that the department shall investigate complaints which are legally sufficient and submit an investigative report to a probable cause panel, if one is created by the board, for the determination of probable cause. The panel may, within 15 days of receipt of the report, request additional investigative information from the department. If the probable cause panel does not find probable cause within 30 days after receiving the final investigative report, the department has the option of finding probable cause on its own. The department may elect not to prosecute a complaint if probable cause had been improvidently found to exist by the panel.
- (11) At page 24, line 6, provision is made for formal hearings to be held before a DOAH hearing officer unless there is written agreement by all parties, including the department, that there is no disputed issue of material facts. If a dispute of fact is raised during an informal hearing, the hearing shall be terminated and a formal hearing shall be held.
- (12) Investigative files shall be confidential until 10 days after probable cause has been found to exist or until the subject of investigation waives this confidentiality.
- (13) General grounds for discipline and certain penalties are provided on page 25.
- (14) The provision for location of board headquarters has been revised to include an authorization to transfer only joint coordinators (page 29).

- (15) At page 30, line 18 the continuation of board rules is provided.

Conference Committee Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Subsection (2) of section 20.06, Florida Statutes, is amended to read:

20.06 Method of reorganization.—The executive branch of state government shall be reorganized by transferring the specified agencies, programs, and functions to the departments, commissions or offices created or referred to herein. Types of transfers used herein are defined as follows:

(2) TYPE TWO TRANSFER.—A type two transfer is the assigning to any department of an examining and licensing board which has as a function the setting of standards for, or the regulation of, a profession or occupation or the examination, licensing or certifying of practitioners of such profession or occupation. For any agency assigned a type two transfer, the collection of license fees and other revenues, payroll, procurement, and related administrative functions shall be exercised by the head of the department to which the board is assigned. Any agency assigned by a type two transfer shall independently exercise the other powers, duties, and functions prescribed by law, including but not limited to rule making, licensing, regulation, and enforcement. Appeals from decisions of examining and licensing boards shall be made directly to the judiciary as provided by law. Each examining and licensing board may provide for its own investigative and legal services. Each examining and licensing board has the authority and responsibility for the preparation of its examinations unless otherwise provided by law. Each examining and licensing board given a type two transfer shall continue to have supervision and control of such funds collected in trust in connection with its licensing, certifying, and related activities as shall be appropriated to it. The present membership of each examining and licensing board is continued, and future appointments shall be made as provided by the specific statutory provisions relating to each board.

Section 2. Section 20.30, Florida Statutes, 1978 Supplement, is amended to read:

20.30 Department of Professional and Occupational Regulation.—There is created a Department of Professional and Occupational Regulation.

(1) The head of the Department of Professional and Occupational Regulation is the Secretary of Professional and Occupational Regulation. The secretary shall be appointed by the Governor subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(2) The following divisions, and bureaus within these divisions, of the Department of Professional and Occupational Regulation are established:

(a) Division of Administrative General Services;

1. Bureau of Records Administration;
2. Bureau of Examinations;
3. Bureau of Investigative Services; and
4. Bureau of Legal Services.

(b) Division of Professions; and

(c) Division of Legal Services Occupations.

(3) There shall not be a director of the Division of Professions, a director of the Division of Administrative Services, and a General Counsel, who shall be the director of the Division of Legal Services. Each division director shall directly administer his division and shall be responsible to the secretary of the department, or of the Division of Occupations. These two divisions shall be administered directly by the Secretary of Professional and Occupational Regulation.

(4) The following examining and licensing boards are established within assigned by type two transfers to the

Department of Professional and Occupational Regulation, Division of Professions:

- (a) State Board of Accountancy, created under chapter 473;
  - (b) State Board of Architecture, created under chapter 467;
  - (c) Board of Chiropractic Examiners, created under chapter 460;
  - (d) State Board of Dentistry, created under chapter 466;
  - (e) State Board of Professional Engineers and Land Surveyors, created under chapter 471;
  - (f) Board of Registration for Foresters, created under chapter 492;
  - (g) Board of Funeral Directors and Embalmers, created under chapter 470;
  - (h) Board of Landscape Architects, created under chapter 481;
  - (i) State Board of Medical Examiners, created under chapter 458;
  - (j) Florida State Board of Nursing, created under chapter 464;
  - (k) State Board of Optometry, created under chapter 463;
  - (l) Board of Osteopathic Medical Examiners, created under chapter 459;
  - (m) Board of Pharmacy, created under chapter 465;
  - (n) State Board of Podiatry Examiners, created under chapter 461;
  - (o) Board of Examiners of Psychology, created under chapter 490;
  - (p) Board of Veterinary Medicine, created under chapter 474; and
  - (q) State Board of Pilot Commissioners, created under chapter 310.
- (5) The following examining and licensing boards are assigned by type two transfers to the Department of Professional and Occupational Regulation, Division of Occupations:
- (r)(a) Barbers' Board Sanitary Commission, created under chapter 476;
  - (s)(b) Construction Industry Licensing Board, created under part II of chapter 468;
  - (t)(c) State Board of Cosmetology, created under chapter 477;
  - (u)(d) Florida Board of Massage, created under chapter 480;
  - (v)(e) Board of Naturopathic Examiners, created under chapter 462;
  - (w)(f) Board of Dispensing Opticians, created under chapter 484;
  - (x)(g) Florida Real Estate Commission, created under chapter 475;
  - (y) Board of Examiners of Nursing Home Administrators; and
  - (z) Electrical Contractors' Licensing Board.
  - (h) Sanitarians' Registration Board, created under chapter 491; and
  - (i) Florida Watchmakers' Commission, created under chapter 489.

(5)(6) Each examining and licensing board with five or more members shall have at least two lay members one additional member who is a lay member and who are is not and have has never been members a member or practitioners practitioner of the profession or occupation regulated by such board

or of any closely related profession or occupation. Each board with less than five members shall have at least one lay member who is not and has never been a member or practitioner of the profession regulated by such board or of any closely related profession. The Governor shall appoint such a lay member. This member shall be in addition to the current number of members on the board.

Section 3. Subsection (4) of section 215.22, Florida Statutes, is amended to read:

215.22 Certain moneys and certain trust funds enumerated.— The following described moneys and trust funds, by whatever name designated, shall be those from which the deductions authorized by s. 215.20 shall be made:

(4) The Professional Regulation Trust Fund trust funds of the examining and licensing boards as defined in s. 215.27, unless a different percentage is authorized in the aforesaid section.

Section 4. Section 215.37, Florida Statutes, 1978 Supplement, is amended to read:

215.37 Department of Professional Regulation and the Examining and licensing boards to be financed from fees collected; moneys deposited in trust fund funds; 4 10 percent to General Revenue Fund; appropriation.—

(1) For the purposes of this section, examining and licensing boards shall include: State Board of Accountancy, Florida State Board of Architecture, Florida State Board of Chiropractic Examiners, Florida State Board of Dentistry, State Board of Dispensing Opticians, Florida State Board of Professional Engineers and Land Surveyors, State Board of Registration for Foresters, State Board of Funeral Directors and Embalmers, Florida State Board of Examiners of Landscape Architecture, State Board of Medical Examiners, State Board of Naturopathic Examiners, Florida State Board of Nursing, Florida State Board of Optometry, State Board of Osteopathic Medical Examiners, Florida State Board of Pharmacy, Board of Podiatry Examiners, Florida Board of Examiners of Psychology, Florida Real Estate Commission, Sanitarians' Registration Board, Florida State Board of Veterinary Medicine, Florida Watchmakers' Commission, and Florida Construction Industry Licensing Board.

(1)(2) Except as otherwise provided, All fees, licenses, and other charges assessed by each board within the Department of Professional Regulation shall be collected by the Bureau of Records Administration of the Division of General Services of the Department of Professional and Occupational Regulation and shall be deposited in the State Treasury into the Professional Regulation Trust Fund a separate trust fund to the credit of the department individual board.

(2)(3) The department Each board shall be financed solely and individually from revenue collected by income accruing to it from fees, licenses, and other charges collected by the bureau, and all such revenue is moneys are hereby appropriated to the department each such board. All salaries and expenses of the department shall be paid as budgeted after the budget has said budgets have been approved by the secretary of the Department of Administration or within the conditions and limitations of the any appropriation for that purpose which may be included in the General Appropriations Act.

(3)(4) The department Each board shall be charged 4 10 percent of all revenue collections (excluding refunds, grants, donations, etc.) made and credited to its account. The amount so charged shall be deposited in the General Revenue Fund unallocated.

(4)(5) The department Each board shall submit a biennial an annual legislative budget by division and operating budgets as required of all governmental subdivisions in chapters 215 and 216, to be based upon anticipated revenues together with any unexpended balance of moneys which may accrue to the credit of the particular board. Such budgets shall be subject to appropriate legislative action.

(5) The department shall maintain separate revenue accounts in the Professional Regulation Trust Fund for every profession within the department. The department shall, to the extent practical, provide for the proportionate allocation among the accounts of expenses incurred by the depart-

ment in the performance of its duties with respect to each regulated profession. The department shall provide each board an annual report of revenue and allocated expenses related to the regulation of that profession, and these reports shall be used by the board to determine the amount of licensing fees for each profession regulated by the department.

(6) Each board shall operate financially within the budget approved by the Secretary of the Department of Administration, and all disbursements shall be made by the Comptroller only as provided by law for all agencies of government.

(7) It is the intent and purpose of the Legislature to place all examining and licensing boards under strict budgetary control and to determine the policy of budgeting all collections and expenditures of moneys collected through examining and licensing laws and to be used by the boards for enforcement and administrative purposes.

Section 5. Sections 455.011, 455.014, 455.03, 455.05, and 455.08, Florida Statutes, section 455.04, Florida Statutes, as amended by chapter 77-147, Laws of Florida, and section 455.09, Florida Statutes, as created by chapter 76-161, Laws of Florida, are repealed, sections 455.06 and 455.07, Florida Statutes, are renumbered as sections 286.28 and 16.016, Florida Statutes, respectively, the remaining sections of chapter 455, Florida Statutes, are amended, and sections 455.002, 455.008, 455.0113, 455.0114, 455.0115, 455.017, 455.021, 455.022 and 455.023, Florida Statutes, are created to read:

#### PART I DEPARTMENT OF PROFESSIONAL REGULATION

455.001 Department of Professional and Occupational Regulation; examining and licensing boards; legislative intent.—

(1) It is the intent of the Legislature that persons desiring to engage in any lawful profession, trade, or occupation regulated by the department any board listed in subsection 20.30(9) or subsection 20.30(10) shall be entitled to do so as a matter of right if otherwise qualified.

(2) The Legislature further believes that such professions or occupations shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions or occupations shall be regulated when:

(a) Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from licensing.

(b) The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.

(c) Less restrictive means of regulation are not available.

(3) ~~The Further, it is the intent of the Legislature that those boards listed in s. 20.30(4) subsections 20.30(9) and 20.30(10), while created to protect the public, shall not create unreasonably rules that set undue, restrictive, and extraordinary standards that deter qualified act as deterrents for persons from entering to enter the various professions and occupations. Notwithstanding the above, the boards shall not have powers, in drafting rules or regulations, to contravene any other statutes. Further, No board shall take any action, the result or effect of which may tend to create or maintain a situation which tends to create or maintain an economic condition that unreasonably restricts competition impinges upon the competitive market place, except as specifically provided by law.~~

(4) It is the further legislative intent that the use of the term "profession" with respect to those activities licensed and regulated by the Department of Professional Regulation shall not be deemed to mean that such activities are not occupations for other purposes in state or federal law and accordingly the term "profession" shall also mean occupation.

455.002 Department of Professional Regulation; powers and duties.—The Department of Professional Regulation shall:

(1) Mail an application for renewal to each licensee every two years, and each licensee shall be required to renew his license every two years.

(2) Appoint the executive director of each board within the department, subject to the approval of the board.

(3) With the advice of the boards, submit a biennial budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules which relate to the regulation of the appropriate profession and with the structure of the department.

(5) Adopt all rules necessary to administer this chapter. The secretary of the department shall have standing to challenge any rule or proposed rule of a board pursuant to ss. 120.54 and 120.56. In addition to challenges for any invalid exercise of delegated legislative authority, the hearing officer, upon such a challenge by the secretary, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit. Provided, however, that there shall not be created a presumption of the existence of any of the conditions cited herein in the event that the rule or proposed rule is challenged.

(6) In addition, either the secretary or the board shall be a substantially interested party for purposes of s. 120.54(5). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68, challenging the final agency action.

(7) Establish by rules procedures by which the department shall use the expert or technical advice of the board for the purposes of investigation, inspection, evaluation of applications, and other duties of the department.

(8) Require all proceedings of any board or panel thereof within the department and all formal or informal proceedings conducted by the department or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(9) Insure that investigators and inspectors working on behalf of the department are generally knowledgeable in the profession which they investigate or inspect.

455.004 Board contact through department headquarters in Tallahassee.—Each examining and licensing board may be contacted through the headquarters of the Department of Professional and Occupational Regulation in the City of Tallahassee or at any regional office of the department.

455.007 Divisions within department; duties Bureaus in Division of General Services of Department of Professional and Occupational Regulation; particular functions.—

(1) The head of the Department of Professional and Occupational Regulation may assign to the Bureau of Records Administration of the Division of General Services of the department, responsibility for the following administrative functions:

(a) Issuance of licenses;

(b) Collection of fees;

(c) Establishment of a uniform renewal license form for all boards and commissions;

(d) Establishment of renewal and delinquency periods, with the concurrence of the boards and commissions affected; and

(e) Maintenance of nonconfidential records of the department.

Nothing herein affects the responsibilities prescribed by law, of the examining and licensing boards assigned to the department in regard to the maintenance of confidential records.

(1)(2) The Bureau of Examinations of the Division of Administrative General Services of the department shall provide services for the preparation and administration of all written examinations. The division shall insure that the examinations adequately and reliably measure an applicant's ability to practice the profession regulated by the department and shall seek the advice of the appropriate board in the preparation and administration of the examinations. After the examination has been administered, the board may reject any question which does not reliably measure the general areas of competency specified in the board's rules. The department shall use professional testing services to prepare, administer, grade, and evaluate the examinations, when such services are available and approved by the board. To the extent not otherwise specified by statute, the board shall by rule specify the general areas of competency to be covered by each examination, the relative weight assigned in grading each area tested, and the score necessary to achieve a passing grade. If a practical examination is deemed to be necessary, the rules shall specify the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. The department shall use any national examination which is available and which is approved by the board. The department may delegate to the board the duty to provide and administer the examination. ~~at the request of any examining and licensing board. However, no examining and licensing board shall be required to use these services.~~

(2) The Department of Legal Affairs shall provide legal services to each board within the Department of Professional Regulation but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state.

(3) The department may employ or utilize the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or utilized by the department shall prosecute a matter and provide legal services to the board with respect to the same matter.

(4) For the purpose of any investigation or proceeding conducted by the department, the department shall have the power to administer oaths, take depositions, issue subpoenas and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. Challenges to, and enforcement of, said subpoenas and orders shall be handled as provided in s. 120.58.

~~(3) The Bureau of Legal Services of the Division of General Services of the department shall provide legal services at the request of any examining and licensing board. However, no examining and licensing board shall be required to use these services.~~

~~(4) The Bureau of Investigative Services of the Division of General Services of the department shall provide investigative services at the request of any examining and licensing board. However, no examining and licensing board shall be required to use these services.~~

#### 455.008 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the department.

(2) Upon receipt of the license fee the department shall issue a license to any person certified by the appropriate board as having met the licensure requirements imposed by law or rule.

(3) When any hearing officer conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the department, the hearing officer shall submit his recommended order to the Department of Professional Regulation which shall thereupon issue a final order. The applicant for licensure may appeal the final order of the department in accordance with the provisions of chapter 120.

(4) A privilege against civil liability is hereby granted to any witness for any information furnished by the witness in any proceeding pursuant to this section, unless the witness acted in bad faith or with malice in providing such information.

#### 455.0113 Fees; receipts; disposition.—

(1) Each board within the department shall determine by rule the amount of licensing fees for its profession, based upon estimates by the department of revenue required to implement this part and the provisions of law with respect to the regulation of professions by the department and any board within the department.

(2) All moneys collected by the department from fees shall be paid into the Professional Regulation Trust Fund, which fund is created in the department. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this part and the provisions of law with respect to professions regulated by the department and any board within the department. The department shall maintain separate revenue accounts in the Professional Regulation Trust Fund for every profession within the department. The department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. Each board shall be provided an annual report of revenue and allocated expenses related to the operation of that profession, and these reports may be used by the board to determine the amount of licensing fees. This subsection shall operate pursuant to the provisions of s. 215.20 and s. 215.22(4).

#### 455.0114 Examinations.—

(1) The board shall make rules providing for reexamination of any applicants who have failed the examination. If both a written and a practical examination are given, an applicant shall only be required to retake the examination on which he failed to achieve a passing grade, if he successfully passes that portion within a reasonable time of his passing the other portion. The board shall make available an examination review procedure for applicants. Unless prohibited or limited by rules implementing security or access guidelines of national examinations, the applicant is entitled to review his examination questions, answers, papers, grades, and grading key. An applicant may waive in writing the confidentiality of his examination grades.

(2) The department shall make an accurate record of each applicant's examination questions, answers, papers, grades, and grading key. The department shall keep such record for a period of not less than 2 years immediately following the examination, and thereafter such record shall be maintained or destroyed as provided in chapters 119 and 267.

(3) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, examination questions, answers, papers, grades, and grading key, which shall not be discussed with or made accessible to anyone except members of the board, the department, and its staff who have a bona fide need to know such information.

#### 455.0115 State boards.—

(1) Each board within the Department of Professional Regulation shall comply with the provisions of this section.

(2) The members of each board shall be appointed by the Governor, subject to confirmation by the Senate. Members shall be appointed for 4-year terms. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member shall serve more than two consecutive terms on the board.

(3) Lay members on the board shall be appointed pursuant to s. 20.30(5).

(4) The board shall annually elect from among its number a chairman and vice chairman.

(5) The board shall hold such meetings during the year as it may deem necessary, one of which shall be the annual meeting. A quorum shall be necessary for the conduct of business by the board. Unless otherwise provided by law, 51 percent or more of the members of the board shall constitute a quorum. The chairman or a quorum of the board shall have the authority to call other meetings.

(6) A board member shall be compensated \$50 for each day they attend an official meeting of the board unless otherwise provided by law, and shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.

(Substantial rewording of section. See s. 455.013, F.S., for present text.)

455.013 Disciplinary process: complaints, probable cause determination; hearings.—

(1) The department shall cause to be investigated any complaint which is filed before it or which is otherwise called to its attention if the complaint is legally sufficient. The complaint is legally sufficient if it contains ultimate facts which show that a violation has occurred of this chapter, or any of the practice acts relating to the professions regulated by the department, or of any rule promulgated by the department or the regulatory boards in the department. The department may investigate or continue to investigate, and the department and the appropriate regulatory board may take appropriate final action on a complaint even though the original complainant withdraws his complaint or otherwise indicates his desire not to cause it to be investigated or prosecuted to completion. The department may investigate a complaint made anonymously or by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may delegate, by rule, its investigative function regarding a given practice act to the regulatory board having regulatory power over the practice.

(2) The department shall expeditiously investigate complaints. When its investigation is complete, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the department's investigative report. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause.

(3) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide, by rule, that the determination of probable cause shall be made by a panel of its members or by the department. The panel, if any, shall be composed of board members, but not more than one of the panel members shall be a lay member. In aid of its duty to determine the existence of probable cause, the probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the department's investigative report. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the department's final investigative report. The secretary may grant extensions of the 15-day and the 30-day time limits. If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists. If probable cause is found to exist, the department shall file a formal complaint against the regulated professional or subject of the investigation and prosecute the complaint pursuant to the provisions of chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel.

(4) A formal hearing before a hearing officer from the Division of Administrative Hearings of the Department of Administration shall be held pursuant to chapter 120 unless all parties, including the department, agree in writing that there is no disputed issue of material fact. The hearing officer shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(5) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (3) being excused, shall determine and issue the final order

in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department.

(6) The department shall have standing to seek judicial review of any final order of the board, pursuant to section 120.68.

(7) Any proceeding for the purpose of summary suspension of a license pursuant to s. 120.60(6) shall be conducted by the secretary or his designee, who shall issue the final summary order.

(8) The department shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(9) The complaint and all information obtained pursuant to the department's investigation shall be exempt from s. 119.07 until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first.

(10) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this act, unless the complainant or witness acted in bad faith or with malice in providing such information.

455.017 Grounds for discipline; penalties.—

(1) The board shall have the power to revoke, suspend, or deny the renewal of the license, or to reprimand, censure, or otherwise discipline a licensee if the board finds that:

(a) The licensee has made misleading, deceptive, untrue, or fraudulent representations in the practice of his profession;

(b) The licensee has intentionally violated any rule adopted by the board or the department;

(c) The licensee has been convicted of a felony which relates to the practice of his profession;

(d) The licensee has been adjudicated mentally incompetent; or

(e) That a license has been obtained by fraud or material misrepresentation of a material fact.

(2) In addition to, or in lieu of, any other discipline imposed pursuant to this section, the board may impose an administrative fine not to exceed \$1,000 for each violation. In any case where the board imposes a civil penalty and the penalty is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, the Department of Legal Affairs shall, upon request by the board, bring a civil action to recover the penalty.

(3) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or writ of mandamus against any person who violates any of the provisions of this part or any provisions of law with respect to professions regulated by the department and any board therein, or the rules adopted pursuant thereto.

455.021 Board intervention.—In any proceeding regarding the issuance of a license to an applicant, the appropriate board may intervene in any such proceeding on behalf of either the applicant or the department.

455.022 Display of notice of regulation.—Each place of business established under the license as issued by the department shall display, in a place that is in clear and unobstructed public view, a notice stating that the place of business is licensed and regulated by the Department of Professional Regulation and that any questions or complaints may be directed to the department. The notice shall be in a form specified by the department and the department shall adopt rules to insure that the notice is displayed in such places where the public is most likely to see it. The department may levy a civil penalty of \$50 for the failure of any licensee to comply with this section.

*455.023 Accountability and liability of board members.—*

(1) Each board member shall be accountable to the Governor for the proper performance of his duties as a member of the board. The Governor shall investigate any legally sufficient complaint or unfavorable written report received by him or by the secretary concerning the actions of the board or its individual members. The Governor may suspend from office any board member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony.

(2) Each board member shall be exempt from civil liability for any act or omission when acting in his official capacity and the department or the Department of Legal Affairs in any action against any board or member of a board arising from any such act or omission.

PART II

ADMINISTRATIVE BOARDS; GENERAL PROVISIONS

(Substantial rewording of section. See s. 455.01, F.S., for present text.)

455.201 Administrative boards defined.—The term "administrative board" relates to minor regulatory boards created by the state, including the following:

- (1) The Department of Professional Regulation.
- (2) Bureau of Electronic Repair Dealer Registration, Ch. 468.
- (3) Florida State Advisory Council of Speech Pathology and Audiology, Ch. 468.
- (4) Such other minor regulatory boards as may be created by legislative act.

*455.202 455.012 Restrictions on requirement of citizenship.—*

~~(1) Except as otherwise provided in this section, No person shall be disqualified from practicing an occupation or profession regulated by the state solely because he is not a United States citizen. However, any regulatory agency may require that an applicant submit proof of his intention to become a citizen as a condition of eligibility to sit for any board examination. A notarized declaration of intention to become a citizen, in lieu of a formal declaration of intention to become a citizen, shall be sufficient proof of the applicant's intention to become a citizen.~~

~~(2) When declaration of intention to become a citizen is required as a prerequisite for occupational or professional practice, failure to become a citizen within 5 years after the license is granted shall be a ground for revocation of the license.~~

~~(3) Any complaints concerning the violation of this section shall be processed in accordance with the provisions of the Administrative Procedure Act, chapter 120.~~

*455.203 455.016 Qualification of immigrants for examination to practice a licensed profession or occupation.—*

(1) It is the declared purpose of this section to encourage the use of foreign-speaking Florida residents duly qualified to become actively qualified in their professions so that all Florida citizens may receive better services.

(2)(1) Any person who has successfully completed, or is currently enrolled in, an approved course of study created pursuant to chapters 74-105 and 75-177, Laws of Florida, shall be deemed qualified for examination and reexaminations [for professional or occupational licensure, which shall] be administered in the English language unless 15 or more such applicants request that said reexamination be administered in their native tongue. In the event that such reexamination is administered in a foreign language, the full cost to the board or commission of preparing and administering same shall be borne by said applicants.

(3)(2) Each board and commission within the Department of Professional and Occupational Regulation shall adopt and implement programs designed to qualify for examination all persons who were resident nationals of the Republic of Cuba and who, upon July 1, 1977, were residents of this state.

*455.204 455.02 Members of Armed Forces in good standing with administrative boards.—Any member of the Armed Forces of the United States now or hereafter on active duty who, at*

the time of his becoming such a member was in good standing with any administrative board of the state and was entitled to practice or engage in his profession or vocation in the state, shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his part to be performed, as long as he is a member of the Armed Forces of the United States on active duty and for a period of 6 months after his discharge from active duty as a member of the Armed Forces of the United States.

Section 6. No judicial or administrative proceeding pending on the effective date of this act will be abated because of any assignment or transfer made in this act, but the unit of the Department of Professional Regulation to which the function relating to the pending proceeding is reassigned or transferred shall be substituted as a party in interest in such proceeding.

Section 7. No board, with the exception of joint coordinators, shall be transferred from its location on the effective date of this act without legislative authorization.

Section 8. All personnel, records, property, and unexpended balances of appropriations, allocations, and other funds of every examining and licensing board within the Department of Professional and Occupational Regulation are hereby transferred to the Department of Professional Regulation and all trust funds of such boards shall be deposited into the Professional Regulation Trust Fund in accordance with the provisions of s. 215.37, Florida Statutes (as amended by this act).

Section 9. This act shall not be construed to supersede the abolition of any board within the Department of Professional Regulation, pursuant to the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, or as subsequently amended.

Section 10. (1) The Department of Professional Regulation shall accomplish the reorganization directed by this act within its existing resources and appropriations. Such internal reorganization shall be complete prior to July 1, 1980.

(2) Notwithstanding the provisions of s. 216.351, Florida Statutes, the department is authorized, for fiscal year 1979-1980, to transfer appropriated funds within the department to administer more effectively its authorized and approved programs.

(3) Notwithstanding the provisions of s. 110.022 and s. 216.351, Florida Statutes, the department is authorized, for fiscal year 1979-1980, to add, delete, classify, reclassify, and transfer authorized positions within the department and to establish new classifications of positions to administer more effectively its authorized and approved programs; provided, however, that total personnel costs shall not exceed the amount appropriated for such costs and that the total number of personnel shall not exceed the number authorized.

Section 11. Rules of the boards which are inconsistent with this act shall be superseded effective January 1, 1980, unless such rules are repealed earlier.

Section 12. This act shall take effect July 1, 1979, and if it becomes a law after that date, it shall operate retroactively to July 1, 1979.

Conference Committee Amendment 2—Strike the title and insert: A bill to be entitled An act relating to professional and occupational regulation; amending s. 20.06(2), Florida Statutes, deleting certain powers of examining and licensing boards; amending s. 20.30, Florida Statutes, 1978 Supplement, renaming the Department of Professional and Occupational Regulation; abolishing the Division of Occupations and bureaus within the Division of General Services and renaming the latter division; creating the Division of Legal Services of the department; providing for directors of the divisions of the department; renaming various boards; increasing the number of lay members on certain boards; amending s. 215.22(4), Florida Statutes, to conform to the act; amending s. 215.37, Florida Statutes, 1978 Supplement, providing for the deposit of certain fees and other moneys in a Professional Regulation Trust Fund; providing for finances and budgeting of the department; deleting a provision which requires each board to pay a percentage of its revenues into the General Revenue Fund; requiring the department to pay a percentage; requiring the maintenance of separate revenue accounts for each regulated profession; providing for reports; reorganizing chapter 455, Florida Statutes, and renumbering sections thereof; creating part I and part II of chapter 455, Florida Statutes, relating to the department; amending s.

455.001, Florida Statutes, providing legislative intent; creating s. 455.002, Florida Statutes, providing duties of the department with respect to the boards and regulated professions; authorizing the department to challenge rules of boards; permitting the boards to challenge final agency actions; amending s. 455.004, Florida Statutes, providing for contact of boards through regional offices; amending s. 455.007, Florida Statutes, requiring the department to perform certain administrative functions for the boards; providing duties of the department and the boards with respect to examinations; providing the duties of the Division of Legal Services; requiring the Department of Legal Affairs to legally assist the boards; authorizing the department to employ assistance outside the department; granting the department certain investigatory powers; deleting provisions which relate to the use of legal services of the department by boards and which permit the boards to not use the department's investigative services; creating s. 455.008, Florida Statutes, providing general licensing provisions; providing hearing procedures with respect to licensing; providing qualified witness immunity; creating s. 455.0113, Florida Statutes, providing for the determination of the amount of fees by the boards and for their disposition; requiring the maintenance of separate revenue accounts; providing for the proportionate allocation of expenses of the department; providing for reports; creating s. 455.0114, Florida Statutes, authorizing boards to make certain rules relating to examinations; requiring certain records and providing for the confidentiality of certain records; creating s. 455.0115, Florida Statutes, providing general provisions with respect to the appointment, meetings, and compensation of board members; amending s. 455.013, Florida Statutes, providing a procedure for receipt of complaints and determinations thereon by a panel of members of the appropriate board or by the department prior to a hearing; providing for issuance of final orders; authorizing judicial review; requiring periodic notification of the complainant; providing for informal dispositions of complaints; authorizing the department to file and pursue complaints whether written or oral; providing for confidentiality and its waiver; providing for publication of notice; providing qualified witness immunity; creating s. 455.017, Florida Statutes, authorizing boards to take certain disciplinary actions against licensees and applicants and providing grounds therefor; providing injunctive relief; creating s. 455.021, Florida Statutes, authorizing the appropriate board to intervene in a proceeding regarding the issuance of a license; creating ss. 455.022 and 455.023, Florida Statutes, requiring places of business established under a license by the department to post certain notices at their places of business; providing a penalty; providing for the accountability of board members to the Governor; exempting the boards and their members from liability; amending s. 455.01, Florida Statutes, to conform to the act; amending s. 455.012, Florida Statutes, deleting provisions relating to the eligibility of aliens to engage in professions and occupations; amending ss. 455.016 and 455.02, Florida Statutes, to conform to the act; repealing s. 455.011, Florida Statutes, relating to examinations to conform to the act; repealing s. 455.014, Florida Statutes, which requires the department to assist Cubans to become eligible for licensure; repealing s. 455.03, Florida Statutes, which exempts certain war veterans from examination requirements; repealing s. 455.04, Florida Statutes, relating to enforcement of certain health laws; repealing s. 455.05, Florida Statutes, relating to evidence of licensure by certain boards; repealing s. 455.08, Florida Statutes, relating to the confidentiality of certain records; repealing s. 455.09, Florida Statutes, relating to terms of licenses to conform to the act; renumbering ss. 455.06 and 455.07, Florida Statutes, to transfer provisions relating to liability insurance of the state and its political subdivisions and expenses of the Department of Legal Affairs to the appropriate chapters; requiring the relocation of joint coordinators; transferring the personnel, records, property, and funds from each board to the department; granting the department certain powers during the reorganization period necessitated by the act; providing for the continuation of rules; providing an effective date.

On motion by Senator Dunn, Rule 4.5 was waived and the report of the Conference Committee on CS for SB 727 was read the second time.

On motion by Senator Dunn the Conference Committee Report was adopted, and CS for SB 727 passed as recommended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—34

Mr. President	Frank	MacKay	Stuart
Anderson	Gordon	Maxwell	Thomas
Barron	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Myers	Trask
Chamberlin	Henderson	Peterson	Vogt
Childers, D.	Hill	Scarborough	Williamson
Childers, W. D.	Holloway	Skinner	Winn
Dunn	Jenne	Spicola	
Fechtel	Johnston	Steinberg	

## Nays—4

Gorman	Poole	Scott	Ware
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## Vote after roll call:

## Yea—McClain

The Honorable Jimmy Dunn, Mayor of Coral Gables; Bob Zahner, City Attorney; Ron Robinson, President of Coral Gables Chamber of Commerce and Mrs. Robinson were introduced to the Senate by Senator Holloway. They were welcomed to the Senate by the President and invited to the rostrum. Mayor Dunn spoke briefly and presented gold keys to the City of Coral Gables to the President.

Senator Holloway stated that Coral Gables is the site of more than 85 multi-national companies who have established their Latin-American headquarters there.

On motion by Senator Hair, the rules were waived and SB 490 after being engrossed was ordered immediately certified to the House.

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

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, the rules were waived and the Committee on Ways and Means was granted permission to extend time of adjournment of the meeting May 7 until 3:00 p.m.

On motions by Senator Barron, the rules were waived and by two-thirds vote SB 725 was withdrawn from the Committee on Rules and Calendar and referred to the Committee on Governmental Operations.

On motion by Senator Gordon, by two-thirds vote SB 1122 was withdrawn from the Committee on Ways and Means.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 139 and 202, with committee substitute, were withdrawn from the Committee on Ways and Means.

On motion by Senator Gordon, by two-thirds vote SB 680 was withdrawn from the Committee on Commerce.

On motion by Senator Trask, by two-thirds vote SB 726 was removed from the calendar and indefinitely postponed.

On motions by Senator McKnight, by two-thirds vote SB 1169 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator MacKay, the rules were waived and by two-thirds vote Senate Bills 342, 522, 692, 724, 789, 808, 1025, 1063, 1274, 613 and 885 were withdrawn from the Committee on Education.

On motion by Senator W. D. Childers, the rules were waived and Ways and Means Subcommittee A was granted permission to meet Monday, May 7, from 3:00 p.m. until 6:00 p.m. in lieu of Friday, May 4.

On motion by Senator Thomas, by two-thirds vote SB 915 was withdrawn from the Committee on Commerce.

On motion by Senator MacKay, the rules were waived and the Committee on Education was granted permission to consider SB 407 this day.

**SPECIAL ORDER, continued**

SB 729—A bill to be entitled An act relating to citrus fruit dealers; amending s. 601.67, Florida Statutes, 1978 Supplement; prescribing criteria for imposition of a fine against a citrus fruit dealer by the Department of Agriculture and Consumer Services; providing that the department may revoke or suspend a license in addition to or in lieu of imposing such fines; providing for deposit of such fines; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 729 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gordon	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiassen
Carlucci	Hair	Neal	Trask
Childers, D.	Henderson	Peterson	Ware
Childers, W. D.	Hill	Scarborough	Winn
Dunn	Holloway	Skinner	
Fechtcl	Jenne	Spicola	
Frank	Johnston	Steinberg	

Nays—None

Vote after roll call:

Yea—Poole

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

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 128 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hawkins—

HB 128—A bill to be entitled An act relating to water resources; amending s. 373.0693(9)(c) and (10)(b), Florida Statutes, prohibiting the abolition of the Big Cypress Basin and prohibiting the inclusion thereof in the Okeechobee Basin; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

On motions by Senator Scott, by two-thirds vote HB 128 was withdrawn from the Committee on Commerce and by two-thirds vote placed next on the special order calendar.

On motions by Senator Scott, by two-thirds vote HB 128 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Grizzle	McKnight	Stuart
Anderson	Hair	Myers	Thomas
Barron	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Scarborough	Vogt
Fechtcl	Jenne	Scott	Ware
Frank	Johnston	Skinner	Williamson
Gordon	MacKay	Spicola	Winn
Gorman	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—Poole

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 1658 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Hattaway and Brantley—

HCR 1658—A concurrent resolution recognizing the exemplary services performed and accomplishments attained by Karen Wigham Coleman, Florida Teacher of the Year for 1980.

—was read the first time in full and referred to the Committee on Rules and Calendar.

On motion by Senator Vogt, by two-thirds vote HCR 1658 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Vogt, HCR 1658 was taken up out of order by unanimous consent and by two-thirds vote read the second time by title, adopted and certified to the House. The vote was:

Yeas—37

Mr. President	Gordon	McClain	Thomas
Anderson	Gorman	McKnight	Tobiassen
Barron	Grizzle	Myers	Trask
Carlucci	Hair	Neal	Vogt
Chamberlin	Hill	Peterson	Ware
Childers, D.	Holloway	Scarborough	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Fechtcl	MacKay	Spicola	
Frank	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Poole

Senator Vogt presented Mrs. Karen Coleman, Teacher of the Year from Tuskawilla Middle School, Maitland; her husband, Roger; and children, Sherry and Barry. Mrs. Coleman addressed the Senate briefly.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for SB 727 as amended by the Conference Committee Report.

*Allen Morris, Clerk*

The bill was ordered engrossed and then enrolled.

**SPECIAL ORDER, continued**

SB 716—A bill to be entitled An act relating to drivers' licenses; amending s. 322.031, Florida Statutes, 1978 Supplement; exempting certain nonresidents from the requirement of obtaining a Florida driver's license under certain circumstances; providing an effective date.

—was read the second time by title.

Senators Holloway and Hair offered the following amendments which were moved by Senator Hair and adopted:

**Amendment 1**—On page 1, line 30, before the period (.) insert: *if he has a valid military driving permit or a valid driver's license issued by another state*

**Amendment 2**—On page 2, line 5, before the period (.) insert: *if he has a valid driver's license issued by another state*

On motion by Senator Hair, by two-thirds vote SB 716 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—36

Mr. President	Frank	Maxwell	Spicola
Anderson	Gorman	McClain	Steinberg
Barron	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Hill	Neal	Tobiassen
Childers, D.	Holloway	Peterson	Trask
Childers, W. D.	Jenne	Scarborough	Vogt
Dunn	Johnston	Scott	Ware
Fechtel	MacKay	Skinner	Winn

## Nays—None

## Vote after roll call:

## Yea—Poole

On motion by Senator MacKay, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 128—A bill to be entitled An act relating to the Beverage Law; amending s. 564.06(2)-(4), Florida Statutes, to reduce the excise taxes on wines manufactured in Florida from Florida-grown products; providing an effective date.

—as amended passed.

Senators Fechtel and MacKay offered the following amendment which was moved by Senator MacKay and adopted by two-thirds vote:

**Amendment 7**—On page 2, lines 7 and 17, after the word "grapes" insert: *grown in Florida*

SB 128 as further amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

## Yeas—33

Mr. President	Grizzle	Myers	Thomas
Anderson	Hair	Neal	Tobiassen
Barron	Hill	Peterson	Trask
Carlucci	Jenne	Scarborough	Vogt
Childers, W. D.	Johnston	Scott	Ware
Fechtel	MacKay	Skinner	Winn
Frank	Maxwell	Spicola	
Gordon	McClain	Steinberg	
Gorman	McKnight	Stuart	

## Nays—1

Chamberlin

## Votes after roll call:

## Yea—Poole

## Yea to Nay—Peterson

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

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 448, with committee substitutes, and SB 884 were withdrawn from the Committee on Ways and Means.

On motion by Senator MacKay, the rules were waived and by two-thirds vote SB 789 was also referred to the Committee on Ways and Means.

## SPECIAL ORDER, continued

HB 1150—A bill to be entitled An act relating to environmental land and water management; amending s. 380.031(16), Florida Statutes, and adding subsection (18); providing definitions; creating s. 380.045, Florida Statutes; authorizing the appointment by the Governor of a resource planning and management committee for an area under study by the state land planning agency as an area of critical state concern; providing for membership and objectives of such committees; amending s. 380.05, Florida Statutes, relating to designation of areas of critical state concern; providing for recommendations by the state land planning agency; providing for adoption of recommendations to designate such areas by the Administration Com-

mission by rule and for review by the Legislature; providing for emergency recommendations; providing specific criteria to be considered in designating such areas; providing for submission of land development regulations to the state land planning agency by local governments; providing for consideration of and conformance of local comprehensive plans; providing for approval or disapproval of such regulations and for submission of regulations by the state land planning agency to the commission; providing effect of challenges to designation of such areas or to adoption of development regulations; providing for amendment or rescission of regulations; providing for modification of designated boundaries; providing for judicial proceedings in certain instances; providing for repeal of rules designating such areas; creating ss. 380.0551 and 380.0552, Florida Statutes; providing for designation of the Green Swamp Area and the Florida Keys Area as areas of critical state concern; providing for adoption of certain portions of the Florida Administrative Code relating thereto and for repeal thereof; providing an exception; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Vogt:

**Amendment 1**—On page 2, line 17, strike everything after the enacting clause and insert:

Section 1. Subsection (16) of section 380.031, Florida Statutes, is amended, and subsection (18) is added to said section to read:

380.031 Definitions.—As used in this chapter:

(16) "State land planning agency" means the agency designated by law, or its successor agency, to undertake statewide comprehensive planning.

(18) "Resource planning and management committee" or "committee" means that committee appointed pursuant to s. 380.045.

Section 2. Section 380.045, Florida Statutes, is created to read:

380.045 Resource planning and management committee; objectives; procedure.—Prior to recommending an area as an area of critical state concern pursuant to s. 380.05, the Governor, acting as the chief planning officer of the state, shall appoint a resource planning and management committee for the area under study by the state land planning agency. The objective of the committee shall be to organize a voluntary, cooperative resource planning and management program to resolve existing, and prevent future, problems which may endanger those resources, facilities, and areas described in s. 380.05(2) within the area under study by the state land planning agency. The committee shall include, but not be limited to, representation from each of the following: elected officials from the local governments within the area under study; the planning office of each of the local governments within the area under study; the state land planning agency; any other state agency under chapter 20 a representative of which the Governor feels would be relevant to the compilation of the committee; and a water management district, if appropriate, and regional planning council all or part of whose jurisdiction lies within the area under study. After the appointment of the members, the Governor shall select a chairman and vice-chairman. A staff member of the state land planning agency shall be appointed by the director of such agency to serve as the secretary of the committee. The state land planning agency shall, to the greatest extent possible, provide technical assistance and administrative support to the committee. Meetings will be called as needed by the chairman or on demand of three or more members of the committee. The committee will act on a simple majority of a quorum present, and shall make a report within 6 months to the head of the state land planning agency. The committee shall, from the time of appointment, remain in existence for no less than 6 months.

Section 3. Section 380.05, Florida Statutes, is amended to read:

380.05 Areas of critical state concern.—

(1)(a) The state land planning agency may from time to time recommend to the Administration Commission specific areas of critical state concern. In its recommendation the

agency shall include any report or recommendation of a resource planning and management committee appointed pursuant to s. 380.045; the dangers that would result from uncontrolled or inadequate development of the area, and the advantages that would be achieved from the development of the area in a coordinated manner; a detailed boundary description of the proposed area; specific principles for guiding development within the area; and an inventory of lands owned by the state, federal, county, and municipal governments within the proposed area. In its recommendation the agency shall specify the boundaries of the proposed areas and state the reasons why the particular area proposed is of critical concern to the state or region, the dangers that would result from uncontrolled or inadequate development of the area, and the advantages that would be achieved from the development of the area in a coordinated manner and recommend specific principles for guiding the development of the area. However, prior to the designation of any area of critical state concern by the Administration Commission, an inventory of lands owned by the state shall be filed with the state land planning agency. The state land planning agency shall request all political subdivisions and other public agencies of the state and the Federal Government to submit an inventory of lands owned within the State of Florida.

(b) Within 45 days following receipt of a recommendation from the agency, the Administration commission shall either reject the recommendation as tendered or adopt the same with or without modification and by rule designate the area of critical state concern and the principles for guiding the development of the area. The rule shall become effective 20 days after filing with the Secretary of State, except that an emergency rule adopted by the commission and designating an area of critical state concern shall become effective immediately on filing. Any rule adopted pursuant to this paragraph shall be presented to the Legislature for review pursuant to paragraph (c). An economic impact statement, prepared pursuant to s. 120.54 (2)(a), shall not be grounds for a challenge of the rule; however, a landowner shall not be precluded from using adverse economic results as grounds for challenge. The rule may specify that Such principles for guiding development shall apply to any development undertaken subsequent to the legislative review pursuant to paragraph (c) of the designation of the area of critical state concern with or without modification but prior to the adoption of land development rules and regulations for the critical area pursuant to subsections (6) and (8). No boundary or principles for guiding development shall be adopted without a specific finding by the commission that said boundaries or principles are consistent with the protection of the resources or areas sought to be protected. In adopting such rule, the Administration Commission shall consider the economic impact of the principles on development in process within the area. The commission is not authorized to adopt any rule that would provide for a moratorium on development in any area of critical state concern.

(c) A rule adopted by the commission pursuant to paragraph (b) designating an area of critical state concern and principles for guiding development shall be submitted to the President of the Senate and the Speaker of the House for review no later than 30 days prior to the next regular session of the Legislature. The Legislature may reject, modify, or take no action relative to the adopted rule. In its deliberations the Legislature may consider, among other factors, whether a resource planning and management committee was appointed and whether the committee established a program pursuant to s. 380.045. In addition to any other data and information required pursuant to this chapter, all rules presented to the Legislature shall include a detailed legal description of the boundary of the area of critical state concern, proposed principles for guiding development, and a detailed statement of how the area meets the criteria for designation as provided in subsection (2).

(d) If, after the repeal of the boundary designation of an area of critical state concern pursuant to subsection (14), the state land planning agency determines that the administration of the local land development regulations within a formerly designated area is inadequate to protect the former area of critical state concern, then the state land planning agency may recommend to the commission that the area be redesignated as an area of critical state concern. Within 45 days following the receipt of the recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the same with or without modification. The

commission may, by rule, make such redesignation effective immediately, at which time the boundaries and regulations in effect at the time the previous designation was repealed shall be reinstated. Within 90 days of such redesignation, the commission shall begin rule-making procedures to designate the area an area of critical state concern under paragraph (b) of subsection (1).

(2) An area of critical state concern may be designated only for:

(a) An area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including but not limited to state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources. Specific criteria which shall be considered in designating an area under this paragraph include:

1. Whether the economic value of the area, as determined by the type, variety, distribution, relative scarcity and condition of the environmental or natural resources within the area, is of substantial regional or statewide importance.

2. Whether the ecological value of the area, as determined by the physical and biological components of the environmental system, is of substantial regional or statewide importance.

3. Whether the area is a designated critical habitat of any state or federally designated threatened or endangered plant or animal species.

4. Whether the area is inherently susceptible to substantial development due to its geographic location or natural aesthetics.

5. Whether any existing or planned substantial development within the area will directly, significantly, and deleteriously affect any or all of the environmental or natural resources of the area which are historical, natural, or archaeological resources of regional or statewide importance.

(b) An area containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily-defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites or districts. Specific criteria which shall be considered in designating an area under this paragraph include:

1. Whether the area is associated with events that have made a significant contribution to the history of the state or region.

2. Whether the area is associated with the lives of persons who are significant to the history of the state or region.

3. Whether the area contains any structure which embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction and which are of regional or statewide importance.

4. Whether the area has yielded, or will likely yield information important to the prehistory or history of the state or region. An area significantly affected by, or having a significant effect upon, an existing or proposed major public facility or other area of major public investment.

(c) An area having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment including, but not limited to, highways, ports, airports, energy facilities and water management projects. A proposed area of major development potential, which may include a proposed site of a new community, designated in a state land development plan.

(3) Each regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. Each regional planning agency shall solicit from the local governments within its jurisdiction suggestions as to areas to be recommended. A

local government in an area where there is no regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. If the state land planning agency does not recommend to the commission designate as an area of critical state concern an area substantially similar to one that has been recommended by a regional planning agency or local government, it shall respond in writing to the regional planning agency or local government as to its reasons therefor.

(4) Prior to submitting any recommendation to the Administration commission under subsection (1), the state land planning agency shall give notice to any committee appointed pursuant to s. 380.045 and to all local governments and regional planning agencies that include within their boundaries any part of any area of critical state concern proposed to be designated by the rule, in addition to any notice otherwise required under chapter 120.

(5) After the commission adopts adoption of a rule designating the boundaries of and principles for guiding development in an area of critical state concern and within 180 days of such adoption, the local government having jurisdiction may submit to the state land planning agency its existing land development regulations for the area, if any, or shall prepare, adopt and submit new or modified regulations, taking into consideration the principles set forth in the rule designating the area as well as the provisions of its local government comprehensive plan, if adopted factors that it would normally consider.

(6) If the state land planning agency finds that the land development regulations submitted by a local government comply with the principles for guiding the development of the area specified under the rule designating the area, the state land planning agency shall by rule approve the land development regulations. Such approval, or disapproval pursuant to subsection (8), shall be no later than 60 days after submittal of the land development regulations by the local government. No proposed land development regulation within an area of critical state concern becomes effective under this subsection until the state land planning agency rule approving it becomes effective.

(7) The state land planning agency and any applicable regional planning agency shall, to the greatest extent possible, provide technical assistance to local governments in the preparation of land development regulations for areas of critical state concern.

(8) If any local government fails to submit transmit land development regulations within 180 days 6 months after the commission adopts adoption of a rule designating an area of critical state concern, or if the regulations submitted transmitted do not comply with the principles for guiding development set out in the rule designating the area of critical state concern and with the provisions of an adopted local government comprehensive plan, in either case, within 120 days, the state land planning agency shall submit to the Administration commission recommended land development regulations applicable to that local government's portion of the area of critical state concern unless it determines that the area is no longer of critical state concern. Within 45 days following receipt of the a recommendation from the agency, the Administration commission shall either reject the recommendation as tendered or adopt the same with or without modification, and by rule establish land development regulations applicable to that local government's portion of the area of critical state concern. However, such rule shall not become effective prior to legislative review of an area of critical state concern pursuant to subsection (1)(c). In the rule, the Administration commission shall specify the extent to which its land development regulations shall supersede local land development regulations or be supplementary thereto. Notice of any proposed rule issued under this section shall be given to all local governments and regional planning agencies in the area of critical state concern, in addition to any other notice required under chapter 120. The land development regulations adopted by the Administration commission under this section may include any type of regulation that could have been adopted by the local government. Any land development regulations adopted by the Administration commission under this section shall be administered by the local government as if the regulations constituted,

or were part of, or in the absence of, the local land development regulations.

(9)(12) If, within 12 months after the commission adopts a the adoption of the rule designating an area of critical state concern, land development regulations for the area district have not become effective under either subsection (6) or subsection (8), the designation of the area as an area of critical state concern terminates. No part of such area may be recommended for redesignation redesignated until at least 12 months after the date the designation terminates pursuant to this subsection. The running of the 12-month period shall be tolled upon challenge pursuant to the provisions of chapter 120 to either the designation of the area of critical state concern or the adoption of land development regulations under either subsections (6) or (8).

(9) If the state land planning agency determines that the administration of the local regulations is inadequate to protect the state or regional interest, the state land planning agency may institute appropriate judicial proceedings to compel proper enforcement of the land development regulations.

(10) At any time after the adoption of land development regulations by the Administration commission under this section, a local government may propose land development regulations under subsection (5) which, if approved by the state land planning agency as provided in subsection (6), shall supersede any regulations adopted under subsection (8).

(11) Land development regulations submitted adopted by a local government in an area of critical state concern, and approved pursuant to subsection (6), may be amended or rescinded by the local government, but the amendment or rescission becomes effective only upon approval thereof by the state land planning agency. The state land planning agency shall either approve or reject the requested changes within 60 days of receipt thereof, under subsection (6) in the same manner as for approval of original regulations. Land development regulations for an area of critical state concern adopted by the Administration commission under subsection (8) may be amended or rescinded by rule by the commission in the same manner as for original adoption.

(12) Upon request of a substantially interested person pursuant to s. 120.54(5), any local government or regional planning agency within the designated area, or the state land planning agency, the commission may by rule remove, contract, or expand any designated boundary. Boundary expansions shall be subject to legislative review pursuant to subsection (1)(c). No boundary shall be modified without a specific finding by the commission that such changes are consistent with necessary resource protection. The total boundaries of an entire area of critical state concern shall not be removed by the commission unless a minimum time of 1 year has elapsed from the adoption of regulations adopted pursuant to subsections (1), (6), (8) or (10). Before totally removing such boundaries, the commission shall make findings that regulations adopted pursuant to subsections (1), (6), (8) or (10) are being effectively implemented by local governments within the area of critical state concern to protect the area and that adopted local government comprehensive plans within the area have been conformed to principles for guiding development for the area.

(13) If the state land planning agency determines that the administration of the local land development regulations within the area is inadequate to protect the state or regional interest prior to the repeal of the critical state concern designation pursuant to subsection (15), the state land planning agency may institute appropriate judicial proceedings as provided in s. 380.11 to compel proper enforcement of the land development regulations.

(14) Any local government which lies either wholly or partially within an area of critical state concern and which has adopted a local government comprehensive plan pursuant to chapter 163 shall conform such plans to the principles for guiding development for the area of critical state concern.

(15) Any rule adopted pursuant to this section designating the boundaries of an area of critical state concern, and the principles for guiding development therein, shall be repealed by the commission no earlier than 12 months and no later than 3 years after approval by the state land planning agency or adoption by the commission of all land development regulations pursuant to subsections (6), (8), or (10). Any repeal pursuant

to this subsection may be limited to any portion of the area of critical state concern. Such repeal shall be contingent upon approval by the state land planning agency of local land development regulations pursuant to subsections (6) or (10), upon such regulations being effective for a period of 12 months, and upon adoption or modification by the applicable unit of local government of a local government comprehensive plan pursuant to subsection (14).

(16)(13) No person shall undertake any development within any area of critical state concern except in accordance with this chapter.

(17)(14) If an area of critical state concern has been designated under subsection (1) and if land development regulations for the area of critical state concern have not yet become effective under subsection (6) or subsection (8), a local government may grant development permits in accordance with such land development regulations as were in effect immediately prior to the designation of the area as an area of critical state concern.

(18)(15) Neither the designation of an area of critical state concern nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized by registration of a subdivision pursuant to chapter 478, by recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued, prior to the approval under subsection (6), or the adoption under subsection (8), of land development regulations for the area of critical state concern. If a developer has by his actions in reliance on prior regulations obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to his interest, nothing in this chapter authorizes any governmental agency to abridge those rights.

(19)(16) In addition to any other notice required to be given under the local land development regulations, the local government shall give notice to the state land planning agency of any application for a development permit in any area of critical state concern, except to the extent that the state land planning agency has in writing waived its right to such notice in regard to all or certain classes of such applications. The state land planning agency may by rule specify additional classes of persons who shall have the right to receive notices of and participate in hearings under this section.

(20)(17) Within the 12 month period following July 1, 1972, the Administration Commission shall not designate more than 500,000 acres as areas of critical state concern. At no time shall the Administration Commission designate a land area to be designated an area of critical state concern if the effect of such designation would be to subject more than 5 percent of the land of the state to supervision under this section, except that if any supervision by the state is retained, the area shall be considered to be included within the limitations of this subsection. If 5 percent of the state's lands are designated as areas of critical state concern pursuant to this section, a redesignation pursuant to subsection (1)(d) will not be prohibited by this subsection.

(19) The Administration Commission may by rule terminate, partially or wholly, the designation of any area of critical state concern.

(21)(19) Within 30 days after the effective date of the designation of an area of critical state concern pursuant to subsection (1)(c) or (d), the state land planning agency shall record a legal description of the boundaries of the area of critical state concern in the public records of the county or counties in which the area of critical state concern is located. The boundaries of the areas of critical state concern currently designated on June 20, 1976, shall be recorded in the manner provided by this section within 60 days after that date.

Section 4. Section 380.0551, Florida Statutes, is created to read:

380.0551 Green Swamp Area; designation as area of critical state concern.—

(1) The Green Swamp Area, the boundaries of which are described in chapter 22F-5, Florida Administrative Code, is

hereby designated an area of critical state concern effective July 1, 1979; except the following shall not be included in the area so designated: beginning at the intersection of the South right-of-way line of State Road 50 and the East line of Section 22, Township 22 South, Range 25 East, Lake County, Florida; run thence South along the East line of Sections 22, 27, 34, to the North line of Township 23 South, Range 25 East; thence continue South along the East line of Section 8 and Section 10 to the South line of Section 10; run thence Easterly along the South line of Sections 11 and 12 to the West line of Township 23 South, Range 25 East; thence continue Easterly to the shores of Lake Louisa; run thence Northerly, Easterly and Southerly along the North shore of Lake Louisa to the South line of Section 16, Township 23 South, Range 26 East; run thence East along the South line of said Section 16 to the West right-of-way line of U.S. Highway 27; run thence North along the West right-of-way line of U.S. Highway 27 to the South line of S.R. 50 in Section 30, Township 22 South, Range 26 East; run thence West along the South right-of-way line of State Road 50 to the Point of Beginning. Chapters 22F-5, 22F-6, and 22F-7, Florida Administrative Code, are hereby adopted and incorporated herein by reference. The boundaries described in chapter 22F-5, Florida Administrative Code, shall be modified pursuant to s. 380.05(12). There shall be appointed a Resource Planning and Management Committee as provided in s. 380.045.

(2) The land development regulations contained in chapters 22F-6 and 22F-7, Florida Administrative Code, shall be the land development regulations for the applicable local government's portion of the area of critical state concern until either:

(a) An applicable local government complies with the provisions of s. 380.05(10); or

(b) Such regulations are repealed pursuant to subsection (3).

(3) Chapters 22F-5, 22F-6, and 22F-7, Florida Administrative Code, shall be repealed by the commission no earlier than July 1, 1980, and no later than July 1, 1982. Upon recommendation by the state land planning agency to the commission, any repeal of such rules pursuant to this subsection may be effective only for one local government's portion of the Green Swamp Area. Such repeal shall be contingent upon approval by the state land planning agency of local land development regulations pursuant to s. 380.05(6) or (10), upon such regulations being effective for a period of 12 months, and upon adoption or modification by the applicable local government of a local government comprehensive plan pursuant to s. 380.05(14).

Section 5. Section 380.0552, Florida Statutes, is created to read:

380.0552 Florida Keys Area; designation as area of critical state concern.—

(1) The Florida Keys Area, the boundaries of which are described in chapter 22F-8, Florida Administrative Code, is hereby designated an area of critical state concern effective July 1, 1979. Chapters 22F-8 through 22F-13, Florida Administrative Code, are hereby adopted and incorporated herein by reference. There shall be appointed a Resource Planning and Management Committee as provided in s. 380.045.

(2) The land development regulations contained in chapters 22F-9 through 22F-13, Florida Administrative Code, shall be the land development regulations for the applicable local government's portion of the area of critical state concern until either:

(a) An applicable local government complies with the provisions of s. 380.05(10); or

(b) Such regulations are repealed pursuant to subsection (4).

(3) The City of Key West, as incorporated, shall be removed from under the provisions of Chapters 22F-8 and 22F-12, Florida Administrative Code, upon approval by the state land planning agency of the land use element of the local government comprehensive plan pursuant to chapter 163, notwithstanding the 1-year minimum requirement of subsection (4).

(4) Chapters 22F-8 through 22F-13, Florida Administrative Code, shall be repealed by the commission no earlier than July 1, 1980, and no later than July 1, 1982. Upon recommendation

by the state land planning agency to the commission, any repeal of such rules pursuant to this subsection may be effective only for one local government's portion of the Florida Keys Area. Such repeal shall be contingent upon approval by the state land planning agency of local land development regulations pursuant to s. 380.05(6) or (10), upon such regulations being effective for a period of 12 months, and upon adoption or modification by the applicable local government of a local government comprehensive plan pursuant to s. 380.05(14).

Section 6. This act shall take effect July 1, 1979.

Senator McKnight moved the following amendment to Amendment 1:

**Amendment 1A**—On page 2, strike all of lines 28-30 and on page 3, strike all of lines 1-3 and insert: Section 3. Subsection (3) is added to section 259.04, Florida Statutes, to read:

259.04. Board; powers and duties.—

(3) Within 45 days of the designation by the Administration Commission of an area as an area of critical state concern under s. 380.05, the Department of Natural Resources shall consider the recommendations of the state land planning agency pursuant to s. 380.05(1)(a) relating to purchase of lands within the proposed area, and shall make recommendations to the board with respect to the purchase of the fee or any lesser interest in any lands situated in such area of critical state concern as environmentally endangered lands or outdoor recreation lands. The department may make recommendations with respect to additional purchases which were not included in the state land planning agency recommendations.

Section 4. Section 380.05, Florida Statutes, is amended to read:

380.05 Areas of critical state concern.—

(1)(a) The state land planning agency may from time to time recommend to the Administration Commission specific areas of critical state concern. In its recommendation, the agency shall include recommendations with respect to the purchase of lands situated within the boundaries of the proposed area as environmentally endangered lands and outdoor recreation lands under the Land Conservation Act of 1972. The agency also

(Renumber subsequent sections.)

Further consideration of Amendment 1A was deferred.

Senators Trask, Peterson and Fechtel offered the following amendment to Amendment 1 which was moved by Senator Trask:

**Amendment 1B**—Strike all of lines 28 through 31 on page 4 and all of lines 1 through 13 on page 5 and insert: (c) A rule adopted by the commission pursuant to paragraph (b) designating an area of critical state concern and principles for guiding development shall be submitted to the next regular session of the Legislature and shall not become effective until confirmed, with or without modification, by the Legislature. In its deliberations of whether to confirm such rule, the Legislature may consider, among other factors, whether a resource planning and management committee was appointed and whether the committee established a program pursuant to s. 380.045. In addition to any other data and information required pursuant to this chapter, all rules presented to the Legislature shall include a detailed legal description of the boundary of the area of critical state concern, proposed principles for guiding development, and a detailed statement of how the area meets the criteria for designation as provided in subsection (2).

#### CO-INTRODUCERS

Senator Anderson—SB 81; Senators Steinberg, Hill, Gordon, Winn—SB 1281; Senator Thomas—SB 97; Senator MacKay—SB 758

#### CORRECTION AND APPROVAL OF JOURNAL

The Journals of May 2 and 1 were corrected and approved.

The Journal of April 24 was further corrected and approved as follows:

Page 211, from bottom of column 1, line 8, strike "108" and insert: 1084

Page 213, column 1, strike line 28 and between lines 29 and 30 insert: to the Department of Natural Resources; requiring the dis-

Page 213, column 2, strike lines 6 and 7 and between lines 4 and 5 insert: divisions thereof; determining the need, if any, for unification of services, separation, addition, removal or other revision of

Page 222, column 1, strike lines 10 through 12 and on line 9 after "violation" insert: to County Courts, amending ss. 832.04(1), 832.041(1), and 832.05 (2) (b), Florida Statutes; providing that issuing worthless checks of less than \$100 is a noncriminal violation

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to convene at 8:30 a.m., Friday, May 4, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.