



Journal of the Senate

Number 29

Tuesday, June 3, 1980

The Senate was called to order by Senator Henderson for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

By Senators Anderson, McKnight and Holloway—

SB 1382—A bill to be entitled An act relating to Monroe County; amending ss. 3(7), 4(1), 6, 8(4), 9(3), (10), 14(3)(a), 25, 28, and 40 of chapter 76-441, Laws of Florida, as amended, relating to the Florida Keys Aqueduct Authority; changing the definition of "water system"; providing for the selection, operating procedures, and composition of the board of directors; providing for control of the local distribution of water and of the production and supply of water to the Florida Keys; deleting compensation for service on the board; changing the power to execute contracts; deleting the requirement of competitive bidding on sole source and other items; deleting the requirement of a hearing before selling certain assets; granting the Authority certain powers; providing for the payment of costs from revenue collected; increasing the maximum permissible term for certain loans; removing the 9 percent interest cap on short term loans on money borrowed by the Authority and allowing the prevailing rate; deleting the existing interest rate limit on bonds issued by the Authority; creating s. 47 of chapter 76-441, Laws of Florida; providing for deferral of payments; repealing s. 5, chapter 76-441, Laws of Florida, relating to recall of members of the board; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Henderson—

SR 1383—A resolution commending the Sarasota Boys Choir.

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

SB 1384—Withdrawn

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 HB 1613 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations—

HB 1613—A bill to be entitled An act relating to the Cabinet; creating s. 111.021, Florida Statutes, providing that members of the Cabinet may incur and be reimbursed for traveling expenses in order to inform the public as to the Cabinet members' official duties; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1608 and HB 1729 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 1608—A bill to be entitled An act relating to ad valorem taxation; creating s. 193.1145, Florida Statutes; providing intent; providing for designation of interim assessment rolls if the local taxing authority brings a civil action in circuit court and the court so orders; requiring taxing units to levy provisional millage rates upon interim assessment rolls and to certify the rates to the property appraiser; providing for the applicability of certain laws to such rates; providing duties of property appraisers, tax collectors, and circuit court clerks with respect to such interim assessment rolls; specifying certain notice in tax bills based on such assessment rolls; providing for the recomputation of millage rates and for the reconciliation of interim and approved assessment rolls for certain purposes; providing for and restricting billings and refunds based upon such reconciliation; authorizing delays in supplemental billing or refunding; providing that the court may confirm taxes levied against an interim roll as final under certain conditions; providing a form for notice of supplemental bills or refunds; providing for review of interim assessments; providing for the applicability of certain delinquent tax provisions to delinquent provisional taxes based upon such interim assessment rolls; providing that the recomputation of millage rates shall not affect the amount of revenues to school districts, counties and municipalities; providing that provisional millage rates levied by multicounty taxing authorities, certain millages approved by the electors, and millage representing required local effort under the Florida Education Finance Program shall not be recomputed; providing for the inapplicability of chapter 120, Florida Statutes; amending s. 195.092, Florida Statutes; providing authority of property appraisers to bring certain actions; providing the venue for certain actions; providing for appeal; requiring conference with the property appraiser prior to institution of certain actions; providing powers of court with respect to implementation of a reappraisal plan; providing for the inapplicability of chapter 120; repealing s. 195.098, Florida Statutes, which provides for an Assessment Administration Review Commission; amending ss. 193.114(7) and 194.032(10), Florida Statutes, to conform; amending s. 197.012, Florida Statutes, specifying an alternative date by which tax collectors must collect delinquent taxes; creating s. 197.0125, Florida Statutes, authorizing certain delays in time requirements relating to the collection of or administrative procedures regarding delinquent taxes; repealing Item 5 in Section 1 of chapter 79-212, Laws of Florida, deleting an appropriation to the Assessment Administration Review Commission; creating an Assessment Review Trust Fund and providing purposes thereof; transferring certain moneys to said trust fund; providing an appropriation to the judicial branch to implement the act; providing an effective date.

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

By the Committee on Finance & Taxation—

HB 1729—A bill to be entitled An act relating to vehicle and boat license taxes; amending s. 320.04(1), Florida Statutes, increasing certain service charges and providing other service charges which may be collected by the tax collector for certain transactions with respect to motor vehicle, mobile home, and aircraft licenses and registrations; amending s. 320.03(4), Florida Statutes, providing for the installation of an on-line computer system in tax collector's and license tag agent's offices; providing funding therefor; amending s. 371.051(2), Florida Statutes, increasing the registration fee for noncommercial vessels; amending s. 371.65(2), Florida Statutes, and adding a subsection, providing a mail service charge for such noncommercial vessel registration; amending s. 371.76(4), Florida Stat-

utes, increasing the fee for the issuance of certificates of title for boats; providing effective dates.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 331 and CS for HB 544 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Davis and others—

CS for HB 331—A bill to be entitled An act relating to unlawful employment practices; adding subsections (9) and (10) to s. 23.162, Florida Statutes, providing definitions relating to sexual harassment; providing an effective date.

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

By the Committee on Judiciary and Representative Hagler—

CS for HB 544—A bill to be entitled An act for the relief of Guin & Hunt, Inc., a Florida corporation; providing an appropriation to compensate it for losses sustained in the performance of work above and beyond that required for certain construction on a service plaza owned by the Department of Transportation; providing an effective date.

—was read the first time by title and referred to the Special Master, Ways and Means Subcommittee D and the Committee on Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House HJR 454 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gustafson—

HJR 454—A joint resolution proposing an amendment to Section 9 of Article XII of the State Constitution relating to motor vehicle fuel taxes.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1440 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Gordon and others—

CS for HB 1440—A bill to be entitled An act relating to dissolution of marriage and child custody; amending s. 61.13(2) (b), Florida Statutes, authorizing the court to award custody jointly or to either parent; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 69 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Healey—

HB 69—A bill to be entitled An act for the relief of Louise Kropp, widow of Albert Lawrence Kropp, and for the relief of his surviving children; providing an appropriation to compensate them for the wrongful death of Albert Lawrence Kropp; providing an effective date.

—was read the first time by title and referred to the Special Master-Claims, Ways and Means Subcommittee D and the Committee on Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1606 and HB 1607 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation and Representatives Margolis and Ogden—

HB 1606—A bill to be entitled An act relating to ad valorem taxation; amending s. 194.015, Florida Statutes; renaming property appraisal adjustment boards as appraisal review boards; revising membership of such boards and method of selection of members; providing for qualifications and compensation of members; providing for applicability of certain disclosure requirements; deleting provisions relating to counsel to the board and to his presence at meetings; amending s. 194.032(1), (2), (3) and (4), Florida Statutes; authorizing the boards to hear appeals concerning ad valorem tax classifications; requiring that, upon request, certain information be included in the notice to a petitioner of his time of appearance before a board; specifying grounds for removal from office; allowing petitioners to be represented by an agent; specifying certain evidence that may not be presented or accepted; providing qualifications of special masters; restricting representation before a board by persons who have served as special masters; amending s. 196.011(1), Florida Statutes, relating to annual applications for exemption; authorizing certain persons to reapply on a short form; directing that changes in terminology in the Florida Statutes be made; providing an effective date.

—was read the first time by title and referred to Ways and Means Subcommittee D and the Committee on Ways and Means.

By the Committee on Finance & Taxation—

HB 1607—A bill to be entitled An act relating to ad valorem taxation; providing legislative intent with respect to education tax and just valuation; amending s. 195.096, Florida Statutes; providing requirements with respect to review of county assessment rolls by the Division of Ad Valorem Tax; revising time periods; providing for publication of results; providing for determination of projected levels of assessment for certain counties; providing requirements with respect to performance audits of the administration of ad valorem tax laws by the Auditor General; amending s. 195.097, Florida Statutes; providing requirements and procedures with respect to notification by the executive director of the department to property appraisers regarding defects in assessment rolls; providing duties of property appraiser upon receipt of an administrative order relating thereto; providing for continuing supervision; revising time periods and providing for an extension of deadlines; providing an appropriation; amending s. 236.081(4), Florida Statutes; providing for application of an equalization factor in computation of district required local effort under the Florida Education Finance Program; limiting required local effort; amending s. 145.10, Florida Statutes; increasing base salaries, group rates, and special qualification salaries with respect to property appraisers; providing for continuing education property appraisers' salaries; repealing s. 195.027(6), Florida Statutes, and adding subsection (7); providing that fees and costs of a sale or purchase and financing terms shall be presumed to be usual unless an information form indicating otherwise is filed at the time of recording; deleting provisions relating to filing of an information form or a copy of the closing statement; providing that the department shall adopt rules providing staffing standards for operation of property appraisers' offices; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

CS for HB 1452	HB 1695	HB 1620
HB 979	HB 153	HB 301
HB 584	CS for HB 1343	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representative J. W. Lewis—

CS for HB 1452—A bill to be entitled An act relating to regional planning councils; amending ss. 160.01 and 160.02, Florida Statutes, and creating ss. 160.03-160.08, Florida Statutes; creating the Florida Regional Planning Council Act; providing legislative findings; providing definitions; providing for a regional planning council in each comprehensive planning district; providing for membership thereof; providing status of existing councils; providing duties of the Executive office of the Governor; providing for review of certain rules; providing for study of and changes in council boundaries; providing powers and duties of the councils; providing for development of comprehensive regional policy plans; providing for reports by the councils; providing certain limitation of powers; providing for conditional repeal and legislative review; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By the Committee on Commerce—

HB 1695—A bill to be entitled An act relating to corporations; amending s. 617.015(2), Florida Statutes, increasing the fees for furnishing certified copies of articles of incorporation; amending s. 607.271(5), Florida Statutes, providing that names of dissolved corporations shall not be available to others for one year; providing an effective date.

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

By the Committee on Agriculture & General Legislation—

HB 1620—A bill to be entitled An act relating to soil and water conservation; amending s. 582.16, Florida Statutes, providing for addition of territory to a soil and water conservation district or removal of territory therefrom administratively by the Department of Agriculture and Consumer Services; amending s. 582.19(1) and (2), Florida Statutes, providing for qualifications and compensation of supervisors; amending s. 582.29, Florida Statutes, authorizing contractual agreements between soil and water conservation districts and certain other entities; amending s. 582.30, Florida Statutes, providing for a majority vote with respect to referendums for the discontinuance of soil and water conservation districts and providing for the discontinuance of soil and water conservation districts; amending s. 582.32(2), Florida Statutes, relating to the time period for the discontinuance of districts; providing an effective date.

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

By Representative Bell—

HB 979—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.082(3), Florida Statutes, and adding a subsection, prohibiting the use of certain nets in certain waters of Volusia County during a specified period; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Representative Margolis—

HB 153—A bill to be entitled An act for the relief of Geraldine E. Jenkins and Kelson McKinney; providing an appropriation to compensate them for the loss of their son due to the negligence of the Department of Transportation; providing an effective date.

—was read the first time by title and referred to the Special Master-Claims, Ways and Means Subcommittee D) and the Committee on Ways and Means.

By Representative Mitchell—

HB 301—A bill to be entitled An act for the relief of Seymour I. Elakman; providing an appropriation to compensate him for damages sustained as a result of the negligence of the Department of Transportation; providing an effective date.

—was read the first time by title and referred to the Special Master-Claims, Ways and Means Subcommittee D) and the Committee on Ways and Means.

By Representative Crawford—

HB 584—A bill to be entitled An act for the relief of Reubin F. Jarnigan; providing an appropriation to compensate him for property damage he sustained as a result of the negligence of the Department of Transportation; providing an effective date.

—was read the first time by title and referred to the Special Master-Claims, Ways and Means Subcommittee D) and the Committee on Ways and Means.

By the Committee on Finance & Taxation and Representatives Haben and Sample—

CS for HB 1343—A bill to be entitled An act relating to ad valorem taxation; amending s. 200.065, Florida Statutes; revising procedures for calculation of the taxable value for each taxing authority by the property appraiser and providing for calculation of a rolled back millage rate; providing for computation of proposed millage rates based on tentative budgets by each taxing authority and for public hearings thereon; providing for application of rolled back rate for those taxing authorities which do not provide required information; providing for notice of, and procedures and requirements with respect to, public hearings to finalize the budgets and adopt millage rates; providing form of notices; providing requirements with respect to notices and providing a penalty for violation; providing that receipt of the resolution or ordinance adopting the millage rate shall be considered official notice thereof by the property appraiser; providing for adjustment of adopted millage by taxing authorities when there is a variance in taxable values; providing time limitations for these procedures and requirements; providing application to multicounty taxing authorities and removing the exemption for multicounty taxing authorities limited to levies of 1 mill or less; creating s. 200.069, Florida Statutes; providing for notice of proposed property taxes to be sent to each taxpayer and providing for contents thereof; amending ss. 129.01(2)(b) and 129.03, Florida Statutes; conforming procedures relating to preparation and adoption of county budgets; providing for certification of total valuations by property appraiser to county budget officer; providing for submission of tentative budgets by property appraisers and tax collectors; providing for publication of summary statement regarding adopted tentative budgets; providing for filing of budgets in office of county auditor; repealing s. 129.05, Florida Statutes, relating to method of determination of millage to be levied; amending ss. 237.041, 237.051, and 237.081, Florida Statutes; conforming procedures relating to preparation and adoption of budgets by school boards; providing for certification of total valuations by property appraiser to superintendent; providing for publication of summary statement regarding adopted tentative budget; repealing s. 237.091(4), Florida Statutes, relating to determination of millage to be levied; amending s. 194.011, Florida Statutes; conforming provisions relating to notice of assessment; providing time for filing petition with property appraisal adjustment board; amending s. 194.032(1), Florida Statutes, and adding subsection (11); revising time for hearings by the property appraisal adjustment board; providing for public notice of the findings and results of the board and specifying contents and form thereof; amending s. 197.072(1), Florida Statutes, as amended, and adding subsections (5) and (6); requiring that notice of taxes be accompanied by a statement containing information relating to millage rates and taxes; providing that the tax roll may be extended prior to completion of board hearings under certain conditions; amending s. 218.23(1), Florida Statutes; providing requirements for participation in revenue sharing; adding ss. 218.54(6) and 373.503(5) and amending s. 218.32(2), Florida Statutes; requiring

special districts and water management districts to certify compliance with s. 200.065, Florida Statutes; requiring the Department of Banking and Finance to report such certification; adding subsection (31) to s. 228.041, Florida Statutes; defining "nonvoted discretionary millage"; amending s. 236.081(4), Florida Statutes; providing that the Legislature shall prescribe school district required local effort for all districts collectively as an item in the General Appropriations Act; providing for computation by the Commissioner of Education of the millage rate needed to generate the prescribed aggregate required local effort; amending s. 236.25(1), Florida Statutes; providing a limitation on school district nonvoted discretionary millage; amending s. 373.536(1), (3) and (4), Florida Statutes, and repealing subsection (5) thereof; providing procedures for adoption of water management district budgets and millage rates; adding subsections to s. 196.012, Florida Statutes, providing definitions; amending s. 196.031, Florida Statutes, providing a homestead exemption for units in homes for the aged; exempting homestead exemptions for such units from provisions requiring property appraisers to compile certain lists of property removed from the assessment rolls; amending s. 196.032(2) and (4), Florida Statutes, similarly exempting homestead exemptions for such units from provisions relating to revenue lost from certain additional exemptions; amending s. 196.033(2), Florida Statutes, similarly exempting homestead exemptions for such units from provisions entitling school districts to reimbursement for certain lost revenues; amending s. 196.041, Florida Statutes, creating a title to a home for the aged unit or apartment in favor of a member of a home who occupies it for purposes of homestead exemption; amending s. 196.1975, Florida Statutes, changing qualifications of homes for the aged for charitable exemptions; exempting certain disabled veterans from certain income limitations with respect to such qualifications; deleting provisions granting certain exemptions to units or apartments in homes for the aged; creating s. 196.1978, Florida Statutes, declaring real and tangible personal property owned by a home for the aged which is used for certain purposes to be exempt from ad valorem taxation; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 328 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Nuckolls—

HB 328—A bill to be entitled An act relating to obstructing justice; creating s. 843.18, Florida Statutes, prohibiting obstruction of justice by false information; providing an effective date.

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

The Senate recessed to reconvene at 9:00 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

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

Excused: Periodically, Senators Hair, Gordon, Johnston, W. D. Childers, Vogt, Peterson, Scott, Maxwell, Tobiassen, conferees and alternate on SB 1362

Prayer by Joe Brown, Secretary of the Senate:

Our Heavenly Father, this is one of the few places left in the world today where a small number of men and women can make a difference. Our prayer today is that they will. Amen.

The Senate pledged allegiance to the flag of the United States of America.

The President presented the Honorable Claude Pepper, United States Congressman, who addressed the Senate.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, June 3, 1980:

SB 658	HB 159
SB 1012	HB 431
SB 151	SB 876
CS for SB 138	SB 767
SB 862	SB 946
CS for SB 584	SB 738
SB 663	CS for CS for SB 167
CS for CS for SB 1048	SB 1285
SB 656	SB 682
SB 770	CS for SB 962
SB 959	SB 855
SB 1004	SB 941
CS for SB 1103	CS for SB 1024
SB 1113	SB 879
SJR 1233	SB 407
CS for SB 1307	HB 448
CS for SB 887	SB 3
SB 947	SB 9
SB 318	SB 160
SB 326	SB 392
SB 260	SB 239
HB 1023	SB 358
SB 287	SB 870
SB 1272	HB 45
HB 738	HB 300
CS for SB 1293	HB 457
HB 653	HB 794
CS for SB 1218	HB 1595
CS for SB 835	

Respectfully submitted,

Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Tuesday, June 3, 1980:

SB 91	SB 898
CS for SB 189 and SB 765	SB 902
SB 269	CS for SB 910
SB 278	SB 916
CS for SB 296	SB 930
SB 409	SB 958
SB 439	CS for SB 966
CS for SB 491	SB 1041
CS for SB 533	SB 1193
SB 555	SB 1221
SB 586	SB 1229
SB 645	HB 272
SB 673	HB 449
CS for SB 685	HB 914
SB 687	HB 1091
CS for SB 821	CS for HB 1095
SB 827	HB 1379
SB 843	HB 1572

Respectfully submitted,

Dempsey J. Barron, Chairman

The Special Master-Claims recommends the following pass: HB 301, HB 584

The bills were referred to Ways and Means Subcommittee D under the original reference.

The Committee on Ways and Means recommends the following pass:

SB 101	CS for HB 782	CS for HB 859
HB 115	with 1 amendment	with 3 amendments
SB 185	SB 841	SB 892
SB 748		

The bills were placed on the calendar.

The Committee on Commerce recommends a Committee Substitute for the following: SB 807

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

The Committee on Ways and Means recommends the following not pass: SB 1092

The bill was laid on the table.

REQUESTS FOR EXTENSION OF TIME

June 2, 1980

The Committee on Transportation requests an extension of 10 days for consideration of the following:

SB 58 by Senator Skinner	HB 621 by Representative Burnsed
SB 356 by Senator Winn	HB 633 by Representative Danson
SB 362 by Senator Maxwell	HB 638 by Representative Bankhead
SB 853 by Senator Scarborough	CS for HB 724 by Veterans Affairs Committee and Representative Melby
SB 980 by Senator Holloway	HB 920 by Representative Silver
SB 1071 by Senator Don Childers	CS for HB 1062 by Transportation Committee and Representative Tygart
SB 1130 by Senator MacKay	HB 1144 by Representative Nuckolls
SB 1136 by Senator Jenne	HB 1508 by Select Committee on Energy
SB 1179 by Senator Trask	HB 1547 by Transportation Committee
SB 1206 by Senator Henderson	HB 1657 by Transportation Committee
SB 1216 by Senator Maxwell	HB 1685 by Finance & Taxation Committee
SB 1258 by Senator Chamberlin	HB 1718 by Transportation Committee
SB 1321 by Senator Neal	HB 1774 by Representative Gustafson
SB 1323 by Senator Scarborough	HB 1791 by Appropriations Committee
HB 62 by Representative Watt	
HB 109 by Representative Bush	
CS for HB 281 by Governmental Operations Committee and Representative Hodges	
CS for HB 412 by Appropriations Committee and Select Committee on Energy	
HB 596 by Representative L. Hawkins	

June 2, 1980

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following:

SB 36 by Senator Steinberg	SB 266 by Senator Henderson
SB 37 by Senator Steinberg	SB 277 by Senator Gorman
SB 41 by Senator Steinberg	SB 316 by Senator Trask
SB 64 by Senator Vogt	SB 319 by Senator Trask
SB 104 by Senator Hill	SB 320 by Senator Trask
SB 108 by Senator D. Childers	SB 499 by Senator Chamberlin
SB 165 by Senator Scott	SB 595 by Senator Jenne
SB 186 by Senator McClain	SB 600 by Senator Poole
SB 234 by Senator Chamberlin	SB 442 by Senator Dunn
SB 243 by Senator D. Childers	SB 775 by Senator Thomas
SB 244 by Senator Neal	SB 804 by Senator Steinberg
SB 258 by Senator Steinberg	SB 845 by Senator McClain
	SB 818 by Senator Gordon

SB 899 by Senator Henderson	SB 1053 by Senator Frank
SB 900 by Senator Myers	SB 1084 by Senator Peterson
SB 922 by Senator Williamson	SB 1089 by Senator Grizzle
SB 938 by Senator Gordon	SB 1035 by Transportation Committee
SB 942 by Senator Gordon	SB 1302 by Senator Grizzle
SB 965 by Senator Hair	HB 167 by Representative Danson
SB 989 by Senator Stuart	SB 924 by Senator Williamson
SB 991 by Senator Scarborough	SB 1249 by Senator Hair
SB 999 by Senator MacKay	SB 1254 by Transportation Committee
SB 1016 by Senator Vogt	HB 116 by Representative Cor
SB 1023 by Senator Maxwell	SB 1306 by Senator Jenne
SB 1027 by Senator Carlucci	HB 893 by Representative Mills
HB 163 by Representative G. Robinson	
SB 1045 by Senator Stuart	

June 2, 1980

The Committee on Judiciary-Civil requests an extension of 10 days for consideration of the following:

SB 446 by Senator Steinberg

June 3, 1980

The Committee on Governmental Operations requests an extension of 5 days for consideration of the following:

SB 19 by Senator Tobiasen	SB 1159 by Senator Gordon
SB 106 by Senator Skinner	SB 1217 by Senator Hair
SB 156 by Senator Scarborough	SB 1230 by Senator MacKay
SB 163 by Senator Hair	SB 1263 by Senators Holloway, Winn, and others
SB 230 by Senator Hill	SB 1278 by Senator Myers
SB 330 by Governmental Operations Committee	SB 1281 by Senator Thomas
SB 325 by Senator Winn	SB 1300 by Senator MacKay
SB 501 by Senator Holloway	HB 189 by Representative Bo.es
SB 581 by Senator Hill and others	CS for HB 719 by Community Affairs Committee and Representative Hattaway
SB 713 by Senator Frank	HB 1423 by Representative J. W. Lewis
SB 752 by Senator Henderson	HB 1426 by Representative Sample
SB 860 by Senator Myers	HB 1555 by Governmental Operations Committee
SB 967 by Senator Myers	
SB 973 by Senator McClain	
SB 1057 by Senator Johnston	
SB 1111 by Senator Trask	
SB 1132 by Senator Vogt	

June 3, 1980

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

SB 140 by Senator Anderson SB 757 by Senator Scarborough
SB 350 by Senator Jenne

June 3, 1980

The Committee on Ways and Means requests an extension of 15 days for consideration of the following:

CS for SB 119 by Committee on Health and Rehabilitative Services and Senator Henderson	CS for SB 745 by Committee on Education and Senator Peterson
CS for SB 168 by Committee on Health and Rehabilitative Services and Senator Henderson	SB 958 by Senator Johnston
CS for SB 667 by Committee on Economic, Community and Consumer Affairs and Senator Stuart	SB 1080 by Senator Gordon
	SB 1086 by Senator Johnston
	CS for SB 1131 by Committee on Judiciary-Criminal and Senator Dunn
	SB 1202 by Senator Hair
	CS for SB 1205 by Committee on Governmental Operations and Senator Vogt
	SB 1211 by Senator Jenne
	SB 1261 by Senator Jenne

HB 79 by Representative Gustafson
 CS for HB 500 by Committee on Health and Rehabilitative Services and Representative Spaet
 SB 1266 by Senator Henderson
 SB 1285 by Senator Dunn
 CS for SB 1318 by Committee on Judiciary-Criminal and Senator Dunn

June 3, 1980

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

SJR 25 by Senator Henderson	SR 519 by Senator Henderson
SB 31 by Senator Tobiasen	CS for SB 884 by Committee on Health and Rehabilitative Services
SB 121 by Senator Frank and others	SJR 1025 by Senator Dunn and others
SB 157 by Senator Carlucci	SB 1105 by Senator Williamson
SR 210 by Senator Skinner and others	SJR 1168 by Senator Scarborough
SB 265 by Senator Henderson	HB 693 by Representative Upchurch and others
SJR 274 by Senator Frank and others	HCR 1601 by Representative Mills and others
SCR 294 by Senator Fechtel	HCR 1603 by Committee on Veterans Affairs and others
SJR 306 by Senator Frank	
SCR 314 by Senator MacKay	
SM 480 by Senator Fechtel	
SM 513 by Senator McClain and others	
SCR 516 by Senator Gordon	

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Holloway, the rules were waived and by two-thirds vote House Bills 1547, 1144 and 1718 were withdrawn from the Committee on Transportation.

On motions by Senator MacKay, the rules were waived and by two-thirds vote House Bills 1428, 769, 1099 and 954, CS for HB 524 and CS for HB 586 were withdrawn from the Committee on Education.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 745, 807 and 840 and HB 535 were withdrawn from the Committee on Ways and Means.

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 979 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Dunn, the rules were waived and by two-thirds vote HB 1758 and SB 680 were withdrawn from the Committee on Governmental Operations.

On motion by Senator Ware, the rules were waived and by two-thirds vote SB 1165 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Barron, the rules were waived and by two-thirds vote SJR 574, SB 575 and CS for HJR 323 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator Barron, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to consider SB 1382 on June 4, at 5:00 p.m.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had transmitted to the office of the Secretary of State SB 1020 which he had approved May 28; Senate Bills 300, 383, 425, 428, 452, 453, 654 and 781 which he had approved May 30; CS for SB 420 and CS for SB 476 which he had approved June 2; and SB 1244 which became law without his signature on May 30.

Appointments Subject to Confirmation by the Senate

The Secretary of State on May 27, 1980, 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:

W. Don Carr, St. Petersburg, Member of the Pinellas-Anclote River Basin Water Management Board of the Southwest Florida Water Management District, for term ending June 30, 1982

Nestor Ramon Sanchez, Carol City, Member of the Board of Veterinary Medicine, for term ending August 1, 1981

Tom D. Drunasky, New Port Richey, Member of the Pinellas-Anclote River Basin Water Management Board of the Southwest Florida Water Management District, for term ending June 30, 1981

Talbot D'Alemberte, Miami, Member of the Board of Trustees of the Miami-Dade Community College, for term ending May 31, 1983

John G. Hubbard, Dunedin, Member of the Pinellas-Anclote River Basin Water Management Board of the Southwest Florida Water Management District, for term ending June 30, 1983

J. Lynn Harrison, Arcadia, Member of the Manasota Basin Board of the Southwest Florida Water Management District, for term ending June 30, 1983

[Referred to the Committee on Executive Business]

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 SB 566.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 357 and SB 493.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 1251.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment and passed CS for HB 1825, as amended.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with 2 amendments—

By Senator Thomas and others—

SB 1219—A bill to be entitled An act relating to educational programs for students in residential care facilities operated by the Department of Health and Rehabilitation Services; amending s. 402.22(2), Florida Statutes; providing that certain school

districts may extend the time for implementation of educational programs; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 25, after “1981” insert: *except for the Okeechobee School for Boys in Okeechobee*

Amendment 2—On page 1 in the title, line 8, after the semi-colon insert: providing an exception to the operation of the act;

On motions by Senator Thomas, the Senate concurred in the House Amendments.

SB 1219 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Votes after roll call:

Yea—W. D. Childers, Peterson

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with 1 amendment—

By Senator Johnston—

SB 430—A bill to be entitled An act relating to anatomical gifts; amending s. 732.921, Florida Statutes, providing that each person who is issued an initial or renewal driver's license be furnished the necessary form for making an anatomical gift along with pertinent literature and plastic pouch for donor card; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 16, insert a new section 2:

Section 2. Funds expended by the Department of Health and Rehabilitative Services to carry out the intent of this act shall not be taken from any funds appropriated for patient care.

Renumber subsequent sections.

On motion by Senator Johnston, the Senate concurred in the House Amendment.

SB 430 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Dunn	MacKay	Stuart
Anderson	Fechtel	McClain	Thomas
Barron	Frank	McKnight	Trask
Beard	Gorman	Neal	Vogt
Carlucci	Grizzle	Scarborough	Williamson
Chamberlin	Hill	Scott	Winn
Childers, D.	Jenne	Skinner	
Childers, W. D.	Johnston	Steinberg	

Nays—None

Votes after roll call:

Yea—Myers, Peterson

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with 2 amendments—

By Senator Dunn—

SB 18—A bill to be entitled An act relating to county courts; amending s. 34.01(1), Florida Statutes; increasing the jurisdictional amount for actions filed in county courts; providing that all equitable defenses in a case properly before a county court may be tried in the same proceeding; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 21, 22 and 23, following the word “courts” on line 21 strike remainder of line 21 and all of lines 22 and 23.

Amendment 2—On page 1, lines 5, 6 and 7 in the title, following the word “courts;” on line 5 STRIKE remainder of line and all of lines 6 and 7.

Senator Dunn moved the following amendments to House Amendment 2 which were adopted:

Amendment 1—On page 1, line 1, insert: amending s. 34.041(1), Florida Statutes, increasing the filing fee for certain actions filed in county court;

Amendment 2—On page 1, line 1, insert: Section 2. Subsection (1) of section 34.041, Florida Statutes, is amended to read:

34.041 Service charges and costs.—

(1) Upon the institution of any civil action or proceeding in county court, the plaintiff, when filing his action or proceeding, shall pay the following service charges:

(a) For all claims less than \$100	\$7.00	\$6.00.
(b) For all claims of \$100 or more but less than \$1,000	18.00	15.00.
(c) For all claims of \$1,000 or more but less than \$2,500	25.00	20.00.
(d) For all claims of \$2,500 or more	35.00.	
(e) In addition, for all proceedings of garnishment, attachment, replevin, and distress	15.00	10.00.
(f) For removal of tenant action	30.00	25.00.

Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the clerk party at whose instance service is made. Except as provided herein, service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law, and such excess shall be expended as provided by such ordinance or any special or local law now or hereafter in force in providing and maintaining facilities, including a law library, for the use of the county court in the county in which the charge is collected or for a legal aid program. All filing fees shall be remitted monthly to the county in the manner prescribed by the auditor general.

(Renumber subsequent sections.)

On motions by Senator Dunn, the Senate concurred in House Amendment 1 and House Amendment 2 as amended and the House was requested to concur in the Senate amendments to House Amendment 2.

SB 18 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	McKnight	Thomas
Anderson	Grizzle	Myers	Trask
Beard	Henderson	Neal	Vogt
Carlucci	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Dunn	Johnston	Skinner	Winn
Fechtel	MacKay	Steinberg	
Frank	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Holloway, Peterson

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with 2 amendments—

By the Committee on Natural Resources and Conservation and Senator Vogt—

CS for SB 1052—A bill to be entitled An act relating to electrical transmission line siting; creating s. 403.520-403.535, Florida Statutes, providing a short title; creating s. 403.522, providing intent; providing definitions; prescribing powers and duties of the Department of Environmental Regulation; providing for a fee for each application for site certification and for each application for modification of certification; providing for applicability; directing the department to request the Division of Administrative Hearings to designate a hearing officer within 7 days after receipt of an application; prescribing procedures for processing applications; directing the department to provide copies of each application to certain agencies; directing the department to prepare a report as to the environmental impact of each proposed transmission line or corridor; requiring reports on various impacts of each proposed transmission line or corridor to be prepared by the Department of Natural Resources, the Department of Community Affairs, the Game and Fresh Water Fish Commission, and appropriate water management districts; providing for certification hearings; providing for notice; prescribing procedures for hearings; providing criteria for parties to proceedings; providing for powers and duties of the hearing officer; providing for alteration of time limits; requiring the Governor and Cabinet, sitting as the siting board, to dispose of each application within a certain time; providing that such disposition shall be final administrative action; preempting the certification of transmission lines and transmission line corridors to the state; authorizing the siting board to adopt rules; providing that certification shall constitute the sole license as to the state and any agency as to the approval of transmission lines and corridors; prescribing conditions for revocation or suspension of certification; requiring compliance with Part II of chapter 403, Florida Statutes; providing penalties; providing for amendment to an application; providing for modification of certification; providing that certification is admissible as evidence of public need and necessity in eminent domain proceedings; creating s. 366.14, Florida Statutes; directing the Public Service Commission to schedule a public hearing to determine the need for a transmission line under certain circumstances; prescribing powers and duties of the commission relative to such determinations of need; providing for the adoption of rules; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 20, between lines 7 & 8, renumber subsequent sections and insert:

Section 5. Part II of chapter 366, Florida Statutes, consisting of sections 366.80, 366.81, 366.82, 366.83, 366.84, 366.85, and 366.86, is created to read:

366.80 Short title.—This part shall be known and may be cited as the "Florida Energy Efficiency and Conservation Act."

366.81 Legislative findings and intent.—The Legislature finds and declares that it is critical to utilize the most efficient and cost-effective energy conservation systems in order to protect the health, prosperity and general welfare of the state and its citizens. Reduction in the growth rates of electric consumption and of weather sensitive peak demand are of particular importance. The Legislature further finds that the Florida Public Service Commission is the appropriate agency to adopt goals and approve plans related to the conservation of electric energy and natural gas usage. The Legislature directs the commission to develop and adopt overall goals and authorizes the commission to require each utility to develop a plan for increasing energy efficiency and conservation within its service area, subject to the approval of the commission. Since solutions to our energy problems are complex, the legislature intends that the use of solar energy, renewable energy sources, highly efficient systems and load control systems shall be encouraged. Accordingly, in exercising its jurisdiction the Commission shall not approve any rate or rate structure which discriminates against any class of customers on account of the use of such systems or devices. This expression of legislative intent shall not be construed to preclude experimental rates, rate structures or programs. The Legislature further finds and declares that this part is to be liberally construed in order to meet the complex problems of reducing the growth rates of electric consumption and of weather sensitive peak demand, and of increasing the overall efficiency and cost effectiveness of electricity and natural gas production and use and of conserving expensive resources, particularly petroleum fuels.

366.82 Definition; goals; plans; annual reports; energy audits.—

(1) For the purposes of this part, "utility" means any person or entity of whatever form which provides electricity or natural gas at retail to the public, specifically including municipalities or instrumentalities thereof and cooperatives organized under the Rural Electric Cooperative Law; and specifically excluding any person or entity providing natural gas at retail to the public whose annual sales volume is less than one hundred million therms.

(2) The commission shall adopt appropriate goals for increasing the efficiency of energy consumption, specifically including goals designed to increase the conservation of expensive resources, such as petroleum fuels, and to reduce the growth rates of electric consumption and especially of weather sensitive peak demand. The Executive Office of the Governor shall be a party in the proceedings to adopt goals. The initial goals shall be adopted no later than September 1, 1980, for the succeeding 5-year period. After the programs and plans to meet those goals are completed, the commission shall determine whether further goals, programs or plans are warranted and if so, shall adopt the same.

(3) Following adoption of goals pursuant to subsection (2), the commission shall require each utility to develop a plan to meet the overall goals within its service area. If any plan includes loans, collection of loans or similar banking functions by a utility and the plan is approved by the commission, then the utility shall perform such functions, notwithstanding any other provision of the law. The commission may pledge up to \$5,000,000 of the Florida Public Service Regulatory Trust Fund to guarantee such loans. However, no utility shall be required to loan its funds for the purpose of purchasing or otherwise acquiring conservation measures or devices, provided nothing herein shall prohibit or impair the administration or implementation of a utility plan as submitted by a utility and approved by the commission under this subsection. Plans to meet the initial goals must be submitted to the commission no later than November 1, 1980. The commission shall approve or disapprove each plan no later than December 1, 1980. If the commission disapproves a plan, it shall specify the reasons for disapproval and the utility whose plan is disapproved shall resubmit its modified plan within 30 days. Each plan shall commence January 1, 1981. Prior approval of the Commission shall be required to modify or discontinue a plan, or part thereof, which has been approved. If any utility has not implemented its plan and is not substantially in compliance with the provisions of its approved plan at any time after January 1, 1982, then the commission shall adopt a program which will be required for that utility to achieve the overall goals, which may include variations in rate design, load control, residential energy conservation subsidy or any other measure within the jurisdiction of the

commission which the commission finds likely to be effective; this provision shall not be construed to preclude these measures in any plan.

(4) The commission shall require periodic reports from each utility and shall provide the Legislature and the Governor an annual report by February 1 of the goals it has adopted and the progress toward meeting those goals. The commission shall also consider the performance of each utility pursuant to this part when establishing rates for those utilities over which the commission has rate-setting authority.

(5) By January 1, 1981, the commission shall require each utility to offer, or to contract to offer, energy audits to its residential customers. This requirement need not be uniform, but may be based on such factors as level of usage, geographic location or any other reasonable criteria so long as all eligible customers are notified by April 1, 1981. The commission may extend this requirement to some or all commercial customers if such audits are required pursuant to federal law. The commission shall set the charge for audits by rule, not to exceed the actual cost, and may describe by rule the general form and content of an audit. In the event one utility contracts with another utility to perform audits for it, the utility for whom the audits are performed shall pay the contracting utility the reasonable cost of performing the audits. Each utility over which the commission has rate-setting authority shall estimate its costs and revenues for audits, conservation programs and for implementation of its plan for the immediately following 6-month period. Reasonable and prudent unreimbursed costs projected to be incurred, or any portion of such costs, may be added to the rates which would otherwise be charged by a utility upon approval by the commission. Following each 6-month period, each utility shall report the actual results for that period to the commission and the difference, if any, between actual and projected results shall be taken into account in succeeding periods. The State Plan as submitted for consideration under the National Energy Conservation Policy Act shall not be in conflict with any State law or regulation.

(6) Notwithstanding the provisions of s. 377.703, the Commission shall be the responsible state agency for performing, coordinating, implementing or administering the functions of the State Plan submitted for consideration under the National Energy Conservation Policy Act and any acts amendatory thereof or supplemental thereto and for performing, coordinating, implementing or administering the functions of any future federal program delegated to the state which relates to consumption, utilization or conservation of electricity or natural gas, and the Commission shall have exclusive responsibility for preparing all reports, information, analyses, recommendations and materials related to consumption, utilization or conservation of electric energy which are required or authorized by s. 377.703.

(7) The Commission shall establish all minimum requirements for energy auditors used by each utility. The Commission is authorized to contract with any public agency or other person to provide any training, testing, evaluation or other step necessary to fulfill the provisions of this subsection.

366.83 Certain laws not applicable; savings clause.—No utility shall be held liable for the acts or omissions of any person in implementing or attempting to implement those measures found cost effective by or recommended as a result of an energy audit. The findings and recommendations of an energy audit shall not be construed to be a warranty or guarantee of any kind, nor shall such findings or recommendations subject the utility to liability of any kind. Nothing in this part shall preempt or affect litigation pending on the effective date of this act, nor shall this part preempt federal law unless such preemption is authorized expressly by federal statute.

366.84 Trust fund created; uses.—

(1) There is hereby created the Florida Energy Trust Fund. The Commission may develop a test program which shall be conducted in the service area of one or more utilities to improve the efficiency of energy usage by retrofitting existing housing, and the Commission may subsidize loans for this purpose. The Commission may also provide moneys from the fund for educational projects designed to increase public awareness of the need for efficient utilization of electricity and natural gas or to develop and demonstrate appropriate technology for such purposes.

(2) There is hereby created a Florida Energy Advisory Council, which shall serve in an advisory capacity to the Commission in development of statewide energy conservation measures and shall recommend to the Legislature any legislation necessary for implementation of such measures.

(a) The Council shall be composed of five (5) members to be appointed by the Governor from interested local officials, businesses and concerned citizens.

(b) Members of the Council shall serve without compensation, but shall be reimbursed for expenses in accordance with s. 112.061.

(c) The Council shall elect a chairman and meet at the call of such chairman. The Council shall cease existence on July 1, 1981.

366.85 Responsibilities of Division of Consumer Services.—The Division of Consumer Services of the Department of Agriculture and Consumer Services shall be the agency responsible for consumer conciliatory conferences, if such conferences are required pursuant to federal law. The division shall also be the agency responsible for preparing lists of sources for energy conservation products or services and of financial institutions offering energy conservation loans, if such lists are required pursuant to federal law. Notwithstanding any provision of federal law to the contrary, the division shall not require any manufacturer's warranty exceeding one year in order for a source of conservation products or services to be included on the appropriate list. The lists shall be prepared for the service area of each utility and furnished to each utility for distribution to its customers. The division shall update the lists on a systematic basis and shall remove from any list any person disciplined by any state agency or who has otherwise exhibited a pattern of unsatisfactory work and any person who requests removal from such lists. The division is authorized to adopt rules to implement the provisions of this section.

366.86 Exclusive forum for determination of need.—

(1) On request by a utility or on its own motion, the Commission shall begin a proceeding to determine the need for an electrical power plant subject to the Florida Electrical Power Plant Siting Act. The Commission shall be the sole forum for the determination of this matter, which accordingly shall not be raised in any other forum or in the review of proceedings in such other forum. In making its determination, the Commission shall take into account the need for electric system reliability and integrity, the need for adequate reasonable cost electricity and whether the proposed plant is the most cost effective alternative available. The Commission shall also expressly consider the conservation measures taken by or reasonably available to the applicant or its members which might mitigate the need for the proposed plant and other matters within its jurisdiction which it deems relevant.

The Commission's determination of need for an electrical power plant shall create a presumption of public need and necessity and shall serve as the Commission's report required by s. 403.507(1)(b).

Section 6. There is hereby appropriated from the Florida Public Service Regulatory Trust Fund the sum of \$3 million to be credited to the Florida Energy Trust Fund created by this act for residential demonstration projects and for a study of the relationships between solar and other renewable energy sources, highly efficient devices such as heat pumps and waste heat recovery systems, load management systems and other conservation technologies with existing utility systems. This study shall identify the most efficient and cost effective means of interfacing conservation technologies with existing Florida utility systems, including consideration of climatological factors, and suggest possible solutions to any problems identified in the course of the study. The Commission shall employ appropriate legal, technical and other consultants to perform this study and may contract with one or more utilities or other persons to perform demonstration projects and shall fix the terms, conditions and compensation in each case. The results of this study shall be reported to the legislature no later than February 1, 1982. An additional \$1 million is also appropriated from the Florida Public Service Regulatory Trust Fund to be credited to the Florida Energy Trust Fund for educational, public awareness and related development and demon-

stration projects. Interest earned on the balance of the Florida Energy Trust Fund shall be credited to the Florida Public Service Regulatory Trust Fund.

Section 7. Paragraph (c) of subsection (3) of section 18.10, Florida Statutes, is created to read:

(3)(c) In the event the financial institutions in the state do not make sufficient loan funds available for a residential conservation program pursuant to any plan approved by the Florida Public Service Commission under Part II of Chapter 366, the Board may authorize the investment of state funds, except retirement trust funds, in such a loan program at rates not less than provided in (3)(a) above; provided, however, that prior to investment of such funds the Public Service Commission shall develop a plan which must be approved by the Legislature before implementation.

Amendment 2—On page 1, strike all of line 2 in title, and through the word "siting;" on line 3 and insert: An act relating to energy, creating part II of chapter 366, Florida Statutes, the Florida Energy Efficiency and Conservation Act; providing legislative intent; providing a definition; directing the commission to adopt energy efficiency goals and to require each utility to develop plans to meet such goals within its service area; providing for approval of plans by the commission; providing time limitations; providing commission duties with respect to utilities not in compliance; providing for reports; providing that utilities shall be required to offer energy audits to customers; providing that the commission establish minimum requirements for energy auditors; establishing the commission as exclusive state agency for administering certain federal programs; providing for consideration of certain costs in rate setting; providing certain immunities from liability; creating the Florida Energy Trust Fund; establishing uses; creating the Florida Energy Advisory Council; appropriating \$4 million to said fund for specified purposes; providing powers and responsibilities of the Division of Consumer Services of the Department of Agriculture and Consumer Services; providing that the commission shall be the exclusive forum for determinations of need in certain proceedings relating to power plant siting and transmission line construction and providing standards therefor; adding paragraph (c) to subsection (3) of section 18.10 to permit investment of state funds for conservation programs under certain conditions; providing that the commission shall adopt rules prohibiting rates which discriminate against users of solar or other renewable energy sources;

On motions by Senator Vogt, the Senate concurred in the House Amendments.

CS for SB 1052 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Holloway, Peterson

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 2, 3, 4, 5 and 6 and passed HB 995, as amended and has refused to concur in Senate Amendment 1 and requests the Senate to recede.

Allen Morris, Clerk

By Representative Easley and others—

HB 995—A bill to be entitled An act relating to Pinellas County; creating a countywide Emergency Medical Services Authority; providing powers and duties; establishing service areas; providing emergency medical services on a contract management basis with private companies and governmental agencies currently providing services; requiring consent of existing emergency medical services departments before their abolishment; providing for an advisory council; providing for a special election to create the emergency medical services special taxing district by countywide referendum; providing for the levy of ad valorem tax; providing for the use of sales tax revenues under certain circumstances; providing for severability; repealing chapters 74-585 and 75-492, Laws of Florida, relating to the establishment of a task force for and the creation of an emergency medical services authority; providing an effective date.

On motion by Senator Grizzle, the Senate receded from Senate Amendment 1.

HB 995 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gorman	Myers	Tobiassen
Anderson	Grizzle	Neal	Trask
Barron	Henderson	Poole	Vogt
Beard	Hill	Scarborough	Ware
Carlucci	Jenne	Scott	Williamson
Childers, D.	Johnston	Skinner	Winn
Childers, W. D.	MacKay	Steinberg	
Fecht	McClain	Stuart	
Frank	McKnight	Thomas	

Nays—None

Votes after roll call:

Yea—Holloway, Peterson

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 3, has refused to concur in Senate Amendments 1, 2 and 4 to HB 161 and requests the Senate to recede; has further amended, concurred in same as amended and passed as further amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative McPherson—

HB 161—A bill to be entitled An act relating to the Beverage Law; amending ss. 561.15(1), 562.11 and 562.111, Florida Statutes; prohibiting the consumption or possession of alcoholic beverages by persons under age 19 and the selling or serving of alcoholic beverages to such persons; specifying certain identification to be checked with respect to sale of alcoholic beverages; providing that such persons shall not be licensed under the Beverage Law; amending s. 743.07(1), Florida Statutes, relating to rights of persons 18 and older, to provide an exemption for the Beverage Law; providing an effective date.

On motions by Senator Don Childers, the Senate receded from Senate Amendments 1, 2 and 4.

HB 161 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gorman	McKnight	Stuart
Anderson	Grizzle	Myers	Thomas
Barron	Henderson	Neal	Tobiassen
Beard	Hill	Poole	Trask
Carlucci	Holloway	Scarborough	Vogt
Childers, D.	Jenne	Scott	Ware
Childers, W. D.	Johnston	Skinner	Williamson
Fecht	MacKay	Steinberg	Winn

Nays—2

Chamberlin Gordon

Vote after roll call:

Yea—Peterson

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to HB 556 and requests the Senate to recede; has further amended and passed as further amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Crotty and Batchelor—

HB 556—A bill to be entitled An act relating to education; amending s. 243.151(2), Florida Statutes, as amended, relating to lease agreements with respect to income-producing student housing facilities, to authorize the use of certain trust funds for the payment of rent; providing for replacement of trust funds; repealing s. 243.151(2), Florida Statutes, as amended, removing conflicting provisions; creating s. 240.2995, Florida Statutes, creating the Florida Women's Intercollegiate Athletics Equity Act; providing legislative intent; creating the Council on Equity in Athletics within the Postsecondary Education Coordinating Commission; providing members and responsibilities; providing for continued funding of women's intercollegiate athletics through a specified portion of the student activity and service fee; providing the level of funding to intercollegiate athletics; providing for budget requests; providing an effective date.

On motions by Senator Stuart, the Senate receded from Amendments 1 and 2.

On motion by Senator Stuart, the Senate reconsidered the vote by which HB 556 passed May 29.

Senators Barron and Stuart offered the following amendment to HB 556 as amended which was moved by Senator Stuart and adopted by two-thirds vote:

Amendment 1—On page 3, line 16, strike: "shall continue to award" and insert: and university president shall continue to budget

On motion by Senator Stuart, the House was requested to concur in Senate Amendment 1.

HB 556 as further amended was read by title and passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dunn	Jenne	Scott
Anderson	Fechtcl	Johnston	Skinner
Barron	Gordon	MacKay	Steinberg
Beard	Gorman	McClain	Stuart
Carlucci	Grizzle	McKnight	Vogt
Chamberlin	Henderson	Myers	Ware
Childers, D.	Hill	Neal	Williamson
Childers, W. D.	Holloway	Poole	Winn

Nays—None

Votes after roll call:

Yea—Frank, Peterson

CONSENT CALENDAR

SB 91—A bill to be entitled An act relating to group, blanket, and franchise disability insurance; renumbering s. 627.6675(6), Florida Statutes, and adding a new subsection (6) to said section; requiring insurers issuing conversion policies to guarantee renewability; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike lines 1-3, and insert:
(6) The policy of disability insurance shall include a renewal provision that is no less favorable to the insured than the renewal provision of the prior policy, except that the insurer may also decline to renew the policy if one or more of the following events has occurred:

(a) The insured has attained age 65 or has otherwise become eligible for any coverage under Medicare Title XVIII of the Social Security Act as now constituted or later amended;

(b) The insurer has discontinued the entire class of policies because of the existence of any federal or state law, regulation, ruling or agency action which (i) makes available to insureds under the class of policies benefits substantially similar to or greater than those provided under such policies or (ii) prevents the insurer from implementing in connection with such policies premium rates which the insurer has certified as reasonable in relation to the benefits provided;

(c) If the prior policy was a group policy, if the insured has obtained coverage under a plan of group insurance the benefits of which, when combined with the benefits of the policy, would result in over-insurance on the basis of the company's underwriting standards.

Senator Anderson moved the following amendment which was adopted:

Amendment 2—On page 2, lines 1-3, insert: (6) The policy of disability insurance shall include a renewal provision that is no less favorable to the insured than the renewal provision of the prior policy, except that the insurer may also decline to renew the policy if one or more of the following events has occurred:

(a) The insured has attained age 65 or has otherwise become eligible for any coverage under Medicare, Title XVIII of the Social Security Act as now constituted or later amended;

(b) The insurer has discontinued the entire class of policies because of the existence of any federal or state law, regulation, ruling or agency action which (i) makes available to insureds under the class of policies benefits substantially similar to or greater than those provided under such policies or (ii) prevents the insurer from implementing in connection with such policies premium rates which the insurer has certified as reasonable in relation to the benefits provided;

(c) If the prior policy was a group policy, if the insured has obtained coverage under a plan of group insurance the benefits of which, when combined with the benefits of the policy, would result in over-insurance on the basis of the company's underwriting standards.

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

Amendment 3—On page 1, in title, strike lines 5-7 and insert: subsection (6) to said section; requiring insurers who issue conversion policies to offer those policies with prescribed renewal provisions; providing an effective

On motion by Senator Anderson, by two-thirds vote SB 91 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

Mr. President	Frank	McClain	Stuart
Anderson	Gorman	McKnight	Trask
Beard	Grizzle	Myers	Vogt
Carlucci	Hill	Neal	Williamson
Childers, D.	Holloway	Scarborough	Winn
Childers, W. D.	Jenne	Scott	
Dunn	Johnston	Skinner	
Fechtcl	MacKay	Steinberg	

Nays—None

Vote after roll call:

Yea—Peterson

By the Committee on Commerce—

CS for SB's 189 and 765—A bill to be entitled An act relating to the sale of liquid fuels; amending s. 526.111, Florida Statutes,

relating to the display of gasoline prices; providing statewide standards; providing a penalty; providing an effective date.

—was read the first time by title and Senate Bills 189 and 765 were laid on the table.

On motions by Senator Steinberg, by two-thirds vote CS for SB's 189 and 765 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—27

Mr. President	Fechtel	MacKay	Thomas
Anderson	Frank	McClain	Tobiassen
Beard	Gorman	McKnight	Trask
Carlucci	Hill	Poole	Vogt
Chamberlin	Holloway	Scarborough	Ware
Childers, D.	Jenne	Steinberg	Winn
Childers, W. D.	Johnston	Stuart	

Nays—2

Neal Skinner

Votes after roll call:

- Yea—Myers
- Nay—Peterson
- Yea to Nay—Tobiassen

SB 269—A bill to be entitled An act relating to judgments; amending s. 55.03(1), Florida Statutes, increasing the interest rate on judgments; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of line 20 and insert: Section 2. This act shall apply to any judgment or decree entered on or after the effective date of this act.

Section 3. This act shall take effect October 1, 1980.

Pending further consideration of SB 269 as amended, on motion by Senator Stuart—

By Representatives Deratany and Mills—

HB 291—A bill to be entitled An act relating to judgments; amending s. 55.03(1), Florida Statutes, increasing the interest rate on judgments; providing that the act applies to judgments or decrees entered on or after effective date of act; providing an effective date.

—a companion measure, was substituted for SB 269 and read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 291 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Fechtel	MacKay	Skinner
Anderson	Frank	McClain	Steinberg
Beard	Gorman	McKnight	Stuart
Carlucci	Grizzle	Myers	Trask
Chamberlin	Hill	Neal	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Scott	Winn

Nays—None

Vote after roll call:

- Yea—Peterson
- SB 269 was laid on the table.
- Consideration of SB 278 was deferred.

By the Committee on Judiciary-Criminal and Senator Carlucci—

CS for SB 296—A bill to be entitled An act relating to controlled drugs; amending s. 893.135(1), Florida Statutes; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or to knowingly be in actual or constructive possession of specified amounts of phencyclidine and methaqualone; providing penalties; prescribing mandatory fines and mandatory minimum terms of imprisonment; amending s. 893.13(1)(a) and (b), Florida Statutes; conforming language; providing an effective date.

—was read the first time by title and SB 296 was laid on the table.

Pending further consideration of CS for SB 296, on motion by Senator Carlucci, the rules were waived and by two-thirds vote HB 263 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Carlucci—

By the Committee on Criminal Justice and Representative Tygart—

CS for HB 263—A bill to be entitled An act relating to controlled drugs; amending s. 893.135(1), Florida Statutes; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or to knowingly be in actual or constructive possession of specified amounts of phencyclidine and methaqualone; providing penalties; prescribing mandatory fines and mandatory minimum terms of imprisonment; amending s. 893.13(1)(a) and (b), Florida Statutes; conforming language; providing an effective date.

—a companion measure, was substituted for CS for SB 296 and read the second time by title. On motion by Senator Carlucci by two-thirds vote CS for HB 263 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

- Yea—W. D. Childers, Myers
- CS for SB 296 was laid on the table.

SB 409—A bill to be entitled An act relating to detention of children charged with a felony in jails or other facilities; amending s. 39.032(1), Florida Statutes; providing for detention of children charged with a felony in a cell housing another child also charged with a felony; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Beard and adopted:

Amendment 1—On page 1, line 30, strike "3.," and after the 4. strike the comma ","; on page 2, lines 5 & 7, strike "3." and after the 4. strike the comma ",".

On motion by Senator Beard, by two-thirds vote SB 409 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	Skinner
Anderson	Gorman	McClain	Steinberg
Beard	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Jenne	Poole	Vogt
Dunn	Johnston	Scarborough	Williamson
Fechtel	MacKay	Scott	Winn

Nays—None

SB 439—A bill to be entitled An act relating to workers' compensation; amending ss. 440.38(1)(b) and (4)(b), Florida Statutes, relating to self-insurers; advancing the effective date relative to provisions creating a self-insurers' guaranty fund and requiring certain self-insurers to participate therein; clarifying that self-insurers are not required to have claims adjusters situated within this state; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 25, after the period (.) insert: Individual

Amendment 2—On page 1 in title, line 8, between "that" and "self-insurers" insert: individual

On motion by Senator Scott, 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—33

Mr. President	Frank	MacKay	Thomas
Anderson	Gorman	Maxwell	Tobiassen
Beard	Grizzle	McClain	Trask
Carlucci	Hair	McKnight	Vogt
Chamberlin	Henderson	Neal	Williamson
Childers, D.	Hill	Poole	Winn
Childers, W. D.	Holloway	Scott	
Dunn	Jenne	Skinner	
Fechtel	Johnston	Steinberg	

Nays—None

Votes after roll call:

Yea—Myers, Peterson

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

CS for SB 491—A bill to be entitled An act relating to dependency; renumbering s. 409.145(3)-(6), Florida Statutes, and adding a new subsection (3) to said section; authorizing the department to continue foster care services for individuals 18 to 21 providing certain requirements are met; providing an effective date.

—was read the first time by title and SB 491 was laid on the table.

On motions by Senator Chamberlin, by two-thirds vote CS for SB 491 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—34

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

Scarborough	Steinberg	Trask	Williamson
Scott	Thomas	Vogt	Winn
Skinner	Tobiassen		

Nays—None

Votes after roll call:

Yea—W. D. Childers, Peterson

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

CS for SB 533—A bill to be entitled An act relating to children in foster care; providing for an annual status report by the Department of Health and Rehabilitative Services; providing an effective date.

—was read the first time by title and SB 533 was laid on the table.

On motions by Senator McKnight, by two-thirds vote CS for SB 533 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—36

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

Nays—None

SB 555—A bill to be entitled An act relating to insurance; amending s. 626.9541(15)(f), Florida Statutes; prohibiting refusal to issue motor vehicle insurance policies on the basis of handicap or physical disability; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 555 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gorman	Maxwell	Thomas
Anderson	Grizzle	McClain	Tobiassen
Beard	Hair	McKnight	Trask
Carlucci	Henderson	Myers	Vogt
Childers, D.	Hill	Poole	Williamson
Childers, W. D.	Holloway	Scarborough	Winn
Dunn	Jenne	Scott	
Fechtel	Johnston	Skinner	
Frank	MacKay	Steinberg	

Nays—None

Votes after roll call:

Yea—Chamberlin, Peterson

SB 586—A bill to be entitled An act relating to paramedics; amending s. 401.47, Florida Statutes; deleting obsolete language; requiring the Department of Health and Rehabilitative Services to establish educational and training criteria for paramedic certification renewal; prescribing the period of time for which certification is valid; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator McKnight and adopted:

Amendment 1—On page 1, line 22, after the period insert: *The department shall establish, by rule, criteria under which persons who have completed a paramedic course and who were performing advanced life support skills prior to November 22,*

1979, may administer intravenous fluids, and intubate the esophagus and trachea, with the prior written approval and under the supervision of the Medical Director of the Advanced Life Support System. The provisions of this section shall become effective on July 1, 1980 and shall expire on July 1, 1981.

Amendment 2—On page 2, lines 5 through 12, strike all language and insert: (2) The department shall renew certification upon receipt of the renewal application and fee. By January 1, 1981 the department shall establish, by rule, a procedure for the triennial renewal certification. Such rules shall prescribe the continuing education requirement of up to 45 hours of continuing education units triennially as the requirement for continuing education units triennially as the requirement for renewal. In the absence of the 45 hours of continuing education units, the rules shall provide for a challenge examination as meeting the requirements of this subsection (2). The department shall allow 18 months, after the date on which the rules are published, for affected persons to comply with such rules.

Pending further consideration of SB 586 as amended, on motion by Senator Holloway—

HB 1152—A bill to be entitled An act relating to paramedics; amending s. 401.47(1), Florida Statutes, relating to certification of paramedics, and adding new subsections (2) and (4) thereto; removing provisions relating to the 1-year grace period allowed for affected persons to comply with rules and standards and removing certain other obsolete provisions; providing for establishment of educational and training criteria for renewal of certification and providing a grace period with respect thereto; providing that paramedic certification shall be valid for 3 years; providing an effective date.

—a companion measure, was substituted for SB 586 and read the second time by title. On motion by Senator Holloway, by two-thirds vote HB 1152 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Frank	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Beard	Grizzle	Myers	Tobiassen
Carlucci	Hair	Neal	Trask
Chamberlin	Henderson	Peterson	Ware
Childers, D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Fechtel	MacKay	Steinberg	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 586 was laid on the table.

SB 645 was taken up and on motion by Senator McKnight, the rules were waived and by two-thirds vote HB 1302 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator McKnight—

HB 1302—A bill to be entitled An act regulating the trapping or taking of spiny lobsters; amending s. 1, ch. 79-133, Laws of Florida; revising the boundary description of the spiny lobster sanctuary located within the waters of Biscayne Bay and Card Sound; prohibiting any person from taking or trapping, within such area, any spiny lobster of the genus *Panulirus* unless such person has been issued a permit; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 645 and read the second time by title.

Further consideration of HB 1302 was deferred.

SB 673 was taken up and on motion by Senator Frank, the rules were waived and by two-thirds vote CS for HB 769 was withdrawn from the Committee on Education.

On motion by Senator Frank—

CS for HB 769—A bill to be entitled An act relating to education; creating s. 232.0315, Florida Statutes; requiring medical examinations of children prior to enrollment in school; providing an exception; requiring the Department of Education to adopt rules governing such examinations; providing an effective date.

—a companion measure, was substituted for SB 673 and read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 1, line 19, strike “public or nonpublic school present a certification of a” and insert: public or nonpublic school present a certification of a school entry medical

Amendment 2—On page 1, line 14, strike “232.0315 Medical examinations.—” and insert: 232.0315 School entry medical examinations.—

On motion by Senator Frank, by two-thirds vote CS for HB 769 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	McClain	Thomas
Anderson	Grizzle	McKnight	Tobiassen
Beard	Henderson	Neal	Trask
Carlucci	Hill	Peterson	Vogt
Chamberlin	Holloway	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Steinberg	
Frank	Maxwell	Stuart	

Nays—None

Vote after roll call:

Yea—Myers

SB 673 was laid on the table.

On motion by Senator Scarborough, the Senate reconsidered the vote by which—

SB 409—A bill to be entitled An act relating to detention of children charged with a felony in jails or other facilities; amending s. 39.032(1), Florida Statutes; providing for detention of children charged with a felony in a cell housing another child also charged with a felony; providing an effective date.

—as amended passed this day.

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

Amendment 2—On pages 1-2, strike “strike everything after the enacting clause” and insert: Section 1. Subsections (12), (21), (27), (28), (31), (32), and (34) of section 39.01, Florida Statutes, are amended and subsection (36) is added to said section to read:

39.01 Definitions.—When used in this chapter:

(12) “Crisis home” means a homelike facility authorized by the department ~~and approved by the court~~ for the temporary placement and care of a child who does not require detention or shelter care but who is not able to remain in his own home. A crisis home need not be a licensed facility.

(21) “Juvenile traffic offense” means a violation by a child of a state law or local ordinance pertaining to the operation of a motor vehicle; however, the following offenses shall not be considered juvenile traffic offenses but shall be considered delinquent acts for the purposes of this chapter *if the child is transferred by a court having jurisdiction over traffic offenses pursuant to s. 39.02(1)*:

(a) Fleeing or attempting to elude a law enforcement officer or failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3).

(b) Leaving the scene of a collision or an accident involving death or personal injuries ~~or with an unattended vehicle.~~

(c) *Leaving the scene of a collision or an accident involving property damage or damage to an occupied vehicle in violation of s. 316.061 or s. 316.027 Driving while under the influence of alcoholic beverages, narcotic drugs, barbiturates, or other stimulants in violation of s. 316.103.*

(d) *Driving with an unlawful blood alcohol level or while under the influence of alcoholic beverages, narcotic drugs or other stimulants that would impair a person's ability to operate a motor vehicle in a safe manner, in violation of s. 316.193 or s. 860.01. Driving without a restricted operator's license if under the age of 16 years.*

(e) *Driving without a valid operator's license or while the license is suspended or revoked.*

(27) "Neglect" occurs when a parent or other legal custodian, though financially able, deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. A parent or guardian legitimately practicing his religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however, such an exception shall not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) *Medical services from a licensed physician, dentist, optometrist or podiatrist, or other qualified health care provider, or*

(b) *Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization. When the health of the child requires it, the provision of medical services by a physician as defined herein or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.*

(28) "Nonsecure detention shelter" means a program for the temporary care of children, pending delinquency adjudication or court disposition place for the temporary care of a child alleged to be, or found to be, dependent pending court disposition, which may be before or after adjudication, or execution of a court order.

(31) "Secure detention facility shelter" means a physically restricting facility which provides 24-hour continual supervision for the temporary care of children, pending delinquency adjudication or court disposition a child who is a runaway likely to injure himself or others or in need of care and treatment and who lacks sufficient capacity to determine what course of action is in his own best interest.

(32) "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be dependent, pending court disposition before or after adjudication, or after execution of a court order. Shelter may include a facility which provides 24-hour continual supervision for the temporary care of a child who is placed pursuant to s. 39.402(4) includes both nonsecure and secure shelter.

(34) "Violation of law" means a violation of any law of the United States or of the state or of an ordinance which is would be an infraction, a misdemeanor, or a felony, or a violation of a county or municipal ordinance punishable by incarceration, if the violation were committed by an adult.

(36) "Training school" means one of the following facilities: the Arthur G. Dozier School, the Alyce D. McPherson School, the Florida School for Boys at Okeechobee.

Section 2. Subsections (1) and (6) of section 39.02, Florida Statutes, are amended to read:

39.02 Jurisdiction.—

(1) The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law. The circuit court shall have jurisdiction in cases involving offenses described in

s. 39.01(21)(a)-(d) (e) and may have jurisdiction in those cases where the child has been found guilty of two or more previous juvenile traffic offenses within 6 months only if the court having jurisdiction over traffic offenses waives jurisdiction and certifies the case to the circuit court. In such case, a petition of delinquency, which may include or consist of the uniform traffic complaint, shall be filed in the circuit court, and the case shall be heard de novo as a delinquency proceeding.

(6) When a child has been transferred for criminal prosecution as an adult and the child has been found to have committed a violation of Florida law, the disposition of the case may be pursuant to s. 39.111(6) and may include the enforcement of any restitution ordered in any juvenile proceeding.

Section 3. Section 39.03, Florida Statutes, is amended to read:

39.03 Taking a child into custody; detention.—

(1) A child may be taken into custody:

(a) Pursuant to an order of the circuit court issued pursuant to the provisions of this chapter, based upon sworn testimony, either before or after a petition is filed.

(b) For a delinquent act or violation of law, pursuant to Florida law pertaining to arrest.

(c) By an authorized agent of the department when he has reasonable grounds to believe a child in a community control program has violated in a material way a condition or term of the program imposed by the court or otherwise required by law. Any child taken into custody for a violation of the terms or conditions of the community control program shall not be detained longer than 48 hours excluding Saturdays, Sundays, and legal holidays without an order by the court directing such detention.

(2) Unless otherwise ordered by the court, if the child is not detained or released to placed in a crisis home pursuant to s. 39.032(2), the person taking the child into custody shall release the child to a parent, a responsible adult relative, a responsible agent of an approved crisis home, or an adult approved by the court upon agreement of the person to whom the child is released to inform the person releasing the child or to inform the department of the child's subsequent change of address and to produce the child in court at such time as the court may direct. If a child does not appear as directed by the court, the court may issue an order to have the child taken into custody. When a child is released to an adult who is not a parent or responsible adult relative of the child, the adult may be selected by the department from a list of persons previously approved by the court as authorized agents of the department to receive children for temporary placement. Unless otherwise accomplished pursuant to subsection (4), the person taking the child into custody and detaining the child shall, within 3 days, make a written report to the appropriate intake officer, stating the facts by reason of which the child was taken into custody. The report shall:

(a) Identify the child, his parents, and the person to whom he was released.

(b) Contain sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law or delinquent act.

(3) If the person taking the child into custody determines, pursuant to s. 39.032(2), that the child should be detained or released to placed in a crisis home, that person shall make a reasonable effort to immediately notify the parents or legal custodians of the child and shall, without unreasonable delay, deliver the child to the appropriate intake officer or, if the court has so ordered, to a detention home or crisis home. Upon delivery of the child to such place, the person taking the child into custody shall make a report in writing to the appropriate intake officer. The report shall:

(a) Identify the child and, if known, his parents and legal custodians.

(b) Show that the child was legally taken into custody pursuant to subsection (1).

(4) Upon taking a child into custody, a law enforcement officer may deliver the child, for temporary custody, to a jail

or other facility intended or used for the detention of adults for the purpose of fingerprinting or photographing the child or to await appropriate transport; provided that no contact between juvenile and adult inmates or trustees is permitted and the receiving facility has adequate staff to supervise and monitor the child's activities at all times.

(5)(4)(a) A copy of a sworn complaint by a law enforcement agency shall be filed by the law enforcement agency making the complaint with the clerk of the circuit court for the county in which the child was taken into custody or in which the complaint is made within 24 hours after the child is taken into custody and if the child is detained, and within 1 week after the child is taken into custody and released or after the complaint is made, excluding Saturdays, Sundays, and legal holidays. Such complaint shall be a case for the purpose of this section.

(b) Upon the filing of a copy of a sworn complaint by a law enforcement agency with the clerk of the circuit court, the clerk shall forthwith assign a uniform case number to the complaint, forward a copy to the state attorney, and forward a copy to the intake office of the department which serves the county in which the case arose.

(c) Each letter of recommendation, written notice, report, or other paper as required by law, pertaining to the case shall bear the uniform case number of the case and a copy shall be filed with the clerk of the circuit court by the issuing agency. The issuing agency shall furnish copies to the intake officer and state attorney.

(d) Upon the filing of a petition based on the allegations of a previously filed complaint, the agency filing the petition shall include the appropriate uniform case number on said petition.

(6)(5) Nothing in this section shall prohibit the proper use of police diversion programs.

Section 4. Subsection (3) of section 39.031, Florida Statutes, is amended to read:

39.031 Fingerprinting and photographing.—

(3) All law enforcement agencies and the Department of Law Enforcement shall use these fingerprint and photograph records only for identification purposes. If an identification is made, the Department of Law Enforcement shall advise the forwarding law enforcement agency of this fact and of the name and last known address of the child. Fingerprint and photograph records received pursuant to this section by the Department of Law Enforcement shall be retained, used, stored, disseminated, and purged in the same manner as other criminal history information under s. 39.12(2). Records relating to juveniles shall not be commingled with records of adult offenders.

Section 5. Section 39.032, Florida Statutes, is amended to read:

39.032 Detention.—

(1) The intake officer shall review the facts in the law enforcement report or complaint and make such further inquiry as necessary to determine the need for detention or shelter care of the child. Unless detention care or a crisis home is required under subsection (2), the child shall be released by the intake officer in accordance with s. 39.03(2). If the child cannot be released, the intake officer shall authorize detention care for any child alleged to have committed a violation of law, except as provided in paragraph (2)(b). If the child is alleged to be both dependent and to have committed a violation of law, the intake officer may authorize either detention care or shelter care. Under no circumstances shall the intake officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults. When a child is charged with a felony pursuant to s. 39.04(3)(c) 4, or 5, the court may order detention of such child in a jail or other facility intended or used for the detention of adults, however, no child shall be placed in the same cell with any adult or other child alleged to have committed, or who has been adjudged to have committed, a crime.

(2) Unless otherwise ordered by the court, a child taken into custody shall not be placed or detailed retained in a secure facility detention care prior to the court's disposition unless detention or a crisis home is required:

(a) The child is from another jurisdiction and is an escapee, from a commitment program or absconder from probation, a community control program, or parole supervision, for an offense which, if committed by an adult, would be a violation of law, or the child is wanted by another jurisdiction for an offense which, if committed by an adult, would be a violation of law;

(b) The child requests protection in circumstances that appear to present an immediate threat to his personal safety;

(c) The child is charged with a capital felony, life felony, or felony of the first degree; or a crime of violence, i.e., murder in the third degree, manslaughter, sexual battery, robbery, aggravated battery or aggravated assault; or with two or more serious property crimes arising out of separate transactions;

(d) The child is charged with a serious property crime; i.e., arson or burglary as defined in s. 810.02(2) and (3); or with the sale or manufacture of or trafficking in a controlled substance; which if committed by an adult would be a felony, and:

1. He is already detained or has been released and is awaiting final disposition of his case; or

2. He has a record of failure to appear at court hearings; or

3. He has a record of violent conduct resulting in physical injury to others; or

4. He has a record of adjudications for serious property offenses.

(a) To protect the person or property of others or of the child;

(b) Because the child has no parent, guardian, responsible adult relative, or other adult approved by the court able to provide supervision and care for him. If a child is to be detained pursuant to this paragraph alone, a crisis home only may be used;

(c) To secure his presence at the next hearing;

(d) Because the child has been twice previously adjudicated to have committed a delinquent act and has been charged with a third subsequent delinquent act which would constitute a felony if the child were an adult; or

(e) To hold for another jurisdiction a delinquent child escapee or an absconder from probation, a community control program, or parole supervision or a child who is wanted by another jurisdiction for an offense which, if committed by an adult, would be a violation of law.

A child who is charged with a violation of law and is detained under this subsection shall be given a detention hearing within 48 hours of his being taken into custody, excluding Saturdays, Sundays, and legal holidays, to determine the need for continued detention. The circuit court, or the county court if previously designated by order of the chief judge of the circuit court, shall hold the detention hearing. The criteria for placement in a secure detention facility detention care or a crisis home given above shall govern the decision of all persons responsible for determining whether a secure detention facility detention care or a crisis home is warranted prior to the court's disposition.

(3) A child shall be placed in the least restrictive alternative necessary to reduce the risk of flight, or of serious harm to property or to the physical safety to others.

(4) (3) Except in emergency situations, a child shall not be placed or transported in any police car or other similar vehicle which at the same time contains an adult under arrest unless the adult is alleged or believed to be involved in the same offense or transaction as the child.

(5) (4)(a) The court may shall order the delivery of a child to a jail or other facility intended or used for the detention of adults+

1. when the child has been transferred for criminal prosecution as an adult pursuant to this chapter, or

2. ~~When the court determines, upon the recommendation of the superintendent of the detention home, that the child would be beyond the control of the detention home staff.~~

The receiving facility shall contain a separate section for juvenile offenders and have an adequate staff to supervise and monitor the child's activities at all times.

(b) The chief judge, or, where a specialized juvenile division exists, the presiding or supervising judge of that division, shall, at monthly intervals, inform the board of county commissioners or other governing body of the county, in writing, of the number of, and the reasons for, deliveries of children to jail in that county, identifying children only by initials and court case numbers.

(6) ~~(5)~~(a) No child shall be held in detention or shelter care longer than 48 hours, excluding Saturdays, Sundays, or legal holidays, unless an order is entered by the court after a detention hearing finding that detention care or a crisis home is required based on the criteria in subsection (2). The order shall state the reasons for such findings of the court. The order shall be reviewable by appeal pursuant to s. 39.14 and the Florida Appellate Rules.

(b) Unless otherwise specifically ordered by the court having jurisdiction of the case, during the period of time from the taking of the child into custody to the date of the detention hearing held pursuant to paragraph (a), the decision as to the detention, continued detention, or release from detention of the child shall be made by the intake officer in accordance with subsection (2) and any administrative order of court, after consultation with the state attorney.

(c) No child shall be held in detention care or a crisis home under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

(d) No child shall be held in detention care or a crisis home for more than 15 days following the entry of an order of adjudication unless an order of disposition pursuant to s. 39.11 has been entered by the court or unless a continuance, which shall not exceed 15 days, has been granted for good cause. After notifying the court, the detention home superintendent shall release any child held beyond 15 days without a grant of continuance.

(e) The time limitations in paragraphs (c) and (d) shall not include:

1. Periods of delay resulting from a continuance granted at the request or with the consent of the child and his counsel.

2. Periods of delay resulting from a continuance granted at the request of the state attorney if the continuance is granted:

a. Because of an unavailability of evidence material to his case, if the state attorney has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days; or

b. To allow the state attorney additional time to prepare his case and additional time is justified because of the exceptional circumstances of the case.

Section 6. Paragraphs (b) and (d) of subsection (2) of section 39.04, Florida Statutes, are amended to read:

39.04 Intake.—

(2) The intake officer shall make a preliminary determination as to whether the report or complaint is complete, consulting with the state attorney or assistant state attorney as may be necessary. In any case where the intake officer or the state attorney finds that the report or complaint is incomplete, the intake officer or state attorney shall return the report or complaint, without delay, to the person or agency originating the report or complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and request, and the agency shall promptly thereafter furnish, additional information in order to complete the report or complaint.

(b) If the intake officer determines that the report or complaint is complete, but that in his judgment the interest of the child and the public will be best served by providing the child care, a diversionary or mediation program, *community service work*, or other treatment voluntarily accepted by the child and

his parents or legal custodians, the intake officer with the approval of the state attorney may refer the child for such care, diversionary or mediation program, *community service work*, or other treatment. *Whenever a child volunteers to participate in any work program under the provisions of this chapter, or volunteers to work in a specified state, county, municipal, or community service organization supervised work program, or work for the victim, such child shall be considered an employee of the State for the purposes of chapter 440. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer shall be considered a gratuity, and the child shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of his future wage earning capacity.*

(d) In all cases in which the child is alleged to have committed a delinquent act and is not detained, the intake officer shall submit a written report to the state attorney, including the original report or complaint or a copy thereof, within 20 days from the date the child is taken into custody or the report or complaint is made to the intake office, whichever date shall last occur. In cases where the child is in detention, the intake office report shall be submitted within ~~24~~ 48 hours of the detention. The intake office report shall recommend that a petition or information be filed or that no petition or information be filed, and it shall set forth reasons for such recommendation.

Section 7. Subsection 6 and paragraph (a) of subsection (7) of section 39.05, Florida Statutes, are amended to read:

39.05 Petition.—

(6) On motions by or in behalf of a child, a petition alleging delinquency shall be dismissed with prejudice if it was not filed within 45 days from the date the *child was taken into custody* ~~complaint was referred to the intake office. However, the~~ The court may grant an extension of time not to exceed an additional 15 days upon such motion by the state attorney when, in the opinion of the court, such additional time is justified because of exceptional circumstances.

(7)(a) If a petition has been filed alleging a child to *have committed a delinquent act*, the adjudicatory hearing on the petition shall be commenced within 90 days of the earliest of the following dates:

1. The date the child was taken into custody.

2. The date the petition was filed.

3. *Provided, however, if the child is transferred pursuant to s. 39.02(1) by a court having jurisdiction over traffic offenses, the adjudicatory hearing shall be commenced within 90 days of the date the petition of delinquency was filed.*

Section 8. Subsections (1), (2), and (4) of section 39.08, Florida Statutes, are amended to read:

39.08 Medical, psychiatric, and psychological examination and treatment.—

(1) After a petition for delinquency has been filed, the court may order the child named in the petition to be examined by a physician willing to do so. The court may also order the child to be evaluated by a psychiatrist, a psychologist, or if a developmental disability is suspected or alleged, by the department's developmental disabilities diagnostic and evaluation team. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedures established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable.

(2) After a child has been adjudicated to *have committed a delinquent act*, or before such adjudication with the consent of any parent or legal custodian of the child, the court may order the child to be treated by a physician willing to do so. The court may also order the child to receive mental health or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable.

(4) Whenever a child who is found to *have committed a delinquent act* is placed by order of the court within the care and custody or under the supervision of a youth services coun-

selor for the state in which such child resides and it appears to the court that there is no parent, guardian, or person standing in loco parentis who is capable of authorizing or willing to authorize medical, surgical, dental, or other remedial care or treatment for the child, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that a representative of the department may authorize such medical, surgical, dental, or other remedial care for the child by licensed practitioners as may from time to time appear necessary.

Section 9. Paragraphs (a) and (f) of subsection (3) of section 39.09, Florida Statutes, is amended to read:

39.09 Hearings.—

(3) DISPOSITION HEARING FOR DELINQUENCY CASES.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(a) At the disposition hearing the court shall consider a predisposition report, prepared and presented by the department, regarding the suitability of the child for disposition other than by adjudication and commitment to the department. The report shall be submitted to the court prior to the disposition hearing; however, the report shall not be reviewed by the court without the consent of the child and his counsel until the child has been found to have committed a delinquent act.

(f) If the court determines not to adjudicate and commit to the department, then the court shall determine what community-based ~~penal~~ sanctions it will impose in a community control program for the child. Community-based ~~penal~~ sanctions may include, but are not limited to, rehabilitative restitution, curfew, revocation or suspension of the child's driver's license, community service, the deprivation from the child of nonessential activities or privileges, or other appropriate restraints of the child's liberty.

Section 10. Subsections (2) and (4) of section 39.10, Florida Statutes, is amended to read:

39.10 Adjudication.—

(2) If the court finds that the child named in the petition has committed a delinquent act, it may, in its discretion, enter an order ~~briefly~~ stating the facts upon which its finding is based but withholding adjudication of a delinquent act and placing the child in a community control program under the supervision of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. The court may, as a condition of the program, impose a curfew, require restitution or public service, or revoke or suspend the child's driver's license. If the court later finds that the child has not complied with the rules, restrictions, or conditions of the community-based program, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of delinquency, enter an adjudication and shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(4) Except for use in a subsequent proceeding under this chapter, an adjudication by a court that a child has committed a delinquent act shall not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication, nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or disqualification or prejudice the child in any civil service application or appointment. However, an adjudication by the court that a juvenile has committed a delinquent act including a violation of chapter 316 or chapter 322 shall constitute a conviction as that term is used in chapter 322.

Section 11. Paragraphs (a), (f), and (h) of subsection (1) and subsection (6) of section 39.11, Florida Statutes, are amended to read:

39.11 Powers of disposition.—

(1) When any child shall be adjudicated by the court to have committed a delinquent act, the court having jurisdiction of the child shall have the power, by order in which is stated the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing, to:

(a) Place a child in a community control program under the supervision of an authorized agent of the department or

any other person or agency specifically authorized and appointed by the court, either in the child's own home or, if the prospective custodian is being willing, in the home of a relative of the child or in some other suitable place under such reasonable conditions as the court may direct. A community control program is as defined in s. 39.01(10) and shall include a penalty such as restitution, curfew, revocation or suspension of the child's driver's license, or other ~~nonresidential noninstitutional~~ punishment appropriate to the offense and a rehabilitative program.

1. Community control programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs shall include, but shall not be limited to, structured or restricted activities designed to encourage acceptable and functional social behavior, restitution in money or in kind, or public service. The sanction imposed by order of the court shall be commensurate with the seriousness of the offense. When supervision or a program of public service is ordered by the court, the duration of such supervision or program shall not be longer than the sentence that could be imposed if the child were committed for the offense. When restitution is ordered by the court, the amount of restitution shall not be greater than an amount the child and his parents could reasonably be expected to pay or make. A child who participates in any work program under the provisions of this chapter shall be considered an employee of the state for purposes of liability unless otherwise provided by law.

2. There shall be established in each judicial circuit a community control program advisory council which shall periodically, at least quarterly, advise the court of the diversion programs and dispositional alternatives for children available within that circuit. The presiding judge of the circuit shall ~~may~~ appoint no less than seven members to constitute the council. The council shall include as ex officio members the state attorney, superintendents of schools within the circuit, and an intake officer of the department or their designees.

If ~~Should~~ the conditions of the community control program are violated, the agent supervising a ~~his~~ community control program as it relates to the child involved, or the state attorney may bring the child before the court on a petition alleging a violation of the program. If the child denies that he has violated the conditions of his program, the court shall give him an opportunity to be ~~fully~~ heard in person or through counsel, or both. Upon his admission or after such hearing, if the court finds that the conditions of the community control program have been violated, the court shall enter an order revoking, modifying, or continuing the program. In all cases after a revocation, the court shall enter a new disposition order and shall have full power at that time to make any disposition it ~~could~~ ~~might~~ have made at the original disposition hearing. Notwithstanding the provisions of s. 743.07, the term of any order placing a child in a community control program shall be until his 19th birthday unless he is sooner released ~~upon the recommendation of the department or~~ by the court, on the motion of an interested party or on its own motion.

(f) In the case of a traffic offense transferred to the circuit court pursuant to s. 316.630:

1. Reprimand the child or counsel the child with his parents or guardian;

2. Upon notifying the Department of Highway Safety and Motor Vehicles of such action, suspend the child's privilege to drive or restrict the child's privilege to drive under stated conditions and limitations for a period not to exceed that authorized for an adult for the same offense;

3. Require the child to attend and successfully complete a driver improvement school conducted by a public agency; or

4. Order the child to remit to the fine and forfeiture fund of the county in which the offense was committed an amount of money not to exceed the maximum amount applicable to an adult for the same offense. Fines and forfeitures remitted under this subparagraph shall be subject to the provisions of s. 316.660.

(h) Order, as part of the community control ~~sanction and rehabilitative~~ program to be implemented by the department ~~counselor~~, the child to make restitution for the damage or loss caused by his offense in a reasonable amount or manner to be determined by the court. The court may require the clerk of the circuit court to be the receiving and dispensing agent. In such

case, the court shall order the child to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments.

(6) Whenever a child is required by the court to participate in any work program under the provisions of this chapter, or volunteers to work in a specified state, county, municipal, or community service organization supervised work program, or work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or community control program, for the purpose of making restitution, such child shall be considered an employee of the said state, county, municipal, or community service organization for the purposes of chapter 440. However, In determining the child's average weekly wage unless otherwise determined by a specific funding program, all remuneration received from the employer shall be considered a gratuity, and the child shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of his future wage-earning capacity.

Section 12. Subsections (3) and (4) of section 39.12, Florida Statutes, are amended to read:

39.12 Oaths; records; confidential information.—

(3) The clerk shall keep all official records required by this statute separate from other records of the circuit court, except those records pertaining to any and all motor vehicle violations, including those listed in s. 39.01(21), which shall be forwarded to the Department of Highway Safety and Motor Vehicles. All official records required by this act shall not be open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents or legal custodians of the child and their attorneys, law enforcement agencies, the department and its designees, the Florida Parole and Probation Commission and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records under whatever conditions upon their use and disposition the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(4) All information obtained pursuant to this chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department, the Florida Parole and Probation Commission, the Department of Corrections, or any law enforcement agent shall be confidential and shall not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, the Department of Corrections, the Florida Parole and Probation Commission, law enforcement, and others entitled under this chapter to receive that information, except upon order of the court.

Section 13. Subsection (4) and paragraph (a) of subsection (6) of section 39.402, Florida Statutes, are amended to read:

39.402 Placement in a shelter.—

(4) Any child who is a runaway and who is likely to injure himself or others or who is in need of care and treatment and lacks sufficient capacity to determine what course of action is in his own best interest may be placed in a secure shelter as defined under s. 39.01(32) or in a detention home for a period of time not to exceed 48 24 hours excluding Saturdays, Sundays, and legal holidays without an order by the court directing placement in a shelter in excess of such time. If neither a secure shelter nor a detention home is available to receive the child, the child may be placed in a jail for a period of time not to exceed 24 hours. However, no child in a detention home or jail shall be placed in a cell with any child or adult alleged to have committed, or who has been adjudged to have committed, a crime.

(6)(a) No child shall be held in a shelter longer than 48 24 hours, excluding Saturdays, Sundays, and or legal holidays, unless an order so directing is made by the court after a detention hearing finding that placement in a shelter is necessary

based on the criteria in subsection (1), that placement in a shelter is in the best interest of the child, and that there is probable cause that the child is dependent.

Section 14. Section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment.—After a petition for dependency has been filed, the judge may order the child named in the petition to be examined by a physician. The judge may also order such child to be evaluated by a psychiatrist or, a psychologist, or, if a developmental disability is suspected or alleged, by the department's developmental disability diagnostic and evaluation team. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. After a child has been adjudicated to be a dependent child, or before such adjudication with the consent of any parent or legal custodian of the child, the judge may order the child to be treated by a physician. The judge may also order such child to receive mental health or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable. For the purpose of either examination or treatment, the judge may order the child to be placed for treatment. When any child is placed in a shelter pending a hearing, the shelter home parent or the appropriate agent of the department the person in charge of the shelter or his designated representative may provide or cause to be provided such medical or surgical services as may be deemed necessary by a physician. A physician shall be immediately called if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care. A child may be provided mental health or retardation services, in emergency situations, pursuant to the procedures and criteria contained in s. 394.463(1) or chapter 393, whichever is applicable. After a hearing, the court may order the parents, guardian, or custodian, if found able to do so, to reimburse the county for the expense involved in such emergency medical or surgical treatment. Nothing in this section shall be deemed to eliminate the right of the parents or the child to consent to examination or treatment for the child, except that consent of a parent shall not be required if the physician determines there is a serious injury or illness requiring immediate treatment and the child consents to such treatment or an ex parte court order is obtained authorizing said treatment. Nothing in this section shall be construed to authorize the permanent sterilization of the child unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child. Except as provided in this section, nothing in this section shall be deemed to alter the provisions of s. 458.21 to eliminate the right of the juvenile or his parents, guardian, or legal custodian to consent to diagnostic examination and medical or surgical treatment or care; nor shall it preclude a court from ordering services or treatment to be provided to the juvenile by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization when his health requires it and when requested by the juvenile.

Section 15. Subsection (1) of section 39.41, Florida Statutes, is amended to read:

39.41 Powers of disposition.—

(1) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child shall have the power, by order, to:

(a) Place a child under the protective supervision of an authorized agent of a department, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or in some other suitable place under such reasonable conditions as the court may direct. Protective supervision shall continue until terminated by the court or until the child reaches the age of 18 whichever date is first. A child who has been placed in his own home under the protective supervision of an authorized agent of the department, in the home of a relative, or in some other place may be brought before the court by the agent of the department supervising the placement or by any other interested person on a petition alleging a need for a change in the placement. If the parents

or other custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for change or after such hearing, the court shall enter an order changing the placement, modifying the condition of it, or continuing it as ordered.

(b) Place the child in the temporary legal custody of an adult relative willing to care for the child.

(c) ~~(b)~~ Commit the child to a licensed child-caring agency willing to receive the child.

(d) ~~(c)~~ Commit the child to the temporary legal custody of the department. Such commitment shall invest in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom he was removed, except for short visitation periods, without the approval of the court. The term of said commitment shall continue until terminated by the court or until the child reaches the age of 18.

(e) Change the temporary legal custody or the conditions of protective supervision at a post-disposition hearing subsequent to the initial disposition hearing without the necessity of another adjudicatory hearing. A child who has been placed in his own home under the protective supervision of an authorized agent of the department, in the home of a relative, or in some other place may be brought before the court by the agent of the department who is supervising the placement or by any other interested person upon the filing of a petition alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, continuing the conditions of protective supervision as ordered.

(f) ~~(d)~~ 1. Permanently commit the child to the department or a licensed child-placing agency willing to receive the child for subsequent adoption:

a.(I) If the court finds that the parent has abandoned, abused, or neglected the child;

(II) If the persons served with notice under subsection (3) fail to respond to the notice as provided in paragraph (3)(d); or

(III) If the parent or parents have voluntarily executed a written surrender of the child before two witnesses and a notary public or other officer authorized to take acknowledgements; and

b. If the court finds that it is manifestly to the best interest of the child to do so.

2. The department shall prescribe a written surrender form which shall be written in layman's terms in the principal language of the surrendering party and which shall clearly and unambiguously advise the surrendering party of the consequences of the surrender.

(g) ~~(e)~~ Order the natural or adoptive parents of such child or the natural father of a child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of such child, to pay the person or institution having custody of such child reasonable sums of money at such intervals as the court may consider adequate and proper for the care, support, maintenance, training, and education of such child. The court, in making such order, shall consider the circumstances and ability of such parents, or the natural father of a child born out of wedlock, to pay and the value of assets of the guardianship estate of such child, and when such order affects the guardianship estate, a certified copy of such order shall be delivered to the judge having jurisdiction of such guardianship estate. The court may from time to time, after considering the financial resources of the persons financially responsible for the child's care, order them, or any of them, to pay a reasonable amount for attorney's fees and the cost of the party maintaining any proceeding under this paragraph or for the care, support, and maintenance of such child, including enforcement and modification proceedings. The court may order the amount to be paid directly to the attorney, who may enforce the order in his name.

Section 16. Subsection (4) is added to section 959.10, Florida Statutes, to read:

959.10 Discipline at department facilities; security units.—

(4) The department may continue a child in a residential commitment program pending adjudication and disposition when he has been charged with a violation of law while under the supervision of that commitment program.

Section 17. Section 959.12, Florida Statutes, is amended to read:

959.12 Term of commitment.—When any child is committed to the department, the commitment shall be for such period of time as the department deems proper, or until he reaches his 19th ~~21st~~ birthday, unless otherwise discharged as required by law. When a child is committed to the department, the removal from detention and placement into a commitment program shall occur within 5 days excluding Saturdays, Sundays, and legal holidays.

Section 18. Subsections (1) and (2) of section 959.15, Florida Statutes, are amended to read:

959.15 Detention of furloughed person or escapee on authority of the department.—

(1) If an authorized agent of the department has reasonable ground to believe that any delinquent child committed to the department has committed an act for which he could be adjudicated delinquent, violated his furlough agreement in a material respect, or escaped from a facility of the department, such agent may take such person into his active custody. The superintendent, warden, or jailer of any facility, state, county or municipal, is authorized to take such child into custody for the purpose of assuring that the child is delivered to the appropriate intake office or appropriate facility of the department. However, no child shall be held in detention longer than 48 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing, finding that detention is required based on the criteria in s. 39.032(2). The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

(2) Any sheriff or other peace officer ~~shall~~, upon the request of the secretary ~~director~~ of the department or his duly authorized agent, shall take into custody and deliver to the appropriate intake officer of the department ~~assist in the apprehension and detention of~~ any escapee from the department, any person who has violated his furlough agreement in a material respect, any person who has violated the terms and conditions of a commitment program of the department, or any child who there is reasonable cause to believe has committed an act for which he could be adjudicated delinquent.

Section 19. Section 316.630, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 316.630, F.S., for present text.)

316.630 Juvenile traffic offenses; jurisdiction; penalties; transfer and waiver provisions.—

(1) "Juvenile traffic offense" means a violation by a child of a state law or local ordinance pertaining to the operation of a motor vehicle; however, the following offenses if transferred to the circuit court pursuant to subsection (5) of this section may be considered delinquent acts:

(a) Fleeing or attempting to elude a law enforcement officer or failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3).

(b) Leaving the scene of a collision or an accident involving death or personal injuries.

(c) Leaving the scene of a collision or an accident involving property damage or damage to an occupied vehicle in violation of s. 316.061 or 316.027.

(d) Driving with an unlawful blood alcohol level or while under the influence of alcoholic beverages, narcotic drugs or other stimulants that would impair a person's ability to operate a motor vehicle in a safe manner, in violation of s. 316.193 or s. 860.01.

(2) The court having jurisdiction over traffic offenses shall have original jurisdiction in the case of any child who is charged with a violation of state law or local ordinance pertaining to the operation of a motor vehicle. The court shall apply sanctions appropriate to the seriousness of the violation, as provided for in this section, if it finds that the child committed the offense as charged.

(3) A juvenile traffic offense is not an act of delinquency for purposes of adjudication or disposition unless the case is transferred to the circuit court as provided in subsection (5) of this section.

(4)(a) If the court having jurisdiction over traffic offenses finds, on the admission of the child or upon the evidence, that he committed the offense charged it may make one or more of the following orders:

1. Reprimand or counsel with the child and his parents or guardians;
2. Suspend the child's privilege to drive under stated conditions and limitations for a period not to exceed that authorized for a like suspension of an adult's license for a like offense;
3. Require the child to attend a traffic school conducted by public authority for a reasonable period of time; or
4. Order the child to remit to the general fund of the local governmental body a sum not exceeding the maximum applicable to an adult for a like offense.

(b) If a child is found by the court having jurisdiction over traffic offenses to have operated, on a repeated basis, a motor vehicle without a valid driver's license or to have operated a motor vehicle while the child's license was suspended or revoked, the court may in addition to the orders noted in (4)(a) make one of the following orders:

1. Order the child to participate in public service or a community work project for a specified number of hours either as an alternative to a monetary fine or as part of a rehabilitative program. A child who participates in such a work program shall be considered an employee of the state for purposes of chapter 440.
2. Impose a curfew or other such restriction to the liberty of the child for a period not to exceed 6 months.

(5) The court having jurisdiction over traffic offenses may waive jurisdiction and transfer the case to the circuit court if the offense is one enumerated in subsection (1) of this section.

(6) A finding of a violation of this chapter or chapter 322 by the court having jurisdiction over traffic offenses or by the circuit court with respect to cases transferred pursuant to subsection (5) of this section, shall constitute a "conviction" as that term is used in chapter 322.

Section 20. Paragraph (a) of subsection (2) of section 322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or revocation.—

(2) In prosecutions for the offense of driving a motor vehicle with an unlawful blood alcohol level, as defined in s. 316.193(3), or while under the influence of alcoholic beverages to the extent that normal faculties are impaired, as defined in s. 316.193(1), the following provisions shall apply:

(a) Upon conviction of a driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon first conviction of the offense of driving with an unlawful blood alcohol level as described in s. 316.193(3), the driver's license or privilege shall be revoked for not less than 30 days or more than 90 days, and for the first conviction of the offense of driving while under the influence, as described in s. 316.193(1), the driver's license or privilege shall be revoked for not less than 90 days or more than 1 year. However, the court may, as part of the sentence, restrict the driver's license or privilege to such driving as is required to get to and from work and any necessary on-the-job driving required by the employer or occupation. If such restriction is a part of the sentence, the court shall require the defendant to enroll in, and successfully complete, a driver improvement course for

the rehabilitation of drinking drivers, and any necessary driving for completion of such drinking driver rehabilitation course shall be allowed under the license restriction. No pleasure, recreation, or other driving shall be permitted by such restriction, and any conviction for violation of such restriction shall be punishable by mandatory imprisonment for a period of 10 days and revocation of the driver's license or privilege for the period imposed in the original sentence. *The 10-day mandatory imprisonment requirement shall not be applicable to persons 17 years of age or younger. In lieu of such 10-day imprisonment the court may order any other sanctions normally available to the court.*

2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193(1) or (3), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than 6 months or more than 24 months.

3. Upon a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193(1) or (3), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than 1 year or more than 5 years, as provided in s. 322.27(5).

Section 21. This act shall take effect July 1, 1980.

Senator Dunn moved the following amendment which was adopted:

Amendment 3—On page 1 in title, strike everything before the enacting clause and insert: An act relating to juvenile proceedings; amending s. 39.01(12), (21), (27), (28), (31), (32), (34), Florida Statutes, and adding subsection (36) to said section; modifying definitions; amending s. 39.02(1), (6), Florida Statutes; providing circuit court jurisdiction for juvenile traffic offenses only under certain circumstances; enforcing restitution ordered in a juvenile proceeding when the child is transferred for criminal prosecution as an adult; amending s. 39.03, Florida Statutes; prohibiting detention for longer than 48 hours excluding Saturdays, Sundays, and legal holidays; correcting terminology; authorizing the court to order a child taken into custody who does not appear as directed; prohibits commingling of a child being temporarily held in jail with other adult offenders; amending s. 39.031(3), Florida Statutes; providing method for the retention and purging of fingerprint and photograph records; prohibiting records of juvenile offenders to be commingled with records of adult offenders; amending s. 39.032, Florida Statutes; providing detention criteria; providing for the delivery of certain children to a jail to be at the discretion of the court; amending s. 39.04(2)(b), and (d), Florida Statutes; authorizing a child who participates in a work program to be a state employee for purposes of chapter 440, Florida Statutes; amending s. 39.05(6), (7)(a), Florida Statutes; providing for dismissal of a petition not filed within 45 days from date child was taken into custody; changing word "delinquent" to child committing a delinquent act; amending s. 39.08(1), (2), (4), Florida Statutes; providing for child's evaluation when mental disability is alleged; amending s. 39.09(3)(a), (f), Florida Statutes; providing predisposition report not be submitted to the court without child's consent until delinquency is found; deleting penal sanctions; amending s. 39.10(2), (4), Florida Statutes; providing for supervision of community control programs; providing for delinquent acts to be deemed convictions under certain circumstances; requiring certain adjudicatory hearings within a specified time; amending s. 39.11(1)(a), (f), (h), and (6), Florida Statutes; providing for placement in a community control program supervised by a person or agency authorized and appointed by the court; restricting public service or restitution sanctions; expanding the kinds of sanctions for juvenile traffic offenses; requiring child to pay costs for making restitution payments; providing state employee status for certain children for purposes of liability; amending s. 39.12(3), (4), Florida Statutes; authorizing the Florida Parole and Probation Commission to have access to records; amending s. 39.402(4), (6)(a), Florida Statutes; providing for placement in a defined shelter; prohibiting the placement of runaways in jail; prohibiting the holding of a child for longer than 48 hours excluding Saturdays, Sundays, and legal holidays; amending s. 39.407, Florida Statutes; providing for developmental disability evaluations; amending s. 39.41(1), Florida Statutes; providing for termination of protective supervision; providing for temporary legal custody and procedure to change such custody; adding s. 959.10(4), Florida Statutes; authorizing the depart-

ment to continue a child in a program pending adjudication of alleged violation committed while under supervision; amending s. 959.12, Florida Statutes; providing for a child committed to the department be removed from detention and placed into a program within 5 days; amending s. 959.15(1), (2), Florida Statutes; authorizing law enforcement officers to assist the department in apprehending persons who have violated conditions of a commitment program; amending s. 316.630, Florida Statutes, changing the traffic offenses which constitute a juvenile traffic offense; specifying original court jurisdiction for such offenses; changing the circumstances for the transfer of such offenses to the circuit court; providing additional sanctions against juveniles for driver's license-related offenses; declaring certain traffic violations to constitute a conviction for driver's license provisions; amending s. 322.28(2)(a), Florida Statutes, exempting children from mandatory imprisonment for certain alcohol-related traffic offenses; providing an effective date.

SB 409 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Beard	Grizzle	McKnight	Trask
Carlucci	Henderson	Neal	Vogt
Chamberlin	Hill	Poole	Ware
Childers, D.	Holloway	Scarborough	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Frank	MacKay	Steinberg	
Gorman	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—Myers, Peterson

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

CS for SB 685—A bill to be entitled An act relating to diabetes; creating s. 381.650, Florida Statutes, relating to the Diabetes Advisory Council; providing for future repeal of s. 381.650, Florida Statutes, and legislative review in accordance with the Sundown Act; providing an effective date.

—was read the first time by title and SB 685 was laid on the table.

Pending further consideration of CS for SB 685, on motion by Senator Steinberg, the rules were waived and by two-thirds vote CS for HB 1296 was withdrawn from the Committees on Health and Rehabilitative Services and Ways and Means and placed on the calendar.

On motion by Senator Steinberg—

CS for HB 1296—A bill to be entitled An act relating to diabetes; creating s. 381.650, Florida Statutes, relating to the Diabetes Advisory Council; providing for future repeal of s. 381.650, Florida Statutes, and legislative review in accordance with the Sundown Act; providing an effective date.

—a companion measure, was substituted for CS for SB 685 and read the second time by title.

Senators Steinberg and Winn offered the following amendment which was moved by Senator Steinberg and adopted:

Amendment 1—On page 2, lines 27-30, strike all of said lines and insert: Section 3. The Department of Health and Rehabilitative Services, shall consider the Advisory Council's plan in dispersing funds appropriated under this program.

On motion by Senator Steinberg, by two-thirds vote CS for HB 1296 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Gorman	McKnight	Thomas
Beard	Grizzle	Neal	Tobiassen
Carlucci	Henderson	Poole	Trask
Chamberlin	Holloway	Scarborough	Vogt
Childers, D.	Jenne	Scott	Ware
Childers, W. D.	Johnston	Skinner	Williamson
Dunn	MacKay	Steinberg	Winn
Frank	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—Myers, Peterson

CS for SB 685 was laid on the table.

SB 687—A bill to be entitled An act relating to public schools; amending s. 232.247, Florida Statutes; including certain physically handicapped students among the exceptional students allowed to meet special graduation requirements; providing an effective date.

—was read the second time by title.

Senator Maxwell moved the following amendments which were adopted:

Amendment 1—On page 1, line 27, after the period (.) insert: *Any such student who meets all special requirements of the district school board for his exceptionality but is unable to meet the appropriate special state minimum requirements shall be awarded a special certificate of completion in a form prescribed by the state board.*

Amendment 2—On page 1 in title, line 6, after the semicolon (;) insert: providing for award of a special certificate of completion to certain exceptional students;

On motion by Senator Maxwell, by two-thirds vote SB 687 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	Fechtcl	Maxwell	Stuart
Anderson	Frank	McClain	Thomas
Barron	Gorman	McKnight	Tobiassen
Beard	Grizzle	Neal	Trask
Carlucci	Henderson	Poole	Vogt
Chamberlin	Hill	Scarborough	Ware
Childers, D.	Jenne	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Steinberg	

Nays—None

Votes after roll call:

Yea—Myers, Peterson

By the Committee on Commerce and Senator McClain—

CS for SB 821—A bill to be entitled An act relating to insurance; amending s. 627.702, Florida Statutes; providing a limitation on insurers' liability under the valued policy law for total loss of property due to fire or lightning; providing that the total loss and partial loss liability provisions of such law shall not apply in certain circumstances; providing a construction of s. 627.702, Florida Statutes; providing for conditional repeal; providing an effective date.

—was read the first time by title and SB 821 was laid on the table.

On motions by Senator McClain, by two-thirds vote CS for SB 821 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—31

Mr. President	Dunn	MacKay	Steinberg
Anderson	Fechtel	McClain	Thomas
Barron	Frank	McKnight	Trask
Beard	Grizzle	Neal	Vogt
Carlucci	Henderson	Poole	Ware
Chamberlin	Hill	Scarborough	Williamson
Childers, D.	Jenne	Scott	Winn
Childers, W. D.	Johnston	Skinner	

Nays—None

Votes after roll call:

Yea—Gorman, Myers, Peterson

Consideration of SB 827 was deferred.

SB 843—A bill to be entitled An act relating to aquatic plant control activities; amending ss. 372.26, 372.265(1), 372.925(2)-(4), 372.932(4), (5), (9), (10), Florida Statutes; removing from the Department of Natural Resources the authority to approve or use fish as a biological control agent without prior approval of the Game and Fresh Water Fish Commission; providing for species studies by the Game and Fresh Water Fish Commission; providing for penalties; providing for transfer of moneys and positions; providing appropriations; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 1—On pages 5, 6, 7 and 8, strike all of Section 5 and renumber subsequent sections.

Senator Vogt moved the following amendments which were adopted:

Amendment 2—On page 8, strike all of Section 6 and renumber subsequent sections.

Amendment 3—On page 1 in title, lines 11-13, strike said lines and insert: Commission; providing for penalties; providing an effective date.

Pending further consideration of SB 843 as amended, on motions by Senator Vogt, the rules were waived and by two-thirds vote HB 1691 was withdrawn from the Committees on Natural Resources and Conservation and Ways and Means. On motion by Senator Vogt—

By the Committee on Natural Resources and Representative J. W. Lewis—

HB 1691—A bill to be entitled An act relating to aquatic plant control; amending ss. 372.26, 372.265(1), 372.925(2), (3), and (4), and 372.932(4), (5), (9), and (10), Florida Statutes; modifying restrictions on importation of fish or foreign animals; providing a penalty; deleting authority of the Department of Natural Resources to use, or approve control programs using, fish as a biological control agent, and transferring such authority to the Florida Game and Fresh Water Fish Commission; providing an effective date.

—a companion measure, was substituted for SB 843 and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 1691 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gorman	MacKay	Steinberg
Anderson	Grizzle	McKnight	Stuart
Barron	Henderson	Myers	Thomas
Beard	Hill	Neal	Tobiassen
Childers, D.	Holloway	Scarborough	Trask
Childers, W. D.	Jenne	Scott	Vogt
Fechtel	Johnston	Skinner	Winn

Nays—None

Votes after roll call:

Yea—Dunn, Frank, McClain, Peterson

SB 843 was laid on the table.

Consideration of SB 898 was deferred.

SB 902—A bill to be entitled An act relating to postsecondary education; adding paragraph (m) to s. 240.209(3), Florida Statutes; amending s. 240.349, Florida Statutes; directing the Board of Regents and each board of trustees of each community college to adopt rules allowing older persons to attend certain courses without paying certain fees; providing that this privilege be limited to admission on a space available basis under certain circumstances; providing priority in admission to state university courses for certain other persons; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Ware:

Amendment 1—On page 2, line 27, insert: Section 3. Courses for which tuition is waived shall not be used in calculating the number of full-time equivalent students. Renumber subsequent sections.

Senator Ware moved the following substitute amendment which was adopted:

Amendment 2—On page 2, strike all of line 27 and insert: (3) Any community college which is enrolling students pursuant to the provisions of subsection (2) and has not achieved the assigned full-time equivalent students as authorized in s. 240.359(3), may include such students for which fees have been waived to the extent necessary to earn for that community college the assigned full-time equivalent students for that year.

Section 3. This act shall take effect July 1, 1980.

On motion by Senator Ware, by two-thirds vote SB 902 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	Frank	McClain	Trask
Beard	Gorman	McKnight	Vogt
Carlucci	Grizzle	Scarborough	Ware
Chamberlin	Henderson	Skinner	Williamson
Childers, D.	Holloway	Steinberg	Winn
Childers, W. D.	Jenne	Stuart	
Dunn	Johnston	Thomas	
Fechtel	MacKay	Tobiassen	

Nays—None

Votes after roll call:

Yea—Hill, Myers, Peterson, Scott

By the Committee on Natural Resources and Conservation—

CS for SB 910—A bill to be entitled An act relating to natural geological formations; prohibiting any person from defacing, damaging, or disturbing the surfaces of any cave or similar formation, from disturbing any obstruction designed to control or prevent access thereto, and from tampering with certain signs relating thereto; prohibiting any person from selling, offering for sale, or transporting speleothems; prohibiting any person from storing or dumping in caves or other formations certain chemicals or materials; prohibiting any person from removing, killing, harming, or otherwise disturbing certain organisms within a cave or other formation; providing exceptions; providing penalties; providing severability; providing an effective date.

—was read the first time by title and SB 910 was laid on the table.

On motions by Senator Trask, by two-thirds vote CS for SB 910 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—36

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

Nays—None

Votes after roll call:

Yea—Myers, Peterson

On motions by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to meet Thursday, June 5, from 12:00 noon until 2:00 p.m. to consider SB 832, HB 1638, HB 756, CS for HB 1733, HB 1745, Senate Bills 333, 343, 346, CS for SB 347, CS for SB 348, CS for SB 349, Senate Bills 174, 451, CS for HB 595, House Bills 1773, 1679, 1677, SB 1100 and HB 1751 (if in possession of the committee).

SB 827—A bill to be entitled An act relating to veterans' affairs; adding a subsection to s. 20.18 and s. 292.05, Florida Statutes, providing that the Division of Veterans' Affairs of the Department of Community Affairs shall, in certain cases, act as the State Approving Agency for the purposes of veterans' training and education; 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 Trask and adopted:

Amendment 1—On page 1, lines 13-31, and on page 2, lines 1-4, strike everything after the enacting clause and insert: Section 1. Subsection (7) is added to section 292.05, Florida Statutes, to read:

292.05 Duties of division.—

(7) *The Division of Veterans Affairs and the designated administrative unit of the Department of Education, under authority of the respective departments, shall act as the State Approving Agencies for purposes of veterans' education and training, in accordance with Title 38 of the United States Code, Section 1771, and the applicable annual contracts between the State of Florida and the United States of America.*

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

Amendment 2—On page 1, in title, lines 1-9, strike all of lines 1 through 9 and insert: A bill to be entitled An act relating to veterans' affairs; adding s. 292.05(7), Florida Statutes, providing that the Division of Veterans' Affairs and the designated administrative unit of the Department of Education shall, in certain cases, act as the State Approving Agencies for the purposes of veterans' training and education; providing an effective date.

Pending further consideration of SB 827 as amended, on motion by Senator Trask, the rules were waived and by two-thirds vote HB 864 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Trask, HB 864, a companion measure, was substituted for SB 827.

Further consideration of HB 864 was deferred.

SB 916—A bill to be entitled An act relating to weapons and firearms; amending s. 790.001(6), Florida Statutes, including antique firearms within the definition of firearms under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Scarborough and adopted:

Amendment 1—On page 1, lines 23-26, strike all of line 23 through and including line 26 and insert: *commission of any felony.*

Pending further consideration of SB 916 as amended, on motion by Senator Scarborough, the rules were waived and by two-thirds vote HB 497 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Scarborough—

HB 497—A bill to be entitled A act relating to weapons and firearms; amending s. 790.001(6), Florida Statutes, including antique firearms within the definition of firearms under certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 916 and read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 497 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Peterson

SB 916 was laid on the table.

SB 898—A bill to be entitled An act relating to elevators; amending s. 399.035(1), Florida Statutes; revising passenger elevator accessibility requirements for the physically handicapped; specifying applicability of such requirements; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 5, strike "specifying" and insert: specifying

Amendment 2—On page 3, line 5, strike "height of 18 inches" and insert: minimum height of 18 inches and a maximum height of 48 inches

On motion by Senator Neal, by two-thirds vote SB 898 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Fechtcl	McClain	Tobiassen
Anderson	Frank	McKnight	Trask
Barron	Gorman	Myers	Vogt
Beard	Henderson	Neal	Ware
Chamberlin	Hill	Scott	Williamson
Childers, D.	Jenne	Skinner	Winn
Childers, W. D.	Johnston	Steinberg	
Dunn	MacKay	Thomas	

Nays—None

Votes after roll call:

Yea—Peterson, Stuart

SB 930 was taken up and on motion by Senator Skinner, the rules were waived and by two-thirds vote HB 901 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Skinner—

HB 901—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.07(4) and (5), Florida Statutes, and adding a new subsection (4); prohibiting the sale of oysters produced outside the State of Florida unless the same be so labeled or the purchaser be otherwise made aware of that fact; prohibiting the sale of oysters produced in Florida unless they can be traced to the point of harvesting; providing rulemaking authority; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 930 and read the second time by title. On motion by Senator Skinner by two-thirds vote HB 901 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fechtel	McKnight	Thomas
Anderson	Frank	Neal	Tobiassen
Barron	Gorman	Poole	Trask
Beard	Henderson	Scarborough	Vogt
Chamberlin	Jenne	Scott	Ware
Childers, D.	Johnston	Skinner	Williamson
Childers, W. D.	MacKay	Steinberg	Winn
Dunn	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—Peterson

SB 930 was laid on the table.

SB 958—A bill to be entitled An act relating to mental health; amending s. 2, chapter 77-90, Laws of Florida; delaying the effective date of the requirement for separate treatment facilities for criminally charged or convicted mentally ill persons; providing a retroactive effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Johnston and adopted:

Amendment 1—On page 1 between lines 12 and 13, insert a new Section 2 and renumber subsequent sections.

Section 2. Subsection (5) is added to Section 394.461, Florida Statutes, to read:

394.461 Facilities; transfer of patients.—

(5) *Exception; Florida State Hospital—Florida State Hospital shall not be required to maintain separate treatment facilities for criminally charged or convicted mentally ill persons.*

Amendment 2—On page 1, line 6, after the semicolon insert: providing an exception;

On motion by Senator Johnston, by two-thirds vote SB 958 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Fechtel	McClain	Steinberg
Anderson	Frank	McKnight	Stuart
Barron	Gorman	Myers	Tobiassen
Beard	Henderson	Neal	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Winn

Nays—None

Votes after roll call:

Yea—Peterson, Thomas

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

CS for SB 966—A bill to be entitled An act relating to adoption; amending s. 63.022(2)(g) and (j), Florida Statutes; conforming legislative intent to subsequent changes; amending s. 63.032(9), Florida Statutes, and adding a subsection, expanding the definition of placement and defining adoption; amending s. 63.052, Florida Statutes; designating guardianship for children placed for adoption; authorizing responsibility for children voluntarily surrendered for adoption; limiting responsibility of the department for expenses for children; amending s. 63.092(1) and (2), Florida Statutes; providing an exception to the period in which an intermediary must report an intended adoption prior to the placement of a child; providing courts may waive required period for report only if certain conditions are satisfied; providing that the preliminary study be completed within 30 days or by the placement date; amending s. 63.162(2), (3), (4), and (5), Florida Statutes; providing that the department shall have access to its adoption records and that agencies shall have access to their adoption records; permitting the cross-referencing of closed agency files by the name of the minor; stating that natural parents may authorize the release of their names to adopted children; providing for the release of all family medical and social history of the child and natural parents to the adult adoptee; prohibiting the release of any identifying information relating to the natural parent unless such information has been agreed to be released by the natural parent; providing for the agency or department to arrange for reunions of adult adoptees and natural parents under certain circumstances; amending s. 63.212(1)(b) and (e) and (3), Florida Statutes; conforming penalty provisions; providing an effective date.

—was read the first time by title and SB 966 was laid on the table.

On motion by Senator Hill, by two-thirds vote CS for SB 966 was read the second time by title.

Senator Hill moved the following amendments which were adopted:

Amendment 1—On page 7, lines 25 and 26 strike: *family medical or social histories*

On page 7, line 27 strike: *and social* and on page 8, lines 1-6 strike: all of underlined language and insert on page 7, line 25 after the word "in": "*a family medical history*"

Amendment 2—On page 1, in title, line 31 strike the words "and social" and on page 2: "providing for the agency or department to arrange for reunions of adult adoptees and natural parents under certain circumstances;"

On motion by Senator Hill, by two-thirds vote CS for SB 966 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

Mr. President	Henderson	Poole	Vogt
Barron	Hill	Scarborough	Ware
Beard	Jenne	Scott	Williamson
Childers, W. D.	MacKay	Skinner	Winn
Dunn	McClain	Steinberg	
Frank	Myers	Stuart	
Gorman	Neal	Trask	

Nays—None

Vote after roll call:

Yea—Peterson

SB 1041—A bill to be entitled An act relating to the waters of the state; creating s. 861.045, Florida Statutes, to make it unlawful to fail to stop a boat upon the direction of a law

enforcement officer, or to flee in an attempt to elude such an officer; providing an effective date.

—was read the second time by title. On motion by Senator Fechtel, by two-thirds vote SB 1041 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Frank	McClain	Trask
Barron	Gorman	McKnight	Vogt
Beard	Grizzle	Myers	Ware
Childers, D.	Henderson	Poole	Williamson
Childers, W. D.	Holloway	Steinberg	Winn
Dunn	Jenne	Thomas	
Fechtelt	MacKay	Tobiassen	

Nays—2

Neal Scarborough

Vote after roll call:

Yea—Peterson

SB 1193—A bill to be entitled An act relating to motor vehicles; amending s. 319.23(2), Florida Statutes, relating to procedures for verification of vehicle identification numbers; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 30, after the word “dealer” insert: , a license inspector as provided by s. 320.58

Amendment 2—On page 2 between lines 7 and 8, insert:

Section 2. Subsection (3) of section 320.02, Florida Statutes, is amended to read:

320.02 Application for registration; forms.—

(3) Prior to the registration in this state of any vehicle registered outside the State of Florida, the application shall be accompanied by either a sworn affidavit from the seller and purchaser verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle or a copy of the appropriate motor vehicle inspection or departmental form evidencing that a physical examination has been made of the motor vehicle by the owner and by a motor vehicle inspection station inspector, a duly constituted police department in any state, or a licensed motor vehicle dealer, a license inspector as provided by s. 320.58, or a notary public commissioned by the State of Florida and that the vehicle identification number shown on the applicable form and the application is identical with the vehicle identification number shown on the motor vehicle. Vehicle identification number verification shall not be required for any new vehicle sold in this state by a licensed motor vehicle dealer, any mobile home, any trailer-type recreational vehicle, or any other trailer with a weight of less than 1 ton.

(Renumber subsequent section.)

Amendment 3—On page 1, strike all of lines 2 through 4 and insert: An act relating to motor vehicles; amending ss. 319.23(2) and 320.02(3), Florida Statutes, authorizing a license inspector or a notary public to verify vehicle

Pending further consideration of SB 1193 as amended, on motion by Senator Gorman, the rules were waived and by two-thirds vote HB 638 was withdrawn from the Committee on Transportation.

On motion by Senator Gorman—

HB 638—A bill to be entitled An act relating to motor vehicles; amending ss. 319.23(2) and 320.02(3), Florida Statutes,

authorizing a license inspector or a notary public to verify vehicle identification numbers; providing an effective date.

—a companion measure, was substituted for SB 1193 and read the second time by title. On motion by Senator Gorman, by two-thirds vote HB 638 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Frank	McClain	Tobiassen
Anderson	Gorman	McKnight	Trask
Barron	Grizzle	Poole	Vogt
Beard	Henderson	Scarborough	Ware
Childers, D.	Holloway	Skinner	Williamson
Childers, W. D.	Jenne	Steinberg	Winn
Fechtelt	MacKay	Thomas	

Nays—None

Votes after roll call:

Yea—Myers, Peterson

SB 1193 was laid on the table.

Consideration of SB 1221 was deferred.

SB 1229—A bill to be entitled An act relating to the alcoholic beverage tax; amending s. 565.02(1)(g), Florida Statutes; requiring an additional tax from vendors serving in more than three rooms rather than in more than three locations; providing an effective date.

—was read the second time by title. On motion by Senator Williamson, by two-thirds vote SB 1229 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Peterson

HB 272—A bill to be entitled An act relating to advanced life support services; amending s. 401.46(2), Florida Statutes, requiring certain emergency medical services systems to employ or contract with a medical director; providing for the responsibilities of such directors; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 272 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Peterson

HB 449—A bill to be entitled An act relating to local government planning; amending s. 163.170(2) and (7), Florida Statutes; allowing an alternative definition of “subdivision” by

charter counties for purposes of provisions regulating local government planning for future development under part II of chapter 163; creating s. 163.183, Florida Statutes; providing that charter counties may divide planning and zoning functions and create separate zoning commissions; adding subsection (7) to s. 163.185, Florida Statutes; providing functions of such commissions; amending s. 163.225(2)(e), Florida Statutes, and adding paragraph (f) thereto; conforming language and providing that certain duties of the board of adjustment may be performed by such commissions; amending ss. 163.190(2), 163.200, 163.210(2), 163.215(2), 163.220(3), 163.280(3)(a), and 163.285, Florida Statutes; conforming language; providing an exemption to the operation; amending s. 163.3194(2)(a) providing for reference of certain land development regulations or codes to separate zoning commissions; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendment which was adopted:

Amendment 1—On page 8, lines 15 and 16, strike lines 15 and 16

Senators Myers and McKnight offered the following amendment which was moved by Senator Myers and adopted:

Amendment 2—On page 7, between lines 29 and 30, insert a new section 12 and renumber:

Section 12. Paragraph (f) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the general requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(f) A housing element consisting of standards, plans, and principles to be followed in:

1. The provision of housing for existing residents and the anticipated population growth of the area.

2. The elimination of substandard dwelling conditions.

3. The improvement of existing housing.

4. The provision of adequate sites for future housing, including housing for low-income and moderate-income families, and mobile homes, *group home facilities and foster care facilities, and governmental rehabilitative facilities*, with supporting infrastructure and community facilities as described in paragraphs (6) (c) and (7) (e) and (f).

5. Provisions for relocation housing and identification of housing for purposes of conservation, rehabilitation, or replacement.

6. The formulation of housing implementation programs.

On motion by Senator Dunn, by two-thirds vote HB 449 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of HB 914 was deferred.

HB 1091—A bill to be entitled An act relating to the district school system; adding subsection (17) to s. 230.23, Florida

Statutes; authorizing two or more school districts to form educational consortiums; requiring the State Board of Education to adopt rules for such consortiums; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 1091 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gorman	Myers	Stuart
Anderson	Grizzle	Neal	Thomas
Beard	Hair	Peterson	Tobiassen
Carlucci	Hill	Poole	Trask
Chamberlin	Holloway	Scarborough	Vogt
Childers, D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Winn
Fechtcl	McKnight	Steinberg	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Frank

CS for HB 1095—A bill to be entitled An act relating to county government; making a finding or public purpose; authorizing certain counties operating under home rule charters to create sports authorities; providing for method of creation; providing power to issue revenue bonds; providing that special funds may be used only after appropriate resolution from the respective governing bodies; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Anderson and adopted:

Amendment 1—On page 2, line 4, strike “.” and insert: , including contracting for the use of any of its facilities for purposes other than sports activities and sports events.

Senator Jenne moved the following amendments which were adopted:

Amendment 2—On page 1, strike all of lines 22 through and including line 27 and insert: Section 1. Creation of sports authorities by charter counties.—

(1) Counties operating under a home rule charter may create, either alone or in

Amendment 3—On page 1 in title, line 3, strike the word “certain”

On motion by Senator Anderson, by two-thirds vote CS for HB 1095 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Peterson, by unanimous consent—

HB 1379—A bill to be entitled An act relating to educational television and public broadcasting; amending ss. 229.805 (3)(b) and (c) and 229.805(1), Florida Statutes, to provide support for specified educational radio and television stations

in the state; limiting the development of additional educational radio and television systems; correcting a cross reference; providing an effective date.

—was taken up and read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 1379 was read the third time by title, passed and certified to the house. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Myers

HB 1572—A bill to be entitled An act relating to industrial development financing; amending s. 159.26, Florida Statutes, changing legislative intent with respect to such financing; amending s. 159.27(1) and (5), Florida Statutes, and adding subsections (8)-(19), redefining "bonds" and expanding the definition of "project" to include various facilities; providing other definitions; amending s. 159.28(3), (4), and (6), Florida Statutes, authorizing local agencies to use financing agreements; authorizing certain agreements for the sale of facilities; deleting a restriction upon the financing of projects; amending s. 159.29, Florida Statutes, expanding the criteria to be met for projects to be financed; authorizing the use of financing agreements; deleting requirement for maintenance of bond reserves; declaring certain bond related costs to be costs of the project; amending s. 159.30(1), Florida Statutes, authorizing the sale of such projects by local agencies; amending s. 159.31, Florida Statutes, deleting provisions relating to the tax liability of persons with property interests in such projects; amending s. 159.32, Florida Statutes, authorizing a purchaser or prospective purchaser of a project to contract for the construction of a financed project; amending s. 159.34(1) and (2), Florida Statutes, authorizing interest on industrial revenue bonds to be paid at variable rates; amending s. 159.36(2), Florida Statutes, providing for the fixing of payments under a financing agreement to pay such bonds; amending s. 159.39, Florida Statutes, declaring such bonds, regardless of form to have the qualities of investment securities under the Uniform Commercial Code; amending s. 159.43, Florida Statutes, specifying that certain powers granted to local agencies are supplemental to other powers; amending s. 159.44(2), Florida Statutes, conforming the term "project" as used in provisions relating to industrial development authorities; amending s. 159.45(2), Florida Statutes, authorizing the creation of county industrial development authorities for the development and financing of such projects; amending s. 159.46, Florida Statutes, conforming provisions relating to the purposes of such authorities; amending s. 159.47(6), (7), and (9), Florida Statutes, conforming provisions relating to the powers of such authorities and authorizing the interest bonds issued by such authorities to be paid at variable rates; authorizing such authorities to enter into certain financing agreements; amending s. 159.49(1) and (2), Florida Statutes, conforming provisions relating to bonds issued by such authorities; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendments which were moved by Senator Steinberg and adopted:

Amendment 1—On page 6, line 19, strike "urban"

Amendment 2—On page 8, line 10, after "trade shows" strike all of said line and lines 11 and 12. and insert: (a period)

Senator Thomas moved the following amendment which was adopted:

Amendment 3—On page 25, between lines 9 and 10, insert: Section 18. This act shall not apply to any bonds for which a local agency has, prior to the effective date of this act, adopted a resolution or engaged in negotiations. Such bonds shall be governed by the provisions of chapter 159, Florida Statutes, as it existed immediately prior to the effective date of this act.

(Renumber subsequent section.)

On motion by Senator Steinberg, by two-thirds vote HB 1572 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Gorman	Maxwell	Thomas
Beard	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Neal	Trask
Childers, D.	Henderson	Peterson	Vogt
Childers, W. D.	Hill	Poole	Ware
Dunn	Holloway	Scott	Williamson
Fechtcl	Jenne	Skinner	Winn
Frank	MacKay	Steinberg	

Nays—4

Mr. President Johnston McClain Scarborough

Votes after roll call:

Yea to Nay—Don Childers, Maxwell, Peterson

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

HB 864—A bill to be entitled An act relating to veterans' affairs; adding a subsection to s. 292.05, Florida Statutes, providing that the Division of Veterans' Affairs and the designated administrative unit of the Department of Education shall, in certain cases, act as the State Approving Agencies for the purposes of veterans' training and education; providing an effective date.

—which was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 864 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 827 was laid on the table.

On motion by Senator Anderson, the Senate reconsidered the vote by which—

SB 91—A bill to be entitled An act relating to group, blanket, and franchise disability insurance; renumbering s. 627.6675(6), Florida Statutes, and adding a new subsection (6) to said section; requiring insurers issuing conversion policies to guarantee renewability; providing an effective date.

—as amended passed this day.

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

Amendment 4—On page 2 lines 4 and 5, strike said lines and insert: Section 2. Section 624.031, Florida Statutes, is created to read:

624.031 Self-insurance defined.—Self-insurance includes any plan, fund or program which is communicated or its benefits

described in writing to employees and which has heretofore been or is hereafter established by or on behalf of any individual, partnership, association, corporation, trustee, governmental unit, employer or employee organization, or any other organized group for the purpose of providing for employees or their beneficiaries through such individual, partnership, association, corporation, trustee, governmental unit, employer or employee organization, or any other group benefits in the event of sickness, accident, disability or death. Self-insurance shall not include:

(1) that portion of any plan with respect to which benefits are insured by an insurance company or a nonprofit hospital or medical service corporation, or are provided by a Health Maintenance Organization;

(2) any plan covering less than ten employees in this state;

(3) any plan established and maintained as a pension or profit-sharing plan for the exclusive benefit of employees and their beneficiaries;

(4) any plan established and maintained for the purpose of complying with any workmen's compensation law;

(5) any plan administered by or for the federal government;

(6) any plan with respect to payments by an employer continuing an employee's regular compensation, or part thereof, during an illness or disability, of

(7) any plan which is primarily for the purpose of providing first-aid care and treatment, at a dispensary of an employer for injury or sickness of employees while engaged in their employment.

Section 3. Section 627.551, Florida Statutes, is amended to read:

627.551 Group contracts and plans of self-insurance must meet group requirements.—

(1) No life insurance policy shall be delivered or issued for delivery in this state insuring the lives of more than one individual unless to one of the groups as provided for in s. 627.552 through s. 627.556 and s. 627.572, and unless in compliance with the other applicable provisions of part V of this chapter. No plan of self-insurance providing benefits in the event of death to residents of this state shall be established or maintained unless in compliance with the applicable provisions of part V of this chapter.

(2) Subsection (1) shall not apply to life insurance policies or plans of self-insurance:

(a) Insuring or providing benefits to only individuals related by blood, marriage or legal adoption; or

(b) Insuring or providing benefits to only individuals having a common interest through ownership of a business enterprise, or a substantial legal interest or equity therein, and who are actively engaged in the management thereof; or

(c) Insuring or providing benefits to only individuals otherwise having an insurable interest in each other's lives.

(3) Nothing in s. 627.552 ~~this chapter~~ shall affect the provisions of s. 112.08 to 112.14 inclusive.

(4) As used in part V of this chapter:

(a) The terms "policy," "insurance policy," and "group life insurance policy" are deemed to include plans of self-insurance providing death benefits thereunder.

(b) The terms "amount of insurance" and "insurance" are deemed to include the death benefits provided under a plan of self-insurance.

(c) The term "insurer" is deemed to include any person or governmental unit providing a plan of self-insurance.

Section 4. Section 627.651, Florida Statutes, is amended to read:

627.651 Group contracts and plans of self-insurance must meet group requirements.—

(1) No disability insurance policy shall be delivered or issued for delivery in this state insuring more than one individual unless to one of the groups as provided for in s. 627.653

through s. 627.655 and unless in compliance with the other applicable provisions of part VII of this chapter. No plan of self-insurance providing disability benefits to residents of this state shall be established or maintained unless in compliance with the applicable provisions of part VII

Section 5. This act shall take effect upon becoming a law; except that section 2-4 shall take effect October 1, 1980 and shall apply to all plans of self-insurance established as amended after October 1, 1980.

Senator Anderson moved the following amendment which was adopted:

Amendment 5—On page 1 in title, lines 2 and 3, strike all of said lines and insert: An act relating to insurance; creating s. 624.031, Florida Statutes, to define self-insurance; amending s. 627.551, Florida Statutes, to require self-insured plans to comply with the applicable provisions of Part V of chapter 627; amending s. 627.651, Florida Statutes, to require self-insured plans to comply with the applicable provisions of Part VII of chapter 627;

Renumbering s.

SB 91 as further amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	MacKay	Steinberg
Anderson	Gordon	Maxwell	Stuart
Barron	Gorman	McClain	Thomas
Beard	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
Fechtler	Johnston	Skinner	

Nays—None

Vote after roll call:

Yea—Peterson

SB 1221—A bill to be entitled An act relating to controlled substances; amending ss. 893.03, 893.13(1)(b), (f), 893.135(1)(b); revising standards and schedules under which controlled substances are regulated; specifying controlled substances and regulations with respect thereto; providing that the weight of a mixture containing a controlled substance shall be used in determining whether a prescribed weight of the controlled substance has been exceeded; providing penalties; providing an effective date.

—was read the second time by title.

Senator Poole moved the following amendments which were adopted:

Amendment 1—On pages 12 and 13, strike on page 12, lines 26-31, on page 13, lines 1-20 all of said lines

(Renumber subsequent sections.)

Amendment 2—On page 1 in title, lines 1-13, strike all of said lines and insert: A bill to be entitled An act relating to controlled substances; amending ss. 893.03 and 893.135(1)(b), Florida Statutes; revising standards and schedules under which controlled substances are regulated; providing penalties; providing an effective date.

On motion by Senator Poole, by two-thirds vote SB 1221 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	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Hair	Myers	Tobiassen
Beard	Henderson	Neal	Trask
Carlucci	Hill	Peterson	Vogt
Chamberlin	Holloway	Poole	Ware
Childers, D.	Jenne	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Winn
Dunn	MacKay	Skinner	
Frank	Maxwell	Steinberg	

Nays—None

HB 914—A bill to be entitled An act relating to special districts; amending s. 298.01, Florida Statutes, providing legislative intent that water control districts be created pursuant to county government or special act of the Legislature; amending s. 298.07(1) and (2), Florida Statutes, conforming language and requiring notice of a described type with respect to water control districts; amending s. 298.55(1), Florida Statutes, conforming language; amending s. 298.76(1), Florida Statutes, relating to special or local legislation creating water control districts; amending s. 298.77(1), Florida Statutes, conforming language; repealing s. 298.02, Florida Statutes, relating to the notice of application to form a water control district; repealing s. 298.03, Florida Statutes, relating to objections to the formation of water control districts and related matters; repealing s. 298.04, Florida Statutes, relating to change of venue with respect to water control district proceedings; repealing s. 298.05, Florida Statutes, relating to the revival of cause on the death of a party to water control district proceedings and relating to constructive service on nonresidents; repealing s. 298.06, Florida Statutes, relating to the dissolution of water control districts under certain conditions; repealing s. 298.08, Florida Statutes, relating to the consolidation of adjacent districts; repealing s. 298.09, Florida Statutes, relating to the extension of the corporate life of a district; repealing s. 298.10, Florida Statutes, relating to the effect of appeals; amending s. 388.021, Florida Statutes, providing legislative intent; amending s. 388.101, Florida Statutes, relating to the term of office of mosquito control district boards of commissioners; amending s. 388.211, Florida Statutes, modifying procedure for changing mosquito control district boundaries; repealing s. 388.031, Florida Statutes, relating to the petition procedure for creation of mosquito control districts; repealing s. 388.041, Florida Statutes, relating to duty of county commissioners concerning mosquito control district petitions; repealing s. 388.051, Florida Statutes, relating to elections; repealing s. 388.061, Florida Statutes, relating to limitation on elections; repealing s. 388.071, Florida Statutes, relating to result of elections; repealing s. 388.081, Florida Statutes, relating to the ballot; repealing s. 388.091, Florida Statutes, relating to form of the ballot; 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 Thomas and adopted:

Amendment 1—On page 2, line 30, strike everything after the enacting clause and insert: Section 1. Section 298.01, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 298.01, F.S., for present text.)

298.01 Formation of water control district.—It is the legislative intent that those water control districts established prior to July 1, 1980, pursuant to the process formerly contained in ss. 298.01, 298.02, and 298.03, may continue to operate as outlined in this chapter. However, on and after said date, no water control districts may be created except pursuant to s. 125.01 or special act of the Legislature. Upon formation of a water control district by special act of the Legislature, the circuit court of the county in which a majority of the district's land is located shall thereafter maintain and have original and exclusive jurisdiction, coextensive with the boundaries and limits of said water control district without regard to county lines for all purposes of this chapter.

Section 2. Subsections (1), (2), (4) and (5) of section 298.07, Florida Statutes, are amended to read:

298.07 Amending former decree incorporating district; changing boundary lines and water-management plan; form of notice; objections, hearing and determination on petition.—

(1) The board of supervisors or the Department of Environmental Regulation, for and on behalf of any district organized under the provisions of this chapter, or the owners of land adjacent to such district, shall have the right to file a petition, which shall be subscribed to and acknowledged, in the office of the clerk of the court organizing said district, or, if said district was created by special act of the Legislature, with the clerk of the circuit court in which a majority of the district's lands are located, praying the court to amend its former decree incorporating the district by correcting the names of the land-owners, by striking out any such names, or by adding, striking out or correcting the description of any land within or alleged to be within the boundary lines of any such district or in any other manner amend its decree. The petition may ask permission of the court to amend or change the water-management plan, or to correct any errors, omissions, or other mistakes that have been discovered in the water-management plan; or said petition may ask that the boundary lines of said district be extended so as to include lands not described by, and included in, the petition and decree of the court incorporating the district. If such petition asks the court's permission to change the water-management plan, or in any manner to change the boundary lines of such district, it shall also ask the court to appoint three commissioners, as provided for under the provisions of s. 298.30, to appraise the land that shall be taken for rights-of-way, holding basins, or other work or assess the benefits and damages to any or all lands, public highways, and railroad and other property already in the district or that may be annexed to the district by the proposed amendments, and changes to the water-management plan or the proposed change in the boundary lines of said district. If such petition proposes to change the boundary lines of said district, there shall be attached to the petition and published with the notice required by subsection (2) a map or plat of the county or counties in which said proposed district shall be located, showing the proposed location of the new boundary lines of the district and the section, township, and range lines, together with natural geographic features and existing roads, streets, and highways.

(2) As soon as said petition and attachments, if applicable, have been filed, the petitioner clerk of the court shall give notice by causing publication to be made once a week for 4 consecutive weeks in a newspaper of general circulation published in each county in which lands and other property described in the petition are situated in the manner and for the time provided for in s. 298.02, said notice to be substantially in the following form:

“Notice of Hearing

To the owners and all persons interested in the lands corporate, and other property in and adjacent to . . . Water Control District:

You, and each of you, are hereby notified that . . . (here state by whom petition was filed) . . . has filed in the office of the Circuit Court of . . . County, Florida, a petition praying said court for permission to . . . (here insert the prayer of said petition) . . . , and unless you show cause to the contrary within 20 days after the publication of this notice as required by law, the prayer of said petition may be granted.

OWNERS OF RECORD OF LAND WITHIN THE DISTRICT AND OF LAND CONTIGUOUS THERETO

NAME	ADDRESS	DESCRIPTION OF LAND
------	---------	---------------------

Date of first publication . . . , 19 . . .

...(Petitioner Clerk of the Circuit Court)...
.... County, Florida.”

(4) The clerk of the court shall, within 10 days after the granting of the decree, transmit a certified copy of the petition to the secretary of the board of supervisors and also shall transmit a copy of the same to each of the clerks of the circuit courts of the counties having land in the district and to the

Department of State. Each such clerk shall file and record the same in his office, and for such filing and recording he shall receive a service charge as provided in s. 28.24. If the decree of the court provides that "the plan of reclamation" may be amended, changed, or corrected or the boundary lines of the district extended, the court shall appoint three commissioners possessing the same qualifications as the commissioners appointed under the provisions of s. 298.30 to appraise property to be taken, assess benefits and damages, and estimate the cost of improvements, the same as is required of commissioners acting under the provisions of s. 298.32. The commissioners shall make their report in writing and file the same with the circuit court clerk, after which, the same shall proceed in the same manner as is now provided for the organization of districts. The commissioners' report shall be heard and considered by the circuit court at the hearing, to grant or deny a petition to amend or alter district boundaries, taxes, assessments, or plans of reclamation and maintenance. However, the commissioners' report required to be mailed to each landowner by this section shall include only those portions of the assessment of benefits and damages attached to such report which describe specific benefits and damages to that landowner's property, and shall be accompanied by a written notice that a copy of the complete report is available for inspection at the office of the circuit court clerk. If the petition is dismissed the district shall pay the cost; but if the petition is sustained in whole or in part, the objectors shall pay the court costs incurred by reason of the objections.

(5) In addition to the publication of notice, a copy of the petition and the attached map or plat, together with a summons, shall be served on the water management district, created under chapter 373, in which lands described in the petition are situated; on the board of county commissioners of the county, and the governing body of any municipality, in which the lands are situated; and on the Department of Environmental Regulation, in the manner provided by the Florida Rules of Civil Procedure for the service of pleadings and papers on parties. In addition thereto, a copy of the notice as published and a copy of the petition and the attached map or plat shall be served mailed by the petitioner on clerk to each person owning land within, and to each person owning land immediately adjacent and contiguous to, the boundaries of the existing or proposed district as shown on the current tax roll, in the manner provided by the Florida Rules of Civil Procedure for the service of pleadings and papers on parties, and the clerk shall file a certificate of mailing. The parties served and receiving notice by mail shall have 20 days after the date of service or the date of mailing, or the time allowed in the published notice, in which to file objections to the amendment of the former decree. The Department of Environmental Regulation shall, in the case of every petition, file with the court its objections, recommendations, or proposed amendments to the petition. Service of process may be waived in writing.

Section 3. Subsections (1) and (3) of section 298.33, Florida Statutes, are amended to read:

298.33 Form of notice of filing of commissioners' report; publication of notice.—

(1) Upon the filing of the report of the commissioners, the petitioner clerk of said circuit court shall give notice thereof, by causing publication to be made once a week for 2 consecutive weeks in some newspaper published in each county in the district, the last publication to be made at least 10 days before a return date of said circuit court, to be named in such notice, on which exceptions may be filed. It shall not be necessary for the clerk to name the parties interested, but it shall be sufficient to say:

"Notice of filing Commissioners'
Report for . . . Water Control
District

Notice is hereby given to all persons interested in the following described land and property in . . . County (or Counties), in the State of Florida, viz.: . . . (Here describe land and property) . . . included within . . . Water Control District that the commissioners heretofore appointed to assess benefits and damages to the property and lands situated in said district and to appraise the cash value of the land necessary to be taken for rights-of-way, holding basins and other works of said district, within or without the limits of said district, filed their report in the this office of the Clerk of the Circuit Court of

. . . County, Florida, on the . . . day of . . . , 19 . . . , and you and each of you are hereby notified that you may examine said report and file exception to all, or any part thereof, on or before . . . , 19

First publication . . . , 19

. . . (Petitioner Clerk of the Circuit Court) . . .
. . . County, Florida."

(3) A copy of the report of the commissioners, together with a copy of the above notice as published, shall be served on the water management district created under chapter 373 in which the lands are situated; the board of county commissioners of the county, and the governing body of any municipality, in which the lands are situated; and the Department of Environmental Regulation, in the manner provided by the Florida Rules of Civil Procedure for the service of pleadings and papers on parties. In addition thereto, a copy of the portion of the commissioners' report of the commissioners containing those portions of the assessment of benefits and damages attached to such report which describe specific benefits and damages to that landowner's property, together with a written notice that a copy of the complete report is available for inspection at the office of the circuit court clerk report together with a copy of the above notice as published shall be mailed by the petitioner clerk to each person owning land within, and to each person owning land immediately adjacent and contiguous to, the boundaries of the district as shown on the current tax roll, and the clerk shall file a certificate of mailing.

Section 4. Subsection (1) of section 298.55, Florida Statutes, is amended to read:

298.55 Readjustment of assessment of benefits; petition; notice; hearing; determination; readjustment once every 5 years.—

(1) Whenever the owners of 25 percent or more of the acreage of the lands in the district shall file a petition with the clerk of the circuit court having jurisdiction over the district organizing the district, stating that there has been a material change in the values of the property in the district since the last previous assessment of benefits and praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of the maintenance tax, the petitioner circuit court shall give notice of the filing and hearing of said petition in the manner and for the time provided for in s. 298.07 298.02. Such notice may be in the following form:

"Notice is hereby given to all persons interested in the lands included within the . . . Water Control District that a petition has been filed in the office of the Clerk of the Circuit Court of . . . County, . . . praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of the maintenance tax in said district, and that said petition will be heard by said circuit court on the first day of the next . . . term of said court.

Date of first publication . . . , 19

. . . (Petitioner Clerk of the Circuit Court) . . .
. . . County."

Section 5. Subsection (1) of section 298.76, Florida Statutes, is amended to read:

298.76 Special or local legislation; effect, etc.—

(1) Chapter 298 is amended to provide that pursuant to the authority granted the Legislature in s. 11(a)(21), Art. III of the State Constitution, there shall be no special law or general law of local application granting additional authority, powers, rights or privileges to any water control district formed pursuant to this chapter. However, this paragraph shall not prohibit special or local legislation which:

- (a) Amends an existing special act which provides for the levy of a district's annual maintenance tax;
- (b) Extends the corporate life of a district;
- (c) Consolidates adjacent districts; or
- (d) Authorizes the construction or maintenance of roads for agricultural purposes as outlined in this chapter. special or local laws may be enacted by the Legislature granting addi-

tional authority, powers, rights and privileges or taking away authority, powers, rights and privileges granted or provided for by said chapter 298 or any section thereof, pertaining to or affecting any district heretofore or that may be hereafter created as provided for by said chapter 298.

Section 6. Subsection (1) of section 298.77, Florida Statutes, is amended to read:

298.77 Assessments; readjustments, procedure, notice, hearings, etc.—

(1) Whenever the board of supervisors or the owners of 25 percent or more of the acreage of the land of any district situated wholly in a single county existing under the general drainage laws of Florida, now chapter 298, joined by the holders of not less than 95 percent of the indebtedness outstanding against said district, shall file a petition with the clerk of the circuit court *having jurisdiction over the organizing such district*, stating that there has been a material change in the value of the property in the district since the last previous assessment of benefits, contributed to by the drainage system; that a relatively large portion or portions of said district have become nontaxable for the purpose of paying the indebtedness of such district; that a named person, corporation or agency has purchased the obligations of said district at a discount and under circumstances whereby the district is expected to pay in discharge of its obligations a sum greatly less than the par value of said obligations; that improvements within such district made possible or practicable by the drainage effected have been such as to enhance values in a portion or portions thereof more than in other portions of the district; and that developments in all parts of such district are believed to have been retarded by the inability of property owners to pay assessments and discharge individual properties from the lien of the drainage tax; and praying for readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of taxes to pay the indebtedness of such district and to maintain its drainage system, the said clerk shall give notice of the filing and hearing of said petition in the manner and for the time provided for in s. 298.07 298.02.

Section 7. Sections 298.04, 298.05, 298.06, 298.08, and 298.10, Florida Statutes, sections 298.03 and 298.09, Florida Statutes, as amended by chapter 79-65, Laws of Florida, and section 298.02, Florida Statutes, as amended by chapters 79-5 and 79-65, Laws of Florida, are hereby repealed.

Section 8. Paragraph (e) of subsection (2) and subsection (3) of section 336.62, Florida Statutes, are amended to read:

336.62 Alternative method of establishing special road and bridge districts.—

(e) *Except as provided in subparagraph 2.,* at all elections held pursuant to this section, qualified electors shall be persons who reside within the district that are qualified to vote in any general or special election or who are owners of land within the district, whether said owners reside within the district or not.

1. Owners of land shall be entitled to cast one vote for each lot or fractional part thereof belonging to such owner, except that only one vote may be cast for each such lot or fractional part thereof regardless of whether the legal title thereto is held in single or multiple ownership. Any person who is a resident of the district and qualified to vote in any general or special election and who is also a lot owner shall be entitled to only one vote; however, this does not preclude a resident lot owner from casting more than one vote if he owns additional lots on which he does not reside.

2. *In any district created after 1970 and before the effective date of this act in any election held 5 or more years after creation of the district, only persons who reside and own real property within the district and are qualified to vote in any general or special election may vote. Each such person may cast only one vote in the election.*

3. In defining these voter qualifications it is intended that all persons either directly or indirectly affected by any tax and improvements derived therefrom be granted a voice. Such vote shall be in person or by proxy. No proxy shall be effective unless acknowledged by a notary public.

4. If the board of county commissioners shall find and determine that the result of said election is adverse to the proposi-

tion of creating a district, no other election for the same purpose shall be held within 1 year thereafter.

(3) Beginning with the next general election following the creation of the district, and in the general election each 4 years thereafter, the said district commissioners shall qualify by petition and be elected in the ~~same manner as provided in paragraph (e) of subsection (2) for the initial election.~~ The five persons receiving the highest number of votes cast in the general election shall serve 4 years and shall take office at the same time as do other county officers, on the first Tuesday after the first Monday in January next after their election, and serve on the same cycle as do other constitutional county officers. Any commissioner whose qualifications for election as contained in this act terminate shall thereafter be disqualified as a commissioner, and the vacancy shall be filled as provided below.

Section 9. Section 388.021, Florida Statutes, is amended to read:

388.021 Creation of mosquito control districts.—

(1) The abatement or suppression of mosquitoes and other arthropods, whether disease-bearing or merely pestiferous, within any or all counties of Florida, is advisable and necessary for the maintenance and betterment of the comfort, health, welfare, and prosperity of the people thereof; and is found and declared to be for public purposes. All depressions, lagoons, marshes, ponds, or lakes wherein mosquitoes incubate or hatch are declared to be public nuisances, as harmful or inimical to the comfort, health, welfare, and prosperity of the inhabitants and may be abated as hereinafter provided. Therefore any city, town, or county, or any portion or portions thereof, whether such portion or portions include incorporated territory or portions of two or more counties in the state, may be created into a special taxing district for the control of mosquitoes and other arthropods under the provisions of this chapter.

(2) *It is the legislative intent that those mosquito control districts established prior to July 1, 1980, pursuant to the petition process formerly contained in s. 388.031, may continue to operate as outlined in this chapter. However, on and after said date, no mosquito control districts may be created except pursuant to s. 125.01.*

Section 10. Section 388.101, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 388.101, F.S., for present text.)

388.101 District boards of commissioners; term of office.

(1) Following the creation of the district, and in the general election each 4 years thereafter, the said commissioners shall be elected on a nonpartisan basis by the electors of the district, and the three persons receiving the highest number of votes cast in the general election shall serve 4 years and shall take office at the same time as do other county officers on the first Tuesday after the first Monday in January next after their election and serve on the same cycle as do other constitutional county officers.

(2) The board of county commissioners shall call and provide for said election. Members of the district board of commissioners shall be resident registered electors.

Section 11. Section 388.211, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 388.211, F.S., for present text.)

388.211 Change in district boundaries.—

(1) The board of commissioners of any district formed prior to July 1, 1980, may, for and on behalf of said district or the qualified electors within or without said district, request that the board of county commissioners in each county having land within said district approve a change in the district's boundaries.

(2) If the board of county commissioners approves such change, an amendment shall be made to the order creating the district to conform with the boundary change.

Section 12. Sections 388.031, 388.041, 388.051, 388.061, 388.071, 388.081 and 388.091, Florida Statutes, are hereby repealed.

Section 13. This act shall take effect July 1, 1980.

The Committee on Economic, Community and Consumer Affairs offered the following amendments which were moved by Senator Thomas and failed:

Amendment 2—On page 6, line 16, and on page 8, line 23, strike: "298.07(2)" and insert: 298.07

Amendment 3—On page 7, between lines 8 and 9, insert: (a) *Amends an existing special act which provides for the levy of a district's annual maintenance tax;*

(Redesignate the subsequent paragraphs.)

Amendment 4—On page 8, between lines 28 and 29, insert: Section 7. Paragraph (e) of subsection (2) and subsection (3) of section 336.62, Florida Statutes, are amended to read:

336.62 Alternative method of establishing special road and bridge districts.—

(2)

(e) *Except as provided in subparagraph 2., at all elections held pursuant to this section, qualified electors shall be persons who reside within the district that are qualified to vote in any general or special election or who are owners of land within the district, whether said owners reside within the district or not.*

1. Owners of land shall be entitled to cast one vote for each lot or fractional part thereof belonging to such owner, except that only one vote may be cast for each such lot or fractional part thereof regardless of whether the legal title thereto is held in single or multiple ownership. Any person who is a resident of the district and qualified to vote in any general or special election and who is also a lot owner shall be entitled to only one vote; however, this does not preclude a resident lot owner from casting more than one vote if he owns additional lots on which he does not reside.

2. *In any district created after 1970 and before the effective date of this act in any election held 5 or more years after creation of the district, only persons who reside and own real property within the district and are qualified to vote in any general or special election may vote. Each such person may cast only one vote in the election.*

3. In defining these voter qualifications it is intended that all persons either directly or indirectly affected by any tax and improvements derived therefrom be granted a voice. Such vote shall be in person or by proxy. No proxy shall be effective unless acknowledged by a notary public.

4. If the board of county commissioners shall find and determine that the result of said election is adverse to the proposition of creating a district, no other election for the same purpose shall be held within 1 year thereafter.

(3) Beginning with the next general election following the creation of the district, and in the general election each 4 years thereafter, the said district commissioners shall qualify by petition and be elected in the same manner as provided in paragraph (e) of subsection (2) for the initial election. The five persons receiving the highest number of votes cast in the general election shall serve 4 years and shall take office at the same time as do other county officers, on the first Tuesday after the first Monday in January next after their election, and serve on the same cycle as do other constitutional county officers. Any commissioner whose qualifications for election as contained in this act terminate shall thereafter be disqualified as a commissioner, and the vacancy shall be filled as provided below.

(Renumber subsequent sections.)

Amendment 5—On page 9, line 31, after the word "elected" insert: on a non-partisan basis

Amendment 6—On page 2 in title, line 5, after the semicolon insert: amending s. 336.62(2)(e), (3), Florida Statutes; prescribing persons eligible to vote in elections held by certain special road and bridge districts;

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

Amendment 7—On page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to special districts; amending s. 298.01, Florida Statutes, providing legislative intent that water control districts be created pursuant to county government or special act of the Legislature; amending s. 298.07(1), (2), (4), (5), Florida Statutes; conforming language and requiring notice of a described type with respect to water control districts; amending s. 298.33(1), (3), Florida Statutes, relating to commissioners' report notice requirements; amending s. 298.55(1), Florida Statutes, conforming language; amending s. 298.76(1), Florida Statutes, relating to special or local legislation creating water control districts; amending s. 298.77(1), Florida Statutes; conforming language; repealing s. 298.02, Florida Statutes, as amended, relating to the notice of application to form a water control district; repealing s. 298.03, Florida Statutes, as amended, relating to objections to the formation of water control districts and related matters; repealing s. 298.04, Florida Statutes, relating to change of venue with respect to water control district proceedings; repealing s. 298.05, Florida Statutes, relating to the revival of cause on the death of a party to water control district proceedings and relating to constructive service on nonresidents; repealing s. 298.06, Florida Statutes, relating to the dissolution of water control districts under certain conditions; repealing s. 298.08, Florida Statutes, relating to the consolidation of adjacent districts; repealing s. 298.09, Florida Statutes, as amended, relating to the extension of the corporate life of a district; repealing s. 298.10, Florida Statutes, relating to the effect of appeals; amending s. 336.62(2)(e), (3), Florida Statutes; prescribing persons eligible to vote in elections held by certain special road and bridge districts; amending s. 388.021, Florida Statutes; providing legislative intent; amending s. 388.101, Florida Statutes, relating to the term of office of mosquito control district boards of commissioners; amending s. 388.211, Florida Statutes; modifying procedure for changing mosquito control district boundaries; repealing s. 388.031, Florida Statutes, relating to the petition procedure for creation of mosquito control districts; repealing s. 388.041, Florida Statutes, relating to duty of county commissioners concerning mosquito control district petitions; repealing s. 388.051, Florida Statutes, relating to elections; repealing s. 388.061, Florida Statutes, relating to limitation on elections; repealing s. 388.071, Florida Statutes, relating to result of elections; repealing s. 388.081, Florida Statutes, relating to the ballot; repealing s. 388.091, Florida Statutes, relating to form of the ballot; providing an effective date.

On motion by Senator Thomas, by two-thirds vote HB 914 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Senate resumed consideration of—

HB 1302—A bill to be entitled An act regulating the trapping or taking of spiny lobsters; amending s. 1, ch. 79-133, Laws of Florida; revising the boundary description of the spiny lobster sanctuary located within the waters of Biscayne Bay and Card Sound; prohibiting any person from taking or trapping, within such area, any spiny lobster of the genus *Panulirus* unless such person has been issued a permit; providing penalties; providing an effective date.

On motion by Senator Anderson, by two-thirds vote HB 1302 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 645 was laid on the table.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Frank, the rules were waived and by two-thirds vote SB 273 and SJR 274 were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Holloway, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following resolution out of order:

INTRODUCTION

By Senator Holloway—

SR 1380—A resolution recognizing and commending Perrine-Cutler Ridge Rotary Club for its many acts of service to the community.

—which was read the first time by title. On motion by Senator Holloway, SR 1380 was read the second time in full and unanimously adopted.

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 with 2 amendments—

By the Committee on Ways and Means and Senator Maxwell and others—

CS for SB 505—A bill to be entitled An act relating to ad valorem taxes; amending s. 194.011(2), Florida Statutes; specifying content of notice of assessment; amending s. 194.032(2), (5), Florida Statutes; requiring notice of hearings of the property appraisal adjustment board and notice of results of such hearings; amending s. 196.031(3), Florida Statutes, as amended by chapter 79-332, Laws of Florida; providing a \$20,000 homestead exemption from ad valorem nonschool levies under certain conditions; amending s. 196.032, Florida Statutes; relating to the reimbursement of local government for certain revenues lost; amending s. 199.292(4), Florida Statutes; providing for the deposit of certain intangibles tax collections into the General Revenue Fund of the state; amending s. 197.072(1), Florida Statutes; specifying content of notice of taxes; amending s. 200.065(1), (2), (5), (9), Florida Statutes; providing duties of property appraiser; specifying circumstances for increase of millage over a specified amount; specifying applicability; adding s. 228.041(31), Florida Statutes; defining "non-voted discretionary millage"; amending s. 236.25, Florida Statutes; limiting millage for school purposes; specifying budget procedure; providing for increased millage; amending s. 236.081(4), Florida Statutes; requiring the Legislature to prescribe aggregate required local effort; requiring the Commissioner of Education to certify millage for required local effort to each district school board; specifying duties of Department of Rev-

enue; amending s. 237.081, Florida Statutes; requiring notice of certain nonvoted discretionary tax levies; specifying aggregate required local effort for fiscal year 1980-1981; amending s. 218.23(1), Florida Statutes; providing requirements for participation in revenue sharing; adding ss. 218.34(6), 373.503(5), 218.32(2), Florida Statutes; requiring special districts and water management districts to certify compliance with procedure for increase of millage over a specified amount; requiring the Department of Banking and Finance to report such certification; amending s. 193.114, Florida Statutes; providing that review of assessment roll must allow for use of criteria; authorizing certain renters to pay ad valorem taxes on residential rental property; retaining owner's liability for tax; providing procedures for assessing, collecting, and paying the tax; providing for personal liability of renter for ad valorem tax; providing penalty against owners who fail to remit to tax collector the taxes collected; prohibiting excessive rent; authorizing recovery by owner of rental property for failure of renter to pay tax; amending s. 192.001(13), Florida Statutes; including renters within the definition of taxpayer; amending s. 205.043(1)(b), Florida Statutes; authorizing an increase in certain occupational license taxes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

On motion by Senator Maxwell, the rules were waived and House Amendment 1 was not printed in the Journal (amendment attached to original bill).

Amendment 2—On page 1 strike the entire title and insert:

A bill to be entitled

An act relating to ad valorem taxation; amending s. 194.032 (1), (2), (3) and (4), Florida Statutes; authorizing the property appraisal adjustment boards to hear appeals concerning ad valorem tax classifications; requiring that, upon request, certain information be included in the notice to a petitioner of his time of appearance before a board; specifying grounds for removal from office; allowing petitioners to be represented by an agent; specifying certain evidence that may not be presented or accepted; providing qualifications of special masters; restricting representation before a board by persons who have served as special masters; amending s. 196.011(1), Florida Statutes, relating to annual applications for exemption; authorizing certain persons to reapply on a short form; creating s. 193.1145, Florida Statutes; providing intent; providing for designation of interim assessment rolls if the local taxing authority brings a civil action in circuit court and the court so orders; requiring taxing units to levy provisional millage rates upon interim assessment rolls and to certify the rates to the property appraiser; providing for the applicability of certain laws to such rates; providing duties of property appraisers, tax collectors, and circuit court clerks with respect to such interim assessment rolls; specifying certain notice in tax bills based on such assessment rolls; providing for the recomputation of millage rates and for the reconciliation of interim and approved assessment rolls for certain purposes; providing for and restricting billings and refunds based upon such reconciliation; authorizing delays in supplemental billing or refunding; providing that the court may confirm taxes levied against an interim roll as final under certain conditions; providing a form for notice of supplemental bills or refunds; providing for review of interim assessments; providing for the applicability of certain delinquent tax provisions to delinquent provisional taxes based upon such interim assessment rolls; providing that the recomputation of millage rates shall not affect the amount of revenues to school districts, counties and municipalities; providing that provisional millage rates levied by multicounty taxing authorities, certain millages approved by the electors, and millage representing required local effort under the Florida Education Finance Program shall not be recomputed; providing for the inapplicability of chapter 120, Florida Statutes; amending s. 195.092, Florida Statutes; providing authority of property appraisers and taxing authorities to bring certain actions; providing the venue for certain actions; providing for appeal; requiring conference with the property appraiser prior to institution of certain actions; providing powers of court with respect to implementation of a reappraisal plan; providing for the inapplicability of chapter 120; repealing s. 195.098, Florida Statutes, which provides for an Assessment Administration Review Commission; amending ss. 193.114(7) and 194.032(10), Florida Statutes, to conform; amending s. 197.012, Florida Statutes, specifying an alterna-

tive date by which tax collectors must collect delinquent taxes; creating s. 197.0125, Florida Statutes, authorizing certain delays in time requirements relating to the collection of or administrative procedures regarding delinquent taxes; repealing Item 5 in Section 1 of chapter 79-212, Laws of Florida, deleting an appropriation to the Assessment Administration Review Commission; creating an Assessment Review Trust Fund and providing purposes thereof; transferring certain moneys to said trust fund; providing an appropriation to the judicial branch to implement the act; providing legislative intent with respect to education tax and just valuation; amending s. 195.096, Florida Statutes; providing requirements with respect to review of county assessment rolls by the Division of Ad Valorem Tax; revising time periods; providing for publication of results; providing for determination of projected levels of assessment for certain counties; providing requirements with respect to performance audits of the administration of ad valorem tax laws by the Auditor General; amending s. 195.097, Florida Statutes; providing requirements and procedures with respect to notification by the executive director of the department to property appraisers regarding defects in assessment rolls; providing duties of property appraiser upon receipt of an administrative order relating thereto; providing for continuing supervision; revising time periods and providing for an extension of deadlines; providing an appropriation; amending s. 236.081(4), Florida Statutes; providing for application of an equalization factor in computation of district required local effort under the Florida Education Finance Program; limiting required local effort; amending s. 145.10, Florida Statutes; increasing base salaries, group rates, and special qualification salaries with respect to property appraisers; providing for continuing education requirements; creating s. 192.115, Florida Statutes; providing for appointment of a performance review panel to investigate roll disapproval and property appraiser performance under certain circumstances; providing result of a finding of unsatisfactory performance; repealing s. 195.027(6), Florida Statutes, and adding a new subsection (6); deleting provisions relating to an information form to provide the property appraiser with data relating to transfer of interests in real property; providing that the department shall adopt guidelines providing staffing standards for operation of property appraisers' offices; amending s. 200.065, Florida Statutes; revising procedures for calculation of the taxable value for each taxing authority by the property appraiser and providing for calculation of a rolled back millage rate; providing for computation of proposed millage rates based on tentative budgets by each taxing authority and for public hearings thereon; providing for application of rolled back rate for those taxing authorities which do not provide required information; providing for notice of, and procedures and requirements with respect to, public hearings to finalize the budgets and adopt millage rates; providing form of notices; providing requirements with respect to notices and providing a penalty for violation; providing that receipt of the resolution or ordinance adopting the millage rate shall be considered official notice thereof by the property appraiser; providing for adjustment of adopted millage by taxing authorities when there is a variance in taxable values; providing time limitations for these procedures and requirements; providing application to multicounty taxing authorities and removing the exemption for multicounty taxing authorities limited to levies of 1 mill or less; creating s. 200.069, Florida Statutes; providing for notice of proposed property taxes to be sent to each taxpayer and providing for contents thereof; amending ss. 129.01(2)(b) and 129.03, Florida Statutes; conforming procedures relating to preparation and adoption of county budgets; providing for certification of total valuations by property appraiser to county budget officer; providing for submission of tentative budgets by property appraisers and tax collectors; providing for publication of summary statement regarding adopted tentative budgets; providing for filing of budgets in office of county auditor; repealing s. 129.05, Florida Statutes, relating to method of determination of millage to be levied; amending ss. 237.041, 237.051, and 237.081, Florida Statutes; conforming procedures relating to preparation and adoption of budgets by school boards; providing for certification of total valuations by property appraiser to superintendent; providing for publication of summary statement regarding adopted tentative budget; repealing s. 237.091(4), Florida Statutes, relating to determination of millage to be levied; amending s. 194.011, Florida Statutes; conforming provisions relating to notice of assessment; providing time for filing petition with property appraisal adjustment board; amending s. 194.032(1), Florida Statutes, and adding subsection (11); revising time for hearings by the property appraisal adjustment board; providing for public notice of the findings and

results of the board and specifying contents and form thereof; amending s. 197.072(1), Florida Statutes, as amended, and adding subsections (5) and (6); requiring that notice of taxes be accompanied by a statement containing information relating to millage rates and taxes; providing that the tax roll may be extended prior to completion of board hearings under certain conditions; amending s. 218.23(1), Florida Statutes; providing requirements for participation in revenue sharing; adding ss. 218.34(6) and 373.503(5) and amending s. 218.32(2), Florida Statutes; requiring special districts and water management districts to certify compliance with s. 200.065, Florida Statutes; requiring the Department of Banking and Finance to report such certification; adding subsection (31) to s. 228.041, Florida Statutes; defining "nonvoted discretionary millage"; amending s. 236.081(4), Florida Statutes; providing that the Legislature shall prescribe school district required local effort for all districts collectively as an item in the General Appropriations Act; providing for computation by the Commissioner of Education of the millage rate needed to generate the prescribed aggregate required local effort; amending s. 236.25(1), Florida Statutes; providing a limitation on school district nonvoted discretionary millage; amending s. 373.536(1), (3) and (4), Florida Statutes, and repealing subsection (5) thereof; providing procedures for adoption of water management district budgets and millage rates; amending s. 320.04(1), Florida Statutes, increasing certain service charges and providing other service charges which may be collected by the tax collector for certain transactions with respect to motor vehicle, mobile home, and aircraft licenses and registrations; amending s. 320.03(4), Florida Statutes, providing for the installation of an on-line computer system in tax collector's and license tag agent's offices; providing funding therefor; amending s. 371.051(2), Florida Statutes, increasing the registration fee for noncommercial vessels; amending s. 371.65(2), Florida Statutes, and adding a subsection, providing a mail service charge for such noncommercial vessel registration; amending s. 371.76(4), Florida Statutes, increasing the fee for the issuance of certificates of title for boats; adding subsections to s. 196.012, Florida Statutes, providing definitions; amending s. 196.031, Florida Statutes, providing a homestead exemption for units in homes for the aged; exempting homestead exemptions for such units from provisions requiring property appraisers to compile certain lists of property removed from the assessment rolls; amending s. 196.032(2) and (4), Florida Statutes, similarly exempting homestead exemptions for such units from provisions relating to revenue lost from certain additional exemptions; amending s. 196.033(2), Florida Statutes, similarly exempting homestead exemptions for such units from provisions entitling school districts to reimbursement for certain lost revenues; amending s. 196.041, Florida Statutes, creating a title to a home for the aged unit or apartment in favor of a member of a home who occupies it for purposes of homestead exemption; amending s. 196.1975, Florida Statutes, changing qualifications of homes for the aged for charitable exemptions; exempting certain disabled veterans from certain income limitations with respect to such qualifications; deleting provisions granting certain exemptions to units or apartments in homes for the aged; creating s. 196.1978, Florida Statutes, declaring real and tangible personal property owned by a home for the aged which is used for certain purposes to be exempt from ad valorem taxation; providing an effective date.

Senator Maxwell moved the following amendment which was adopted:

Amendment 1 to House Amendment 1—On page 88, line 16, after the period (.) insert: Section 56. Paragraph (d) of subsection (11) of section 192.001, Florida Statutes is amended to read:

192.001 Definitions.—All definitions set out in chapter 1 that are applicable to this part, are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(11) "Personal property" for the purposes of ad valorem taxation, shall be divided into four categories as follows:

(d) "Tangible personal property" means all goods, chattels, and other articles of value (but not including the vehicular items enumerated in s. 1(b), Article VII of the State Constitution and elsewhere defined) capable of manual possession and whose chief value is intrinsic to the article itself. *Construction work in progress consists of those items of tangible personal property commonly known as fixtures, machinery and equipment when in the process of being installed in new or expanded*

improvements to real property and whose value is materially enhanced upon connection or use with a preexisting taxable, operational system or facility. Construction work in progress shall be deemed substantially completed when connected with the preexisting taxable, operational system or facility. "Inventory" and "household goods" are expressly excluded from this definition. Live-aboard vessels as defined in s. 371.021(18) are expressly included in this definition.

Section 57. Subsection (2) of section 192.042, Florida Statutes, is amended to read:

192.042 Date of assessment.—All property shall be assessed accordingly to its just value as follows:

(2) Tangible personal property, on January 1, *except construction work in progress shall have no value placed thereon until substantially completed as defined in s. 192.001(11)(d).*

And renumber subsequent sections.

On motions by Senator Maxwell, the Senate refused to concur in House Amendment 1 as amended, refused to concur in House Amendment 2 and the House was requested to recede and in the event the House refused to recede a conference committee was requested. The President appointed Senator Maxwell, chairman; Senators Jenne, Myers, Peterson and Gordon, conferees, and Senator Tobiassen as an alternate on CS for SB 505. The action of the Senate was certified to the House.

SPECIAL ORDER

Senator Scarborough presiding

SB 658—A bill to be entitled An act relating to the district courts of appeal; amending s. 35.05, Florida Statutes; authorizing each district court of appeal to designate locations within its district as branch headquarters; providing an effective date.

—was read the second time by title.

Senator Don Childers raised a point of order that SB 658 had fiscal impact and should be removed from the calendar and re-referred to the Committee on Ways and Means.

The Presiding Officer ruled the point not well taken.

On motion by Senator Barron, the rules were waived and time of adjournment was extended until 12:30 p.m.

Senator McClain moved the following amendment which was adopted:

Amendment 1—On page 1, lines 22-26, strike all of said lines and insert: (2) *The Second District Court of Appeal may designate other locations within its district as branch headquarters for the conduct of the business of the court in special or regular term and as the official headquarters of its officers or employees pursuant to s. 112.061.*

Senators McClain and Ware offered the following amendment which was moved by Senator McClain and adopted:

Amendment 2—On page 1 in title, line 4, strike "each" and insert: the second

Pending further consideration of SB 658 as amended, on motions by Senator McClain, the rules were waived and by two-thirds vote HB 1350 was withdrawn from the Committees on Judiciary-Civil and Ways and Means.

On motion by Senator McClain—

HB 1350—A bill to be entitled An act relating to the district courts of appeal; amending s. 35.05, Florida Statutes; authorizing the Second District Court of Appeal to designate locations within its district as branch headquarters; providing an effective date.

—a companion measure, was substituted for SB 658 and read the second time by title. On motion by Senator McClain, by two-thirds vote HB 1350 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Frank	McKnight	Steinberg
Barron	Gorman	Neal	Thomas
Beard	Grizzle	Peterson	Tobiassen
Carlucci	Hill	Poole	Trask
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtel	McClain	Skinner	Winn

Nays—6

Chamberlin	Hair	Stuart	Vogt
Childers, D.	Johnston		

Vote after roll call:

Yea—Myers

SB 658 was laid on the table.

SB 1012 was taken up and on motions by Senator Dunn, the rules were waived and by two-thirds vote HB 1614 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Commerce.

On motion by Senator Dunn—

HB 1614—A bill to be entitled An act relating to state and local bonds; creating s. 215.84, Florida Statutes, providing for monthly calculation of maximum interest rate for bonds issued by governmental units; authorizing the State Board of Administration to adopt rules; creating s. 215.845, Florida Statutes, to prohibit special acts on the subject; amending s. 170.09, providing for an interest rate for payment of assessments; repealing s. 215.685, Florida Statutes, relating to the maximum interest rate on such bonds; providing an effective date.

—a companion measure, was substituted for SB 1012 and read the second time by title.

Senator Dunn moved the following amendment:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Section 215.84, Florida Statutes, is created to read:

215.84 Government bonds; maximum rate of interest.—

(1) It is the purpose of this section to maintain the fiscal solvency of public bodies, agencies, and political subdivisions in public borrowing; to prescribe a statewide maximum bond interest rate which is flexible with the bond market and from which are exempted bonds rated in the three highest ratings by nationally recognized rating services; and to authorize the State Board of Administration, when warranted, to authorize an interest rate in excess of the maximum.

(2) As used in this section and s. 215.845:

(a) "Governmental unit" means any department, board, commission, or other agency of the state, or any county, municipality, or other political subdivision of the state, heretofore or hereafter created, or any board, commission, authority, or other public agency or instrumentality which is now or is hereafter authorized by law to issue bonds.

(b) "Bonds" includes:

1. "General obligation bonds," which are obligations secured by the full faith and credit of a governmental unit or payable from the proceeds of ad valorem taxes of a governmental unit.

2. "Revenue bonds," which are obligations of a governmental unit issued to pay the cost of a self-liquidating project or improvements thereof, or combination of one or more projects or improvements thereof, and payable from the earnings of such project and any other special funds authorized to be pledged as additional security therefor, except for bonds issued to finance industrial and manufacturing plants under parts II, III, and V of chapter 159, health facilities under part III of chapter 154, or higher education under part II of chapter 153.

3. "Bond anticipation notes," which are notes issued by a governmental unit in anticipation of the issuance of general obligation or revenue bonds.

4. "Limited revenue bonds," which are obligations issued by a governmental unit to pay the cost of a project or improvement thereof, or combination of one or more projects or improvements thereof, and payable from funds of a governmental unit, exclusive of ad valorem taxes, special assessments, or earnings from such projects or improvements.

5. "Special assessment bonds," which are bonds that provide for capital improvements and are paid in whole or in part by levying and collecting special assessments on the abutting, adjoining, contiguous, or other specially benefited property.

(3) Bonds may bear interest at a rate not to exceed an average net interest cost rate which shall be computed by adding 150 basis points to the 20 "bond-buyer" Average Yield Index published immediately preceding the first day of the calendar month in which the bonds are sold. Such maximum rate does not apply to bonds rated, by a nationally recognized rating service, in any one of the three highest classifications, which rating services and classifications are determined pursuant to rules adopted by the State Board of Administration.

(4) Upon the request of a governmental unit, the State Board of Administration may authorize, for a specific issue or reissue of bonds, a rate of interest in excess of the maximum rate prescribed in subsection (3). The governmental unit shall provide in its request:

(a) Relevant supporting data which shall include, but not be limited to:

1. The official statement or prospectus, if available, or similar information relating to sale of the bonds;

2. The resolution or ordinance authorizing the issuance of the bonds;

3. Financial data relating to anticipated revenue, debt service, and coverage; and

4. The most recent financial statement of the governmental unit.

(b) Information relating to sale of the bonds, including whether they will be sold at public or private sale, and the amount of the discount, if any. In making the determination to exceed the maximum interest rate, the State Board of Administration shall consider, but not be limited to considering, comparable sales of other state, county, municipal, or district bonds and evidence that the objectives and intent of issuing such bonds will be realized.

(5) The State Board of Administration shall adopt rules to implement the provisions of this section.

(6) Any provision of law, whether special or general, which is in conflict with this section is expressly superseded by this section.

(7) This section shall not apply to bonds which have been sold prior to the effective date of this section but which are issued on or after the effective date of this section.

Section 2. Section 215.845, Florida Statutes, is created to read:

215.845 Certain special laws establishing interest rates on bonds prohibited.—Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits any special law providing for the establishment of an interest rate on bonds in excess of the maximum prescribed in s. 215.84(3) or providing any procedure for exceeding such interest rate, which procedure conflicts with that prescribed in s. 215.84(4).

Section 3. Section 215.635, Florida Statutes, is hereby repealed.

Section 4. This act shall take effect upon becoming a law, provided that section 2 shall only take effect if this act is passed by a three-fifths vote of the membership of each house of the Legislature.

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

Amendment 1A—On page 1, insert: (8) This section shall not apply to limit or restrict the rate of interest on bonds

or other obligations of municipal utilities issued or made pursuant to authority provided in part II of chapter 166 and section 215.431, Florida Statutes.

Amendment 1 as amended was adopted.

On motion by Senator Dunn, by two-thirds vote HB 1614 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Frank	McKnight	Thomas
Barron	Grizzle	Myers	Tobiassen
Beard	Hill	Neal	Ware
Carlucci	Holloway	Peterson	Williamson
Childers, D.	Jenne	Poole	Winn
Childers, W. D.	Johnston	Scarborough	
Dunn	MacKay	Scott	
Fechtcl	McClain	Steinberg	

Nays—1

Stuart

Vote after roll call:

Yea—Hair

SB 1012 was laid on the table.

On motion by Senator Barron, by unanimous consent—

By the Committee on Commerce and Senator Tobiassen—

CS for SB 807—A bill to be entitled An act relating to charity and scholarship days; adding s. 550.03(2)(n) and (o), Florida Statutes; authorizing the Florida Pari-mutuel Commission to allow additional charity and scholarship days in Escambia, Hillsborough, Pinellas, Dade and Seminole Counties for certain purposes; providing an effective date.

—was taken up out of order, read the first time by title and SB 807 was laid on the table.

On motion by Senator Tobiassen, by two-thirds vote CS for SB 807 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—33

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

Nays—None

Vote after roll call:

Yea—Myers

SB 151—A bill to be entitled An act relating to limitations on actions other than for recovery of real property; reenacting s. 95.11(3)(c), Florida Statutes, relating to the limitation on actions founded on the design, planning, or construction of improvements to real property; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Hair and failed:

Amendment 1—On page 1, strike all of lines 26 through and including line 31

Amendment 2—On page 2, strike all of lines 1 through and including line 3

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Hair and adopted:

Amendment 3—Strike on page 1, all of lines 10 through and including line 30, and on page 2, all of lines 1 through and including line 31, and on page 3, all of lines 1 through and including line 7 and insert: WHEREAS, architects, engineers, and contractors of an improvement to real property may find themselves named as defendants in a damage suit many years after the improvement was completed and occupied, and

WHEREAS, to permit the bringing of such actions without any limitation as to time, places the defendant in an unreasonable, if not impossible, position with respect to asserting a defense, and

WHEREAS, architects, engineers, and contractors have no control over an owner whose neglect in maintaining an improvement may cause dangerous or unsafe conditions to develop over a period of years, an owner who uses an improvement for purposes for which it was not designed, or an owner who makes alterations or changes which, years afterward, may be determined to be unsafe or defective and which may appear to be a part of the original improvement, and

WHEREAS, the availability of professional liability insurance for the engineer, architect, and contractor is more difficult to obtain if they are exposed to potential liability for an indefinite period of time after an improvement to real property has been completed, and

WHEREAS, the best interest of the people of the state will be served by limiting the period of time an engineer, architect, or contractor may be exposed to potential liability after an improvement has been completed, and

WHEREAS, a need exists for the reenactment of the limitation on actions founded on the design, planning, or construction of an improvement to real property, which limitation was declared unconstitutional by the Florida Supreme Court in *Overland Construction Company, Inc. v. Sirmons*, 369 So.2d 572 (1979), NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (3) of section 95.11, Florida Statutes, is amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(3) WITHIN FOUR YEARS.—

(c) An action founded on the design, planning, or construction of an improvement to real property, with the time running from the date of actual possession by the owner, *the date of the issuance of a certificate of occupancy*, the date of abandonment of construction if not completed, or the date of completion or termination of the contract between the professional engineer, registered architect, or licensed contractor and his employer, *whichever date is later*; except that when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence. In any event the action must be commenced within 15 ½ years after the date of actual possession by the owner, *the date of the issuance of a certificate of occupancy*, the date of abandonment of construction if not completed, or the date of completion or termination of the contract between the professional engineer, registered architect, or licensed contractor and his employer, *whichever date is later*.

Amendment 4—On page 1 in title, strike all of lines 2 through and including line 8 and insert: An act relating to limitation on actions other than for recovery of real property; amending s. 95.11(3)(c), Florida Statutes, providing limitation on actions founded on the design, planning, or construction of improvements to real property; providing an effective date.

On motion by Senator Hair, by two-thirds vote SB 151 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
Beard	Henderson	Myers	Thomas
Carlucci	Hill	Neal	Tobiassen
Chamberlin	Holloway	Peterson	Trask
Childers, D.	Jenne	Poole	Vogt
Dunn	Johnston	Scarborough	Ware
Frank	MacKay	Scott	Williamson
Gorman	Maxwell	Skinner	Winn

Nays—None

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 704 was withdrawn from the Committee on Commerce.

On motion by Senator Hair, by two-thirds vote HB 1777 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Ware, the rules were waived and by two-thirds vote HM 641 was withdrawn from the committee on Rules and Calendar.

SPECIAL ORDER, Continued

By the Committee on Economic, Community and Consumer Affairs and Senator Poole—

CS for SB 138—A bill to be entitled An act relating to solicitation of contributions; creating s. 496.35, Florida Statutes; establishing a joint legislative and executive study commission; providing an effective date.

—was read the first time by title and SB 138 was laid on the table.

On motions by Senator Poole, by two-thirds vote CS for SB 138 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

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

Nays—None

SB 862 was taken up and on motion by Senator Anderson, the rules were waived and by two-thirds vote HB 1625 was withdrawn from the Committee on Agriculture.

On motion by Senator Anderson—

HB 1625—A bill to be entitled An act relating to foods; adding a subsection to s. 500.11, Florida Statutes, declaring as misbranded fresh fruits and vegetables not labeled with respect to origin; providing an effective date.

—a companion measure, was substituted for SB 862 and read the second time by title.

Senator Peterson moved the following amendment which failed:

Amendment 1—On page 1, lines 10-17, strike everything after the enacting clause and insert: Section 1. Chapter 504, Florida Statutes, is hereby repealed.

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

Senator Fechtel moved the following amendment:

Amendment 2—On page 1, line 17, after the period insert: Provided, however, the department may by rule exempt from the labeling requirements of s. 504.012 any fresh fruits or vegetables which it deems to be reasonably free of any pesticide or agricultural chemicals hazards to human health.

On motion by Senator Trask, the Senate recessed at 12:30 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Scarborough at 2:00 p.m. A quorum present—26:

Mr. President	Fechtel	Jenne	Thomas
Anderson	Frank	McKnight	Tobiassen
Barron	Gorman	Scarborough	Trask
Beard	Grizzle	Scott	Williamson
Childers, D.	Hair	Skinner	Winn
Childers, W. D.	Hill	Steinberg	
Dunn	Holloway	Stuart	

Senator Hair was recorded as voting yea on the following bills which passed May 30: House Bills 758, 1399, 1132, 310, 426, SB 1342, SJR 948 and CS for HB 1825.

On motion by Senator Tobiassen, the Senate reconsidered the vote by which—

CS for SB 807—A bill to be entitled An act relating to charity and scholarship days; adding s. 550.03(2)(n) and (o), Florida Statutes; authorizing the Florida Pari-mutuel Commission to allow additional charity and scholarship days in Escambia, Hillsborough, Pinellas, Dade and Seminole Counties for certain purposes; providing an effective date.

—passed this date.

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

Amendment 1—On page 1, line 18, strike "Authority" and insert: Association

CS for SB 807 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Anderson	Grizzle	Neal	Stuart
Barron	Hair	Peterson	Thomas
Beard	Hill	Poole	Tobiassen
Childers, D.	Holloway	Scarborough	Trask
Childers, W. D.	Jenne	Scott	Williamson
Frank	McClain	Skinner	Winn
Gorman	McKnight	Steinberg	

Nays—None

Votes after roll call:

Yea—Fechtel, Myers

On motion by Senator Hair, the Senate reconsidered the vote by which HB 497 passed this day.

On motion by Senator Hair, the Senate reconsidered the vote by which SB 916 as amended was substituted for HB 497.

On motion by Senator Hair, the Senate reconsidered the vote by which Amendment 1 was adopted. The question recurred on the adoption of Amendment 1 which failed. Pending further consideration of SB 916, the Senate resumed consideration of—

HB 497—A bill to be entitled An act relating to weapons and firearms; amending s. 790.001(6), Florida Statutes, including antique firearms within the definition of firearms under certain circumstances; providing an effective date

—which was substituted for SB 916 this day.

HB 497 was read by title, passed and certified to the House. The vote on passage was:

Yeas—24

Anderson	Frank	Jenne	Scott
Barron	Gorman	McClain	Steinberg
Beard	Grizzle	McKnight	Stuart
Childers, D.	Hair	Myers	Thomas
Childers, W. D.	Hill	Poole	Tobiassen
Fechtel	Holloway	Scarborough	Winn

Nays—None

SB 916 was laid on the table.

SPECIAL ORDER, continued

The Senate resumed consideration of—

HB 1625—A bill to be entitled An act relating to foods; adding a subsection to s. 500.11, Florida Statutes, declaring as misbranded fresh fruits and vegetables not labeled with respect to origin; providing an effective date.

—which was taken up with pending Amendment 2 which failed.

On motion by Senator Anderson, by two-thirds vote HB 1625 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Grizzle	McKnight	Stuart
Barron	Henderson	Myers	Thomas
Beard	Hill	Neal	Tobiassen
Chamberlin	Holloway	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Frank	MacKay	Skinner	Winn
Gorman	McClain	Steinberg	

Nays—4

Carlucci	Fechtel	Peterson	Trask
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Vote after roll call:

Nay—Hair

SB 862 was laid on the table.

On motion by Senator McKnight, 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 with amendments—

By Senator McKnight—

SB 587—A bill to be entitled An act relating to perinatal care centers; creating s. 383.171, Florida Statutes; authorizing the funding of neonatal centers; setting criteria for eligibility; prescribing limits on funding; making recipient neonatal centers subject to existing statutory requirements; amending s. 383.18, Florida Statutes; providing that reimbursement funds are contingent upon contractual agreements; amending ss. 383.19(1),

383.21, Florida Statutes; clarifying the need for department approval of agreements and changing a program reporting date; providing that an existing appropriation for perinatal centers may be used to fund neonatal centers; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 19, after the colon “:” insert: Section 1. Section 627.641, Florida Statutes, is amended to read:

627.641 Coverage for newborn children.—

(1) All disability insurance policies providing coverage on an expense-incurred basis and all service or indemnity-type contracts issued by a nonprofit corporation which provide coverage for a family member of the insured or subscriber shall, as to such family member’s coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to a newborn child of the insured or subscriber from the moment of birth.

(2) The coverage for newborn children shall consist of coverage for injury or sickness, including the necessary care or treatment of medically diagnosed congenital defects, birth abnormalities, or prematurity, and transportation costs of the newborn to and from the nearest available facility appropriately staffed and equipped to treat the newborn’s condition, when such transportation is certified, by the attending physician, as necessary to protect the health and safety of the newborn child. The coverage of such transportation costs shall not exceed the usual and customary charges up to \$1,000.

(3) This section shall apply to all such disability insurance policies and to all such contracts renewed, delivered or issued for delivery after April 29, 1974. This section shall not apply to disability income or hospital indemnity policies or to normal maternity policy provisions applicable to the mother.

Section 2. Section 627.6575, Florida Statutes, is amended to read:

627.6575 Coverage for newborn children.—

(1) All group, blanket, or franchise disability insurance policies providing coverage on an expense-incurred basis, and group, blanket, or franchise service or indemnity-type contracts issued by a nonprofit corporation, which provide coverage for a family member of the certificate holder or subscriber shall, as to such family member’s coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to a newborn child of the certificate holder or subscriber from the moment of birth.

(2) The coverage for newborn children shall consist of coverage for injury or sickness, including the necessary care or treatment of medically diagnosed congenital defects, birth abnormalities, or prematurity, and transportation costs of the newborn to and from the nearest available facility appropriately staffed and equipped to treat the newborn’s condition, when such transportation is certified, by the attending physician, as necessary to protect the health and safety of the newborn child. The coverage of such transportation costs shall not exceed the usual and customary charges up to \$1,000.

(3) This section shall apply to all such group, blanket, or franchise disability insurance policies and to all such contracts renewed, delivered, or issued for delivery after April 29, 1974. The benefits provided by this section shall also apply to holders of group certificates which are delivered or issued for delivery to residents of this state under group policies effectuated or delivered outside of this state. This section shall not apply to disability income or hospital indemnity policies or to normal maternity policy provisions applicable to the mother.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 2 in title, after the semi-colon “;” insert: amending ss. 627.641, 627.6575, Florida Statutes; requiring that certain disability insurance policies and certain indemnity-type contracts issued by a nonprofit corporation

which provides coverage for newborn children include the transportation costs of such children to and from the nearest available facility for treatment;

On motions by Senator McKnight, the Senate concurred in the House amendments.

SB 587 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HM 1866 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative C. F. Jones and others—

HM 1866—A memorial to the Congress of the United States, urging Congress to appropriate sufficient funds to replace the Sunshine Skyway Bridge with a modern, four-lane, wide-span facility, built to interstate standards.

—was read the first time in full. On motions by Senator Ware by two-thirds vote HM 1866 was placed on the calendar and by two-thirds vote read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—24

Anderson	Frank	Hill	Skinner
Barron	Gordon	McClain	Steinberg
Beard	Gorman	McKnight	Stuart
Chamberlin	Grizzle	Myers	Vogt
Childers, W. D.	Hair	Scarborough	Ware
Fechtcl	Henderson	Scott	Winn

Nays—3

Neal Peterson Trask

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Holloway, the rules were waived and by two-thirds vote HB 1657 was withdrawn from the Committee on Transportation.

SPECIAL ORDER, continued

By the Committee on Economic, Community and Consumer Affairs and Senator McKnight—

CS for SB 584—A bill to be entitled An act relating to the Local Government Comprehensive Planning Act of 1975; amending s. 163.3177(6)(f), Florida Statutes; requiring that the

housing element of the comprehensive plan provide for sites for group home facilities and foster care facilities; providing an effective date.

—was read the first time by title and SB 584 was laid on the table.

On motions by Senator McKnight, by two-thirds vote CS for SB 584 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—28

Anderson	Gorman	McClain	Skinner
Barron	Grizzle	McKnight	Steinberg
Chamberlin	Hair	Myers	Stuart
Childers, D.	Henderson	Neal	Thomas
Childers, W. D.	Hill	Peterson	Trask
Fechtel	Johnston	Scarborough	Vogt
Frank	MacKay	Scott	Winn

Nays—None

Vote after roll call:

Yea—Beard

On motion by Senator Peterson, the Senate reconsidered the vote by which—

CS for HB 769—A bill to be entitled An act relating to education; creating s. 232.0315, Florida Statutes; requiring medical examinations of children prior to enrollment in school; providing an exception; requiring the Department of Education to adopt rules governing such examinations; providing an effective date.

—as amended passed this day.

On motion by Senator Peterson, the Senate reconsidered the vote by which CS for HB 769 was read the third time.

On motion by Senator Peterson, the Senate reconsidered the vote by which Amendment 1 was adopted.

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

Amendment 1A—On page 1, line 2, strike the word “medical”

Amendment 1 as amended was adopted.

On motion by Senator Peterson, by two-thirds vote CS for HB 769 as further amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Gordon	McClain	Steinberg
Barron	Gorman	McKnight	Stuart
Beard	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Scarborough	
Fechtel	Johnston	Scott	
Frank	MacKay	Skinner	

Nays—None

SB 663—A bill to be entitled An act relating to scholarships for Seminole and Miccosukee Indians; amending s. 240.413, Florida Statutes; creating a fund from which to award such scholarships; providing criteria for the selection of scholarship recipients; providing that such scholarships not exceed a specified amount; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Poole and adopted:

Amendment 1—On page 1, line 21, strike “rules to be” and insert: policies

Amendment 2—On page 3, line 9, after 1980 insert: -81

Senator Poole moved the following amendments which were adopted:

Amendment 3—On page 1, strike lines 22-23, and insert: State Board of Education. The Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida shall act in an advisory capacity in the development of the rules.

Amendment 4—On page 3, line 4, strike “commission” and insert: State Board of Education

Amendment 5—On page 3, line 9, after “1980” insert: -81

On motion by Senator Poole, by two-thirds vote SB 663 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

Anderson	Frank	MacKay	Skinner
Barron	Gordon	McClain	Steinberg
Beard	Gorman	McKnight	Stuart
Carlucci	Hair	Myers	Thomas
Chamberlin	Henderson	Neal	Tobiasen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Winn
Fechtel	Johnston	Scott	

Nays—None

By the Committee on Ways and Means and Senators Beard, Carlucci, Poole and Dunn—

CS for CS for SB 1048—A bill to be entitled An act relating to law enforcement officer standards and training and the Department of Law Enforcement; amending s. 943.09, Florida Statutes; providing that the Director of the Division of Standards and Training shall be employed upon the recommendation of the executive director of the department; providing for the duties of the division director and division; amending s. 943.10, Florida Statutes, and adding subsections thereto; providing definitions; amending s. 943.11(1), (2) and (3), Florida Statutes; providing for the membership and tenure of members of the Police Standards and Training Commission; Requires the Department of Legal Affairs to serve as legal counsel to the commission; amending s. 943.12, Florida Statutes; providing for review and approval by the department of rules promulgated by the commission; empowering the commission to receive and administer grants; deleting provisions relating to contracts and donations; amending s. 943.13, Florida Statutes; providing for law enforcement officer qualifications; amending ss. 943.12, 943.14, 943.15, 943.17, 943.18, and 943.25, Florida Statutes; clarifying the relationship between the Police Standards and Training Commission and the Department of Law Enforcement; providing for standardized identification cards for certain officers; providing that studies and reports relating to compensation and benefits of law enforcement officers shall be made to the Governor; amending s. 943.16(1), Florida Statutes, relating to payment of tuition of trainees; amending s. 943.19, Florida Statutes, to conform to change in definition; amending s. 943.20, Florida Statutes; providing for hiring and promotional standards; creating s. 943.145, Florida Statutes; providing for certification and decertification of law enforcement officers; amending s. 943.21, Florida Statutes, relating to participation of elected officers in commission programs; amending s. 943.22, Florida Statutes; providing for salary incentives for all state and local law enforcement officers; amending s. 943.23, Florida Statutes; providing that notices of employment, appointment, or termination of employment of law enforcement officers shall be made to the department; amending s. 943.25(1), (2), (3), (8) and (9)(a), Florida Statutes, and adding subsections thereto; providing for training costs; providing restrictions on use of certain trust funds; providing for regional planning and coordination; conforming to changes in federal law; providing for existing rules; pro-

viding an appropriation; providing for conditional repeal; amending s. 218.23(1)(d), Florida Statutes; providing an increase in the minimum law enforcement salary requirement; providing an effective date.

—was read the first time by title and CS for SB 1048 and SB 1048 were laid on the table.

Pending further consideration of CS for CS for SB 1048, on motions by Senator Beard, the rules were waived and by two-thirds vote HB 1746 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Beard—

HB 1746—A bill to be entitled An act relating to law enforcement officer standards and training and the Department of Law Enforcement; amending s. 943.09, Florida Statutes; providing that the Director of the Division of Standards and Training shall be employed upon the recommendation of the executive director of the department; providing for the duties of the division director and division; amending s. 943.10, Florida Statutes, and adding subsections thereto; providing definitions; amending s. 943.11(1), (2) and (3), Florida Statutes; providing for the membership and tenure of members of the Police Standards and Training Commission; Requires the Department of Legal Affairs to serve as legal counsel to the commission; amending s. 943.12, Florida Statutes; providing for review and approval by the department of rules promulgated by the commission; empowering the commission to receive and administer grants; deleting provisions relating to contracts and donations; amending s. 943.13, Florida Statutes; providing for law enforcement officer qualifications; amending ss. 943.12, 943.14, 943.15, 943.17, 943.18, and 943.25, Florida Statutes; clarifying the relationship between the Police Standards and Training Commission and the Department of Law Enforcement; providing for standardized identification cards for certain officers; providing that studies and reports relating to compensation and benefits of law enforcement officers shall be made to the Governor; amending s. 943.16(1), Florida Statutes, relating to payment of tuition of trainees; amending s. 943.19, Florida Statutes, to conform to change in definition; amending s. 943.20, Florida Statutes; providing for hiring and promotional standards; creating s. 943.145, Florida Statutes; providing for certification and decertification of law enforcement officers; amending s. 943.21, Florida Statutes, relating to participation of elected officers in commission programs; amending s. 943.22, Florida Statutes; providing for salary incentives for all state and local law enforcement officers; amending s. 943.23, Florida Statutes; providing that notices of employment, appointment, or termination of employment of law enforcement officers shall be made to the department; amending s. 943.25(1), (2), (3), (8) and (9)(a), Florida Statutes, and adding subsections thereto; providing for training costs; providing restrictions on use of certain trust funds; providing for regional planning and coordination; conforming to changes in federal law; providing for existing rules; providing an appropriation; providing for conditional repeal; amending s. 218.23(1)(d), Florida Statutes; providing an increase in the minimum law enforcement salary requirement; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1048 and read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 10, strike all of line 25 and insert: for employment.—After August 1, 1974, any

Amendment 2—On page 10, line 28, before the period insert: as of July 1, 1980

Amendment 3—On page 12, line 19, after the period (.) insert: *Facsimile signatures are authorized.*

Amendment 4—On page 31, strike all of lines 6-11 and re-number subsequent sections.

On motion by Senator Beard, by two-thirds vote HB 1746 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

CS for CS for SB 1048 was laid on the table.

SB 656—A bill to be entitled An act relating to engineering; amending s. 471.023(3), Florida Statutes; specifying liability of engineering partnerships and corporations and employees, officers, agents, partners, and shareholders thereof for negligent acts, wrongful acts, and misconduct; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 25-27, strike “to the person for whom professional services were rendered and only”

On motion by Senator Dunn, by two-thirds vote SB 656 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

Anderson	Gorman	McKnight	Thomas
Beard	Grizzle	Myers	Tobiassen
Carlucci	Henderson	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	Steinberg	
Gordon	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—Hair

SB 770—A bill to be entitled An act relating to motor vehicle noise; amending s. 403.415(4)(a), Florida Statutes; providing operating noise level limits and compliance dates for certain motor vehicles; providing an effective date.

—was read the second time by title. On motion by Senator Gorman, by two-thirds vote SB 770 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 959—A bill to be entitled An act relating to investigation of fraudulent insurance claims; amending s. 633.175(1), Florida Statutes; providing that certain local law enforcement officers may request and obtain certain information from in-

insurance companies relating to fire losses; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 959 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

The President presiding

SB 1004—A bill to be entitled An act relating to financial matters; adding paragraph (g) to s. 215.47(2), Florida Statutes; authorizing the investment of public funds in mortgage pass-through certificates; 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 MacKay and adopted:

Amendment 1—On page 1, line 28, after “; and” insert: or by a lender who is approved by the Secretary of Housing and Urban Development for the participation in any mortgage insurance program under the National Housing Act and has its principal place of business in this state.

Pending further consideration of SB 1004 as amended, on motions by Senator MacKay, the rules were waived and by two-thirds vote HB 1586 was withdrawn from the Committees on Governmental Operations and Ways and Means.

On motion by Senator MacKay—

HB 1586—A bill to be entitled An act relating to financial matters; adding paragraph (g) to s. 215.47(2), Florida Statutes; authorizing the investment of public funds in mortgage pass-through certificates; providing an effective date.

—a companion measure, was substituted for SB 1004 and read the second time by title.

Further consideration of HB 1586 was deferred.

Senator Scarborough presiding

MATTERS ON RECONSIDERATION

The motion by Senator Gorman on May 30 that the Senate reconsider the vote by which HB 940 passed on May 30, was taken up and the Senate refused to reconsider. The vote was:

Yeas—16

Mr. President	Chamberlin	Henderson	Poole
Anderson	Dunn	McClain	Skinner
Beard	Gorman	McKnight	Steinberg
Carlucci	Hair	Neal	Williamson

Nays—19

Childers, W. D.	Hill	Scarborough	Trask
Fechtcl	Holloway	Scott	Vogt
Frank	Jenne	Stuart	Ware
Gordon	MacKay	Thomas	Winn
Grizzle	Peterson	Tobiassen	

Vote after roll call:

Yea to Nay—Steinberg

The bill was certified to the House.

By the Committee on Agriculture and Senator Peterson—

CS for SB 1103—A bill to be entitled An act relating to soil and water conservation; amending s. 582.16, Florida Statutes, providing for addition of territory to a soil and water conservation district or removal of territory therefrom administratively by the Department of Agriculture and Consumer Services; amending s. 582.19(1) and (2), Florida Statutes, providing for qualifications and compensation of supervisors; amending s. 582.29, Florida Statutes, authorizing contractual agreements between soil and water conservation districts and certain other entities; amending s. 582.30(1), Florida Statutes, providing for the discontinuance of soil and water conservation districts; providing an effective date.

—was read the first time by title and SB 1103 was laid on the table.

Pending further consideration of CS for SB 1103, on motion by Senator Peterson, by two-thirds vote HB 1620 was withdrawn from the Committee on Agriculture.

On motion by Senator Peterson—

HB 1620—A bill to be entitled An act relating to soil and water conservation; amending s. 582.16, Florida Statutes, providing for addition of territory to a soil and water conservation district or removal of territory therefrom administratively by the Department of Agriculture and Consumer Services; amending s. 582.19(1) and (2), Florida Statutes, providing for qualifications and compensation of supervisors; amending s. 582.29, Florida Statutes, authorizing contractual agreements between soil and water conservation districts and certain other entities; amending s. 582.30, Florida Statutes, providing for a majority vote with respect to referendums for the discontinuance of soil and water conservation districts and providing for the discontinuance of soil and water conservation districts; amending s. 582.32(2), Florida Statutes, relating to the time period for the discontinuance of districts; providing an effective date.

—a companion measure, was substituted for CS for SB 1103.

On motion by Senator Peterson, by two thirds vote HB 1620 was read the second time by title.

Senator Peterson moved the following amendment which was adopted:

Amendment 1—On page 2, line 20, after the word “be” insert: landowners and

Further consideration of HB 1620 as amended was deferred.

The Senate resumed consideration of—

HB 1586—A bill to be entitled An act relating to financial matters; adding paragraph (g) to s. 215.47(2), Florida Statutes; authorizing the investment of public funds in mortgage pass-through certificates; providing an effective date.

Senator MacKay moved the following amendment which was adopted:

Amendment 1—On page 2, between lines 5 and 6, insert: (h) Obligations of the Federal National Mortgage Association.

Senator Anderson moved the following amendment which was adopted:

Amendment 2—On page 1 in title, line 5, after the semicolon (;) add: and Florida real property mortgages

Senator MacKay moved the following amendment which was adopted:

Amendment 3—On page 1 in title, strike all of lines 3-6 and insert: paragraphs (g) and (h) to s. 215.47(2), Florida Statutes; authorizing the investment of public funds in mortgage pass-through certificates and obligations of the Federal National Mortgage Association; providing an effective date.

On motion by Senator MacKay, by two-thirds vote HB 1586 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Beard	Henderson	Neal	Thomas
Carlucci	Hill	Peterson	Tobiassen
Childers, D.	Holloway	Poole	Trask
Childers, W. D.	Jenne	Scarborough	Vogt
Frank	MacKay	Scott	Ware
Gordon	Maxwell	Skinner	Williamson
Gorman	McClain	Steinberg	Winn
Hair	McKnight	Stuart	

Nays—4

Anderson	Fechtcl	Grizzle	Johnston
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SB 1004 was laid on the table.

SB 1113—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.06(1)(a), Florida Statutes, providing that the penalty for not transferring registration license plates and certificates of registration pursuant to law shall be a civil penalty; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Williamson and adopted:

Amendment 1—On page 1, line 10, insert: Section 1. Subsection (1) of s. 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(1) Except as provided in s. 318.17, any person cited for a violation of chapter 316, chapter 325, part II, or s. 320.06(1)(a), s. 320.07(3), s. 320.35, s. 339.30, s. 340.23, or s. 239.55 shall be deemed to be charged with a noncriminal infraction and shall be cited for such an infraction and cited to appear before an official.

(Renumber subsequent sections.)

Amendment 2—On page 1 in the title, between lines 2 and 3, insert: amending s. 318.14(1), Florida Statutes, relating to non-criminal traffic infractions;

On motion by Senator Williamson, by two-thirds vote SB 1113 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

Anderson	Hair	McKnight	Stuart
Beard	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	Skinner	Winn
Grizzle	McClain	Steinberg	

Nays—None

SJR 1233—A joint resolution proposing an amendment to Section 14 of Article VII of the State Constitution, relating to bonds for water facilities.

—was read the second time.

Senator Scott moved the following amendment which was adopted:

Amendment 1—On page 1, line 23, after the word "State" strike "o" and insert: the word "of"

Pending further consideration of SJR 1233 as amended, on motions by Senator Scott, the rules were waived and by two-thirds vote HJR 1471 was withdrawn from the Committees on Ways and Means and Rules and Calendar.

On motion by Senator Scott—

HJR 1471—A joint resolution proposing an amendment to Section 14 of Article VII of the State Constitution, relating to bonds for water facilities.

—a companion measure, was substituted for SJR 1233 and read the second time by title. On motion by Senator Scott, by two-thirds vote HJR 1471 was read the third time in full as follows:

HJR 1471—A joint resolution proposing an amendment to Section 14 of Article VII of the State Constitution, relating to bonds for water facilities.

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

That the following amendment to Section 14 of Article VII of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1980:

SECTION 14. Bonds for pollution control and abatement and other water facilities.—

(a) When authorized by law, state bonds pledging the full faith and credit of the state may be issued without an election to finance the construction of air and water pollution control and abatement and solid waste disposal facilities and other water facilities authorized by general law (herein referred to as "facilities") to be operated by any municipality, county, district or authority, or any agency thereof (herein referred to as "local governmental agencies"), or by any agency of the State of Florida. Such bonds shall be secured by a pledge of and shall be payable primarily from all or any part of revenues to be derived from operation of such facilities, special assessments, rentals to be received under lease-purchase agreements herein provided for, any other revenues that may be legally available for such purpose, including revenues from other facilities, or any combination thereof (herein collectively referred to as "pledged revenues"), and shall be additionally secured by the full faith and credit of the State of Florida.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:

Proposing an amendment to Section 14 of Article VII of the State Constitution to allow the issuance of state bonds for water facilities as authorized by general law.

HJR 1471 passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

SJR 1233 was laid on the table.

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

CS for SB 1307—A bill to be entitled An act relating to health and rehabilitative services; amending s. 400.401, Florida

Statutes, providing legislative purpose; amending s. 400.402, Florida Statutes, adding and changing definitions; amending s. 400.404(2)(c), Florida Statutes, and adding a paragraph thereto, granting exemptions to certain facilities otherwise regulated by law, transient rentals, and college dormitories; amending s. 400.407, Florida Statutes, requiring certain disclosures on licenses and increasing the maximum fee; amending s. 400.411, Florida Statutes, specifying information to be included in license applications; requiring notice to department of change in operator of a facility during the license period; amending s. 400.414(2) and (3), Florida Statutes, authorizing license suspension or revocation for specified reasons; deleting provisions relating to responsibility for inspections; amending s. 400.417(1), Florida Statutes, and adding a subsection, providing for automatic expiration of license after 1 year, requiring earlier application for license renewal and providing late fees for failure to renew; providing for access of the department to the financial documents of any facility applying for licensure; requiring issuance of conditional licenses under specified circumstances; creating s. 400.418, Florida Statutes, creating a trust fund and providing for the disposition of fees and fines therein and for the use of such fund; creating s. 400.419, Florida Statutes, providing procedures with respect to violations and penalties therefor; providing for the classification of violations; providing for the disposition of revenues from fees and fines; providing for the preparation and distribution of information with respect to violations; amending s. 400.421, Florida Statutes, altering the circumstances in which the department may institute injunction proceedings; amending s. 400.424(2), Florida Statutes, requiring facility contracts to include certain information; amending s. 400.427, Florida Statutes, requiring the representative of a facility who is granted power of attorney for a resident to post a surety bond; providing for the safekeeping of residents' personal effects; providing for personal funds of residents; prohibiting persons from withholding or wrongfully receiving such funds or wrongfully borrowing from a resident's personal funds; providing a penalty; providing for the disposition of funds of a deceased resident; amending s. 400.431, Florida Statutes, providing for certain notice of termination of operation of a facility and for refunds; providing departmental responsibility for transfer of certain persons; amending s. 400.434, Florida Statutes, providing for unannounced inspections of facilities by certain persons; creating s. 400.435, Florida Statutes, providing for the maintenance of records and distribution of departmental inspection reports; amending s. 400.437(2), Florida Statutes, increasing the membership of the ad hoc committee on congregate facilities; amending s. 400.441, Florida Statutes, providing considerations for rulemaking; requiring the establishment of certain fire safety standards; creating s. 400.442, Florida Statutes, requiring examinations of residents within 30 days of admission and authorizing annual examinations for certain residents thereafter; creating s. 400.443, Florida Statutes, specifying rights of residents; requiring certain notification of such rights; prohibiting certain interference in the exercise of rights; exempting residents from certain liability with respect to such rights; providing for reports of abuse; creating s. 400.4435, Florida Statutes, providing for the civil enforcement of such rights; amending s. 400.451, Florida Statutes, updating the applicability of part II of chapter 400, Florida Statutes, to existing facilities; creating s. 400.452, Florida Statutes, providing for facility staff training and educational programs; creating s. 400.453, Florida Statutes, establishing the Community-Based Residential Facility Trust Fund to provide loans for the initial costs of developing and improving certain facilities; providing for loan repayment; creating s. 400.454, Florida Statutes, requiring the department to develop a plan for determining certain rates at facilities, and for the determination of state supplemental income payments; providing for the adoption of rules; providing an effective date.

—was read the first time by title and SB 1307 was laid on the table.

On motion by Senator Vogt, by two-thirds vote CS for SB 1307 was read the second time by title.

Senator Vogt offered the following amendment which was moved by Senator Jenne and adopted:

Amendment 1—On page 4 between lines 13 and 14, insert: Section 1. Subsections (13) and (14) are added to section 400.021, Florida Statutes, to read:

400.021 Definitions.—When used in this chapter, unless the context otherwise requires:

(13) "State ombudsman committee" means the State Nursing Home and Long-Term Care Facility Ombudsman Committee established pursuant to s. 400.304.

(14) "District ombudsman committee" means each district nursing home and long-term care facility ombudsman committee established pursuant to s. 400.307.

Section 2. Paragraph (a) of subsection (1) of section 400.191, Florida Statutes, is amended to read:

400.191 Availability, distribution, and posting of reports and records.—

(1) The department shall, within 60 days from the date of an annual inspection visit or within 30 days from the date of any interim visit, forward the results of all inspections of nursing home facilities to:

(a) The ~~district regional nursing home~~ ombudsman committee in whose district the inspected facility is located.

Section 3. Subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; minimum standards; fee for review of plans.—

(3) Not later than January 1, 1979, the department shall promulgate rules establishing uniform procedures for the evaluation of nursing home facilities, measuring the degree of each facility's compliance with the standards set forth in this section, as indicated by inspection results. Such procedures shall include a detailed listing of the types, and degree of severity or unacceptability, of deficiencies which inspections might indicate. The department shall further devise a system of rating nursing home facilities based upon the deficiencies noted in the inspection process. Such a system shall include two rating categories entitled A and C. A ratings shall be assigned to nursing homes which meet minimum standards. C ratings shall be assigned to nursing homes which do not meet minimum standards and are therefore issued conditional licenses. The rating assigned to each nursing home facility on the basis of its immediately prior inspection shall be deemed a part of the results and findings of that inspection and shall be conspicuously posted within the nursing home facility to which it applies. For purposes of review and comment, ratings assigned to facilities shall be forwarded by the department to the ~~district regional nursing home~~ ombudsman committee in whose district the facility is located. A nursing home facility may appeal the assignment of a particular rating to the department within 20 days after notice of its assignment.

Section 4. Section 400.301, Florida Statutes, is amended to read:

400.301 Legislative intent.—

(1) The Legislature finds and declares that conditions in nursing homes in Florida are such that the personal and health care needs of residents are not insured either by regulation of the Department of Health and Rehabilitative Services or the good faith of the nursing home industry. Furthermore, there is no formal mechanism whereby a nursing home resident or his representative may make a complaint against a nursing home facility or its employees. The Legislature declares further that concerned citizens are more effective advocates of the rights of others than government agencies. It is the intent of the Legislature, therefore, to provide an alternative to the present method of correcting nursing home deficiencies, by establishing voluntary citizen ~~nursing home~~ ombudsman committees at the state and district levels to receive, investigate, and resolve complaints against nursing home facilities. It is the intent of the Legislature that the environment in nursing home facilities should be conducive to the dignity and independence of residents.

(2) The Legislature further finds that procedures for receiving and investigating complaints through the mechanism of the state and district ombudsman committees should be extended to include complaints relating to adult congregate living facilities and adult foster homes. These facilities shall hereinafter be referred to as "long-term care facilities."

Section 5. Subsections (1), (2), (3), (4), and (5) of section 400.304, Florida Statutes, are amended, and subsection (9) is added to said section to read:

400.304 Establishment of a State Nursing Home and Long-Term Care Facility Ombudsman Committee; duties; membership.—

(1) There is hereby created in the office of the Governor a State Nursing Home and Long-Term Care Facility Ombudsman Committee. hereafter referred to as "State Ombudsman Committee."

(2) The duties of the state ombudsman committee shall be:

(a) To help establish and coordinate the district ombudsman committees throughout the state.

(b) To serve as an appellate body in receiving from the district ombudsman committees complaints not resolved at the district level.

(c) To develop procedures for eliciting, receiving, responding to, and resolving complaints made by, and on behalf of, nursing home and long-term care facility residents.

(d) To elicit and coordinate state, local, and voluntary organizational assistance for the purpose of improving the care received by residents of a nursing home or long-term care facility.

(e) To prepare an annual report to the President of the Senate, the Speaker of the House, and the Governor containing an appraisal of the problems of nursing home and long-term care facility residents and recommendations for improving nursing home and long-term care facility care and treatment.

(3) The state ombudsman committee shall be composed of twelve nine members appointed by the Governor, to include the following: One physician who includes in his practice elderly patients; one registered nurse; one nursing home administrator; one licensed pharmacist; one dietitian; two representatives who are, or represent, nursing home residents; one representative who is, or represents, adult congregate living facility residents; one representative who is, or represents, adult foster home residents; one owner or operator of an adult congregate living facility; one attorney; and one professional social worker. The Governor shall elicit nominations from related professional organizations. Except for the nursing home administrator, the adult congregate living facility owner or operator, the registered nurse, and the licensed pharmacist, each member of the state ombudsman committee shall certify to having no association with a nursing home or long-term care facility for reward or profit.

(4) All members shall serve for 2-year terms, except that at the time of first appointment four of the members shall be appointed to 2-year terms and four of the members shall be appointed to a 1-year term. A member may be reappointed thereafter to serve two consecutive terms. Any vacancy which occurs shall be filled by the Governor. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

(5) The State Ombudsman Committee shall elect from its second-year members a chairman for a term of 1 year. Effective November 1, 1980, in no case shall a person who is an owner, administrator, operator, or employee of a nursing home or long-term care facility, as defined in s. 400.301(2), be elected as chairman of the committee. The chairman shall select a secretary from among the members. The secretary shall chair the committee in the absence of the chairman.

(9) The State Ombudsman Committee shall enter into a cooperative agreement with the statewide and district Human Rights Advocacy Committees, as defined in s. 20.19(6) and (7), for the purpose of coordinating advocacy services provided to residents of nursing homes and long-term care facilities.

Section 6. Subsections (1), (2), (3), (4), and (5) of section 400.307, Florida Statutes, are amended to read:

400.307 District nursing home and long-term care facility ombudsman committees; duties; membership.—

(1) There shall be at least one nursing home and long-term care facility ombudsman committee in each of the districts of the department.

(2) The duties of the district ombudsman committee are:

(a) To serve as a third-party mechanism for protecting the health, safety, welfare, and civil and human rights of residents of a nursing home or long-term care facility.

(b) To discover, investigate, and determine the existence of abuse and neglect in any nursing home or long-term care facility and to use the procedures provided for in s. 827.09 when applicable.

(c) To elicit, receive, respond to, and resolve complaints made by, or on behalf of, nursing home or long-term care facility residents.

(d) To review, for their effect on the rights of nursing home or long-term care facility residents, all existing or proposed rules and regulations relating to nursing homes or long-term care facilities.

(e) To enter any nursing home or long-term care facility, with or without prior notice, pursuant to an investigation to obtain information regarding a specific complaint or problem.

(f) To review Medicaid patients' personal property and money accounts pursuant to an investigation to obtain information regarding a specific complaint or problem.

(3) Each district ombudsman committee shall be composed of 15 12 members appointed by the Governor from the district, to include the following: One physician licensed pursuant to chapter 458 or 459 medical doctor whose practice includes a substantial number of geriatric patients; one registered nurse; one nursing home administrator; one owner or operator of an adult congregate living facility; one licensed pharmacist; one dietitian; five nursing home residents or representative consumer advocates for nursing home residents; two long-term care facility residents or representative consumer advocates for long-term care facility residents; one attorney; and one professional social worker. The Governor shall elicit nominations from related professional organizations. Except for the nursing home administrator, adult congregate living facility owner or operator, pharmacist, and nurse, each member of the committee shall certify to having no association with a nursing home or long-term care facility for reward or profit.

(4) All members shall serve 2-year terms, except that at the time of first appointment six of the members shall be appointed to 2-year terms and six of the members shall be appointed to 1 year terms. A member may be reappointed thereafter serve two consecutive terms. Any vacancy which occurs shall be filled by the Governor. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

(5) The district ombudsman committee shall elect from its second-year members a chairman for a term of 1 year.

Effective July 1, 1980, in no case shall a person who is an owner, administrator, operator or employee of a nursing home or long-term care facility, as defined in s. 400.301(2), be elected as chairman of the committee. The chairman shall select a secretary from among the members of the committee. The secretary shall chair the committee in the absence of the chairman.

Section 7. Section 400.311, Florida Statutes, is amended to read:

400.311 Procedures for receiving complaints.—

(1) The state ombudsman committee shall establish state and district procedures for receiving complaints against a nursing home or long-term care facility or its employee.

(2) These procedures shall be posted in full view in every nursing home or long-term care facility. Every resident or representative of a resident shall receive, upon admission to a nursing home or long-term care facility, a printed copy of the procedures of the state and the district ombudsman committees.

Section 8. Section 400.314, Florida Statutes, is amended to read:

400.314 Investigation of complaints.—

(1) A district ombudsman committee shall investigate any complaint of a resident or resident's representative based on an action by an administrator or employee of a nursing home or long-term care facility which might be:

(a) Contrary to law.

(b) Unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law.

(c) Based on a mistake of fact.

- (d) Based on improper or irrelevant grounds.
- (e) Unaccompanied by an adequate statement of reasons.
- (f) Performed in an inefficient manner.
- (g) Otherwise erroneous.

(2) In an investigation, both the state and district ombudsman committees have the authority to:

(a) Make inquiries and obtain information as is necessary to carry out the purposes of this act.

(b) Enter without notice to inspect the premises of a nursing home or long-term care facility for purposes of investigating a specific complaint. *However, no member of an ombudsman committee shall enter a single family residential unit within a long-term care facility without the permission of the resident or the resident's representative.*

(c) Hold hearings.

Section 9. Section 400.317, Florida Statutes, is amended to read:

400.317 Procedures for resolving a complaint.—

(1) Any complaint deemed valid and requiring remedial action by the district ombudsman committee shall be identified and brought to the attention of the nursing home or long-term care facility administrator in writing. Upon receipt of such document, the administrator, in concurrence with the district ombudsman committee chairman, shall establish target dates for taking appropriate remedial action. If, by the target date, the remedial action is not completed or forthcoming the district ombudsman committee may:

(a) Extend the target date if the committee has reason to believe such action would facilitate the resolution of the complaint.

(b) Make public the complaint, the committee's recommendations, and the response of the nursing home or long-term care facility; however, in no case shall the names of individuals involved in the complaint be disclosed.

(c) Refer the complaint to the state ombudsman committee.

(2) Upon referral from the district ombudsman committee, the state ombudsman committee assumes the responsibility for the disposition of the complaint. If a nursing home or long-term care facility fails to take action on a complaint found valid by the state ombudsman committee, the state committee may:

(a) Make public the complaint, the committee's recommendations, and the response of the nursing home or long-term care facility; however, in no case shall the names of the individuals involved in the complaint be disclosed.

(b) Recommend to the department changes in rules and regulations for inspecting and licensing or certifying nursing home or long-term care facilities.

(c) Refer the complaint to the state attorney for prosecution if there is reason to believe the nursing home or long-term care facility or its employee is guilty of a criminal act.

(d) Recommend to the department that the nursing home no longer receive payments under the State Medical Assistance Program (Medicaid).

(e) Recommend that the Department of Health and Rehabilitative Services initiate procedures for revocation of license in accordance with chapter 120.

Section 10. Section 400.321, Florida Statutes, is amended to read:

400.321 Confidentiality.—

(1) All matters before the state or district nursing home ombudsman committees concerning abuse or denial of rights of an individual client of a nursing home or long-term care facility shall be confidential and exempt from the provisions of chapter 119. All other matters before the committee shall be open to the public and subject to chapter 119.

(2) Members of any state or district nursing home ombudsman committee shall not be required to testify in any court with respect to matters held to be confidential under s. 400.414 except as may be necessary to enforce the provisions of this act.

Section 11. In order to maintain a proper balance of staggered terms for members of the state and district nursing home and long-term care facility ombudsman committees, with respect to initial appointment of the three additional members thereto pursuant to the provisions of this act, the adult congregate living facility owner or operator and one long-term care facility resident or representative shall be appointed for terms of 2 years and one long-term facility resident or representative shall be appointed for a term of 1 year.

Section 12. If chapter 400, Florida Statutes, is repealed in accordance with the intent expressed in the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, or as subsequently amended, it is the intent of the Legislature that this act shall also be repealed on the same date as is therein provided, or if sections 400.304 and 400.307, Florida Statutes, are repealed in accordance with the intent expressed in the Sundown Act, it is the intent of the Legislature that this act shall also be repealed on the same date as is therein provided.

(Renumber subsequent sections.)

Senator Jenne moved the following amendment which was adopted:

Amendment 2—On page 4, line 17, strike the words "This act" and insert: Sections 400.401-400.454

Senator Vogt offered the following amendment which was moved by Senator Jenne and adopted:

Amendment 3—On page 17 between lines 17 and 18, insert:
(3) *As an alternative to or in conjunction with injunctive proceedings, the department may petition a court of competent jurisdiction for the appointment of a receiver, if suitable alternative placements are not available, when any of the following conditions exist:*

(a) *The facility is operating without a license and refuses to make application for a license as required by s. 400.407.*

(b) *The facility is closing or has informed the department that it intends to close and adequate arrangements have not been made for relocation of the residents within 7 days, exclusive of weekends and holidays, of the closing of the facility.*

(c) *The department determines there exist in the facility conditions which present an imminent danger to the health, safety, or welfare of the residents of the facility or a substantial probability that death or serious physical harm would result therefrom.*

(d) *The facility cannot meet its financial obligation for providing food, shelter, care, and utilities.*

(4) *Petitions for receivership shall take precedence over other court business unless the court determines that some other pending proceeding, having similar statutory precedence, shall have priority. A hearing shall be conducted within 5 days of the filing of the petition, at which time all interested parties shall have the opportunity to present evidence pertaining to the petition. The department shall notify the owner or operator of the facility named in the petition of its filing and the date set for the hearing. The court shall grant the petition only upon finding that the health, safety, or welfare of facility residents would be threatened if a condition existing at the time the petition was filed is permitted to continue. A receiver shall not be appointed ex parte unless the court determines that one or more of the conditions in subsection (3) exist; that the facility owner or operator cannot be found; that a reasonable means of locating and notifying the owner or the operator of the petition and hearing have been exhausted; or that the owner or operator after notification of the hearing chooses not to attend. After such findings, the court may appoint any qualified person as a receiver, except it shall not appoint any owner or affiliate of the facility which is in receivership. The receiver may be selected from a list of persons qualified to act as receivers developed by the department and presented to the court with each petition for receivership. Under no circumstances shall the department or designated departmental employee be appointed as a receiver for longer than 60 days; however, the receiver may petition the court, one time only, for a 30 day extension. The court shall grant the extension upon a showing of good cause.*

(5) The receiver shall make provisions for the continued health, safety and welfare of all residents of the facility and:

(a) Shall exercise those powers and perform those duties set out by the court.

(b) Shall operate the facility in such a manner as to assure safety and adequate health care for the residents.

(c) Shall take such action as is reasonably necessary to protect or conserve the assets or property of the facility for which the receiver is appointed, or the proceeds from any transfer thereof, and may use them only in the performance of the powers and duties set forth in this section and by order of the court.

(d) May use the building, fixtures, furnishings and any accompanying consumable goods in the provision of care and services to residents and to any other persons receiving services from the facility at the time the petition for receivership was filed. The receiver shall collect payments for all goods and services provided to residents or others during the period of the receivership at the same rate of payment charged by the owners at the time the petition for receivership was filed, or at a fair and reasonable rate otherwise approved by the court.

(e) May correct or eliminate any deficiency in the structure or furnishings of the facility which endangers the safety or health of residents while they remain in the facility, provided the total cost of correction does not exceed \$2,000. The court may order expenditures for this purpose in excess of \$2,000 on application from the receiver after notice to the owner and hearing.

(f) May let contracts and hire agents and employees to carry out the powers and duties of the receiver.

(g) Shall honor all leases, mortgages and secured transactions governing the building in which the facility is located and all goods and fixtures in the building of which the receiver has taken possession, but only to the extent of payments which, in the case of a rental agreement, are for the use of the property during the period of the receivership, or which, in the case of a purchase agreement, come due during the period of the receivership.

(h) Shall have full power to direct and manage and to discharge employees of the facility, subject to any contract rights they may have. The receiver shall pay employees at the rate of compensation, including benefits, approved by the court. Receivership does not relieve the owner of any obligation to employees made prior to the appointment of a receiver and not carried out by the receiver.

(i) Shall be entitled to and take possession of all property or assets of residents which are in the possession of a facility or its owner. The receiver shall preserve all property, assets and records of residents of which the receiver takes possession and shall provide for the prompt transfer of the property, assets and records to the new placement of any transferred resident. An inventory list certified by the owner and receiver shall be made immediately at the time the receiver takes possession of the facility.

(6)(a) A person who is served with notice of an order of the court appointing a receiver and of the receiver's name and address shall be liable to pay the receiver for any goods or services provided by the receiver after the date of the order if the person would have been liable for the goods or services as supplied by the owner. The receiver shall give a receipt for each payment and shall keep a copy of each receipt on file. The receiver shall deposit accounts received in a separate account and shall use this account for all disbursements.

(b) The receiver may bring an action to enforce the liability created by paragraph (a).

(c) A payment to the receiver of any sum owing to the facility or its owner shall discharge any obligation to the facility to the extent of the payment.

(7)(a) A receiver may petition the court that he not be required to honor any lease, mortgage, secured transaction or other wholly or partially executory contract entered into by the owner of the facility if the rent, price or rate of interest required to be paid under the agreement was substantially

in excess of a reasonable rent, price or rate of interest at the time the contract was entered into, or if any material provision of the agreement was unreasonable, when compared to contracts negotiated under similar conditions. Any relief in this form, provided by the court, shall be limited to the life of the receivership, unless otherwise determined by the court.

(b) If the receiver is in possession of real estate or goods subject to a lease, mortgage or security interest which the receiver has obtained a court order to avoid under paragraph (a), and if the real estate or goods are necessary for the continued operation of the facility under this section, the receiver may apply to the court to set a reasonable rental, price or rate of interest to be paid by the receiver during the duration of the receivership. The court shall hold a hearing on the application within 15 days. The receiver shall send notice of the application to any known persons who own the property involved at least 10 days prior to the hearing. Payment by the receiver of the amount determined by the court to be reasonable is a defense to any action against the receiver for payment or for possession of the goods or real estate subject to the lease, security interest or mortgage involved by any person who received such notice, but the payment does not relieve the owner of the facility of any liability for the difference between the amount paid by the receiver and the amount due under the original lease, security interest or mortgage involved.

(8) The court shall set the compensation of the receiver, which will be considered a necessary expense of a receivership.

(9) A receiver may be held liable in a personal capacity only for the receiver's own gross negligence, intentional acts or breach of fiduciary duty.

(10) The court may require a receiver to post a bond.

(11) The court may direct the department to allocate funds from the Adult Congregate Living Facilities Trust Fund to the receiver, subject to the provisions of s. 400.418(1)(b).

(12) The court may terminate a receivership when:

(a) The court determines that the receivership is no longer necessary because the conditions which gave rise to the receivership no longer exist; or the department grants the facility a new license; or

(b) All of the residents in the facility have been transferred or discharged.

(13) Within 30 days after termination, the receiver shall give the court a complete accounting of all property of which the receiver has taken possession, of all funds collected, and of the expenses of the receivership.

(14) Nothing in this section shall be deemed to relieve any owner, administrator or employee of a facility placed in receivership of any civil or criminal liability incurred, or any duty imposed by law, by reason of acts or omissions of the owner, administrator, or employee prior to the appointment of a receiver; nor shall anything contained in this section be construed to suspend during the receivership any obligation of the owner, administrator, or employee for payment of taxes or other operating and maintenance expenses of the facility nor of the owner, administrator, employee or any other person for the payment of mortgages or liens. The owner shall retain the right to sell or mortgage any facility under receivership, subject to approval of the court which ordered the receivership.

Senator Jenne moved the following amendments which were adopted:

Amendment 4—On page 29, line 31, strike "shall" and insert: may

Amendment 5—On page 30, line 2, strike the period after "damages." and insert: , unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. Prevailing defendants may be entitled to recover reasonable attorney's fees pursuant to s. 57.105.

Amendment 6—On page 30, line 22, strike "may" and insert: shall

Amendment 7—On page 2, line 13, insert after the semicolon: authorizing a court to appoint a receiver for a facility under specified circumstances; providing court priority and procedure for hearing such petitions; providing duties of the receiver; providing liability of persons to the receiver; providing certain liability of the receiver; providing for the termination of receivership; requiring an accounting; providing for the effect of the act upon the liability of facility owners, administrators, or employees;

Amendment 8—On page 1 in title, line 3, after the semicolon insert: adding subsections (13) and (14) to s. 400.021, Florida Statutes; and amending ss. 400.191(1)(a), 400.23(3), 400.301, 400.304(1), (2), (3), (4), and (5), adding subsection (9) thereto, and amending ss. 400.307(1), (2), (3), (4), and (5), 400.311, 400.314, 400.317, and 400.321, Florida Statutes; providing definitions; extending the jurisdiction of the state and district nursing home ombudsman committees to adult congregate living facilities and adult foster homes; revising membership of said committees; removing the limitation to two consecutive terms for members of the state and district nursing home ombudsman committees; prohibiting certain persons from serving as chairmen of said committees; providing for coordination between the Human Rights Advocacy Committees and the nursing home ombudsman committees; providing for receiving, investigating, and resolving complaints; providing for confidentiality; providing for conditional repeal;

Further consideration of CS for SB 1307 was deferred.

Consideration of SB 887 was deferred.

The President presiding

The Senate resumed consideration of—

HB 1620—A bill to be entitled An act relating to soil and water conservation; amending s. 582.16, Florida Statutes, providing for addition of territory to a soil and water conservation district or removal of territory therefrom administratively by the Department of Agriculture and Consumer Services; amending s. 582.19(1) and (2), Florida Statutes, providing for qualifications and compensation of supervisors; amending s. 582.29, Florida Statutes, authorizing contractual agreements between soil and water conservation districts and certain other entities; amending s. 582.30, Florida Statutes, providing for a majority vote with respect to referendums for the discontinuance of soil and water conservation districts and providing for the discontinuance of soil and water conservation districts; amending s. 582.32(2), Florida Statutes, relating to the time period for the discontinuance of districts; providing an effective date.

Senator Peterson moved the following amendment which was adopted:

Amendment 2—On page 5, line 20-24, strike all of Section 6 and renumber

On motion by Senator Peterson, by two-thirds vote HB 1620 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Hair	McClain	Trask
Beard	Henderson	McKnight	Vogt
Chamberlin	Hill	Myers	Ware
Childers, D.	Holloway	Peterson	Williamson
Childers, W. D.	Jenne	Scott	Winn
Fechtcl	Johnston	Skinner	
Frank	MacKay	Steinberg	
Gorman	Maxwell	Stuart	

Nays—None

CS for SB 1103 was laid on the table.

SB 947 was taken up and on motion by Senator Ware, the rules were waived and by two-thirds vote HB 1621 was withdrawn from the Committee on Commerce.

On motion by Senator Ware—

HB 1621—A bill to be entitled An act relating to the Florida Industrial Development Corporation; amending s. 289.051(1)(c), Florida Statutes; eliminating the \$250,000 limit on loans to, and investments in, the corporation by a financial institution; providing an effective date.

—a companion measure, was substituted for SB 947 and read the second time by title. On motion by Senator Ware, by two-thirds vote HB 1621 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Frank	MacKay	Steinberg
Anderson	Gorman	Maxwell	Stuart
Beard	Grizzle	McClain	Trask
Chamberlin	Henderson	McKnight	Vogt
Childers, D.	Hill	Myers	Ware
Childers, W. D.	Holloway	Neal	Williamson
Dunn	Jenne	Scott	Winn
Fechtcl	Johnston	Skinner	

Nays—None

Vote after roll call:

Yea—Peterson

SB 947 was laid on the table.

SB 318 was taken up and on motion by Senator Trask, the rules were waived and by two-thirds vote HB 715 was withdrawn from the Committee on Agriculture.

On motion by Senator Trask—

HB 715—A bill to be entitled An act relating to traffic control within state forest lands; amending s. 589.071, Florida Statutes, authorizing the Division of Forestry to control traffic on lands for which the division is designated by lease as primary managing agency; providing that violation of such traffic control rules is a misdemeanor punishable by a fine; providing an effective date.

—a companion measure, was substituted for SB 318 and read the second time by title.

Senator Trask moved the following amendment which was adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert:

Section 1. Section 253.034, Florida Statutes, is created to read:

253.034 State-owned lands; uses.—

(1) As used in this section the following phrases shall have the following meanings:

(a) "Single use" means management for one particular purpose to the exclusion of all other purposes, except that the using agency shall have the option of including in its management program compatible secondary purposes which will not detract from or interfere with the primary management purpose. Such single uses may include, but are not necessarily restricted to agricultural lands used for production of food and livestock, improved sites and grounds used for institutional purposes and lands used for parks, preserves, wildlife management, archaeological or historic sites, or wilderness areas where the maintenance of essentially natural conditions is important. All submerged lands shall be considered single use lands, and shall be managed primarily for the maintenance of essentially natural conditions, the propagation of fish and wildlife, and public recreation; including hunting and fishing; where deemed appropriate by the managing agency.

(b) "Multiple use" means the harmonious and coordinated management of timber, recreation, wildlife, forage, archaeological and historic sites, or water resources so that they are utilized in the combination that will best serve the people of the state, making the most judicious use of the land for some or all of these resources, and giving consideration to the relative values of the various resources.

(2) All lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall be managed in a manner that will provide the greatest combination of benefits to the

people of the state. All such lands not designated in the land management plan of subsection (3) for a specific single use shall receive multiple use management.

(3) No management agreement, lease, or other instrument authorizing the use of lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall be executed for a period of time greater than is necessary to provide for the reasonable use of the land for the existing or planned life cycle or amortization of the improvements. An agency managing or leasing state-owned lands from the Board of Trustees of the Internal Improvement Trust Fund shall not sublease such lands without prior review by the division and approval by the board.

(4) Each state agency managing lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall submit to the Division of Land Sales and to the board a land management plan within 2 years of the effective date of this act and at least every 5 years thereafter in a form and manner prescribed by the board. All management plans, whether for single or multiple use properties, shall specifically describe how the managing agency plans to identify, locate, protect and preserve or otherwise use fragile nonrenewable resources, such as archaeological and historic sites, as well as other fragile resources, including endangered plant and animal species. Land management plans submitted by an agency shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan. The Board of Trustees of the Internal Improvement Trust Fund shall consider the land management plan submitted by each state agency and the recommendations of the Division of State Lands, and shall approve with or without modification or reject such plan. The use or possession of any such lands which is not in accordance with an approved land management plan shall be subject to termination by the board.

(5) Each state agency managing lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall pay 15 percent of the gross receipts from the sale, lease, or disposition of the products of upland or submerged lands to the board of county commissioners of each county in which the land is located in proportion to the acreage located in each county. Payments to the several counties shall be made on or before August 1 of each year for the gross receipts collected during the preceding fiscal year. Funds derived from use and admission charges to state parks and other state park operating revenues, hunting and fishing permits, and funds designated for other purposes as provided by law shall not be considered a part of gross receipts for purposes of this section.

(6) This section shall not be construed so as to affect:

(a) Other provisions of this chapter relating to oil, gas, or mineral resources.

(b) The exclusive use of state-owned land subject to a lease authorized and executed by the Board of Trustees of the Internal Improvement Trust Fund leasing state-owned land for private uses and purposes.

Section 2. There are hereby created within the Division of State Lands of the Department of Natural Resources two Land Planner positions and one Field Inspector position.

Section 3. If any provision of s. 253.034, Florida Statutes, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 4. Section 589.071, Florida Statutes, is amended to read:

589.071 Traffic control within state forest lands.—The Division of Forestry on behalf of the state may adopt rules to control ingress, egress, and all other movement of motor vehicles, bicycles, horses, and pedestrians, as well as all other types of traffic, within a state forest or any lands leased by or otherwise assigned to the division for management purposes outside of the designated right-of-way of state or county-maintained roads, and may designate special areas off the roadways for the operation of recreational type vehicles which need not be licensed or operated by licensed drivers. Any person violating or otherwise failing to comply with any of the provisions of this section or rules adopted pursuant hereto

is guilty of a noncriminal violation as defined in s. 775.08(3), punishable by fine only not to exceed \$500. Jurisdiction shall be with the appropriate county court. Violation of the provisions of this act or rules adopted pursuant hereto is punishable as provided in s. 316.655.

Section 5. This act shall take effect October 1, 1980.

Senator Trask moved the following amendment which was adopted:

Amendment 2—On page 1 in title, strike everything before the enacting clause and insert: An act relating to management of state-owned, leased or assigned lands; creating s. 253.034, Florida Statutes; providing definitions for single and multiple uses; providing that lands owned by the Board of Trustees of the Internal Improvement Trust Fund not designated for a specific single use shall receive multiple use management; providing that each state agency managing such lands submit to the Division of State Lands and the Board of Trustees of the Internal Improvement Trust Fund a land management plan for approval within a specified period of time from the effective date of this act and periodically thereafter; requiring each state agency managing such lands to pay a specified percent of gross receipts from lands to counties; providing exceptions; providing severability; amending s. 589.071, Florida Statutes, authorizing the Division of Forestry to control traffic on any lands leased by or otherwise assigned to the division for management purposes; providing that violation of such traffic control rules is a noncriminal violation punishable by a fine; providing an effective date.

On motion by Senator Trask, by two-thirds vote HB 715 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Frank	McClain	Stuart
Anderson	Gorman	McKnight	Trask
Beard	Henderson	Myers	Vogt
Chamberlin	Holloway	Poole	Winn
Childers, D.	Jenne	Scarborough	
Childers, W. D.	Johnston	Skinner	
Fechtcl	MacKay	Steinberg	

Nays—None

Votes after roll call:

Yea—Hill, Peterson, Scott

SB 318 was laid on the table.

SB 326—A bill to be entitled An act relating to ad valorem tax exemptions; creating s. 196.1986, Florida Statutes; granting an exemption with respect to community centers owned and operated by private, nonprofit corporations and used predominantly for educational, literary, scientific, religious, or charitable meetings; 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 Trask and adopted:

Amendment 1—On page 1, line 28, strike the word “meetings” and insert: purposes

Amendment 2—On page 1, line 8, strike “meetings” and insert: purposes

On motion by Senator Trask, by two-thirds vote SB 326 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

Mr. President	Childers, D.	Frank	Henderson
Anderson	Childers, W. D.	Gordon	Hill
Beard	Dunn	Gorman	Holloway
Chamberlin	Fechtcl	Grizzle	Jenne

McClain	Poole	Skinner	Vogt
McKnight	Scarborough	Steinberg	Winn
Myers	Scott	Trask	

Nays—3

Johnston	MacKay	Stuart
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Vote after roll call:

Yea—Peterson

SB 260—A bill to be entitled An act relating to the Community Mental Health Act; adding s. 394.69(6), Florida Statutes; authorizing local governing bodies to appropriate moneys to be expended for purposes as provided in approved mental health district board plans; requiring annual audits thereof and the furnishing of such audits to the participating local governing bodies; 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 McKnight and adopted:

Amendment 1—On page 1, line 23, after the period insert: *In addition to payment of claims upon submission of a proper voucher, such moneys may also, at the governing body's option, be disbursed in the form of a lump sum or advance payment for services for expenditure in turn by the recipient of the disbursement without prior audit by the auditor of the governing body.*

Amendment 2—On page 1, lines 25-26, strike "provision for annual audit thereof shall be made." and insert: *Each governing body appropriating and disbursing moneys pursuant to this subsection shall require the expenditure of such moneys by the recipient of the disbursement to be audited annually, either in conjunction with an audit of other expenditures or by a separate audit.*

Pending further consideration of SB 260 as amended, on motion by Senator McKnight, the rules were waived and by two-thirds vote HB 721 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator McKnight—

HB 721—A bill to be entitled An act relating to the Community Mental Health Act; adding s. 394.69(6), Florida Statutes; authorizing local governing bodies to appropriate moneys to be expended for purposes as provided in approved mental health district board plans; requiring annual audits thereof and the furnishing of such audits to the participating local governing bodies; providing an effective date.

—a companion measure, was substituted for SB 260 and read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 721 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Frank	MacKay	Scott
Anderson	Gorman	McClain	Skinner
Beard	Grizzle	McKnight	Steinberg
Chamberlin	Henderson	Myers	Stuart
Childers, D.	Hill	Neal	Trask
Childers, W. D.	Jenne	Poole	Vogt
Fechtcl	Johnston	Scarborough	Winn

Nays—None

Votes after roll call:

Yea—Holloway, Peterson

SB 260 was laid on the table.

HB 1023—A bill to be entitled An act relating to state attorneys; amending s. 27.181(3), Florida Statutes; deleting

obsolete provisions prohibiting an assistant state attorney from signing an information; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1023 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gorman	McClain	Skinner
Anderson	Grizzle	McKnight	Steinberg
Beard	Henderson	Myers	Stuart
Chamberlin	Hill	Neal	Trask
Childers, D.	Holloway	Poole	Vogt
Fechtcl	Jenne	Scarborough	Vare
Frank	Johnston	Scott	Winn

Nays—None

SB 287—A bill to be entitled An act relating to public defenders; amending s. 27.50, Florida Statutes; prescribing qualifications for public defenders; amending s. 27.51, Florida Statutes; prescribing duties of public defenders; specifying the persons whom a public defender is required or permitted to represent; requiring the appointment of a public defender or private counsel to represent certain persons; requiring specified public defenders to handle certain appeals at the request of other specified public defenders; prescribing conditions of service of public defenders and assistant public defenders; amending s. 27.52, Florida Statutes; prescribing standards for the determination of indigency; providing that the parents of certain minors are liable for certain costs of representation and providing for liens against the property of such parents; providing that any funds recovered with respect to represented defendants who are not indigent be remitted to the county fine and forfeiture fund to defray certain costs; amending s. 27.53, Florida Statutes; providing that assistant public defenders shall serve at the pleasure of the public defender; authorizing investigators to serve witness subpoenas and court orders under certain conditions; providing for appointment and payment of a member of The Florida Bar to represent an indigent defendant; requiring such appointment and payment in certain circumstances; providing method of making appropriations for the office of public defender; amending s. 27.5301, Florida Statutes; providing for the salaries of public defenders; amending s. 27.54, Florida Statutes; authorizing a county or municipality to contribute funds to a public defender's office for certain purposes; specifying the extent of services to be provided the public defender by counties; amending s. 27.55, Florida Statutes; providing for compensation of a public defender of a newly created circuit and for expenditures for his office; amending s. 27.56, Florida Statutes; authorizing the court to assess, against a defendant, attorney's fees and certain costs; providing for imposition of liens against property of certain persons receiving certain services and against the property of parents of certain minors; amending s. 27.561, Florida Statutes; providing remedies against parents in default in paying attorney's fees or costs; amending s. 27.59, Florida Statutes; granting public defenders and assistant public defenders access to certain prisoners; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendments which were moved by Senator Myers and adopted:

Amendment 1—On page 6, line 1, hyphen through the following: "annually"

Amendment 2—On page 17, line 11, hyphen through the following: "advice and counsel" and insert: *such assistance as may be appropriate*

On motion by Senator Myers, by two-thirds vote SB 287 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gorman	McKnight	Stuart
Anderson	Grizzle	Myers	Thomas
Beard	Henderson	Neal	Tobiassen
Chamberlin	Hill	Poole	Trask
Childers, D.	Holloway	Scarborough	Vogt
Childers, W. D.	Jenne	Scott	Williamson
Fechtcl	Johnston	Skinner	Winn
Frank	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—Peterson

On motions by Senator Myers, by unanimous consent—

SB 1272—A bill to be entitled An act relating to ad valorem taxation; amending s. 196.33, Florida Statutes; requiring school districts, upon receipt of an annual payment from the School District Homestead Trust Fund, to first satisfy debt service requirements before using replacement funds for other purposes; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Myers, by two-thirds vote SB 1272 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Grizzle	Neal	Tobiassen
Anderson	Henderson	Poole	Trask
Beard	Hill	Scarborough	Vogt
Chamberlin	Jenne	Scott	Williamson
Childers, D.	Johnston	Skinner	Winn
Childers, W. D.	McClain	Steinberg	
Frank	McKnight	Stuart	
Gorman	Myers	Thomas	

Nays—None

Vote after roll call:

Yea—Peterson

HB 738—A bill to be entitled An act relating to sanitary sewage treatment; amending section 403.086(1)(b), Florida Statutes; providing effluent standards; providing an effective date.

—was read the second time by title.

Senators Neal and Grizzle offered the following amendment which was moved by Senator Neal:

Amendment 1—On page 1, line 8, strike everything after the enacting clause and insert: Section 1. Section 403.086(1)(b), Florida Statutes is amended to read:

(b) No facilities for sanitary sewage disposal constructed after the effective date of this act shall dispose of any wastes into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, and ~~Punta Gorda Bay~~ *Charlotte Harbor* or any bay, bayou, or sound, or tributary thereto without providing advanced waste treatment approved by the Department of Environmental Regulation. *Provided, however, upon request of an applicant, and pursuant to chapter 120 F.S. the Department may allow a lesser degree of treatment upon demonstration that advanced waste treatment is not necessary to meet water quality standards. In no case shall the Department allow a facility to provide less than secondary treatment or violate water quality standards as provided in 403.088(3)(b).*

Senators Neal and Grizzle offered the following amendment to Amendment 1 which was moved by Senator Neal and adopted:

Amendment 1A—On page 1, line 19, insert: Section 2. The Department of Environmental Regulation shall review the definition of advanced waste treatment in the Florida Administrative Code, chapter 17-403, no later than March 31, 1981.

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

Amendment 1B—Add Section 3. This act shall become effective July 1, 1980

Amendment 1 as amended was adopted.

On motion by Senator Neal, by two-thirds vote HB 738 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Fechtcl	McKnight	Tobiassen
Anderson	Frank	Myers	Trask
Barron	Gorman	Neal	Vogt
Beard	Grizzle	Poole	Ware
Carlucci	Henderson	Scarborough	Williamson
Chamberlin	Hill	Steinberg	Winn
Childers, D.	Holloway	Stuart	
Childers, W. D.	Jenne	Thomas	

Nays—1

Johnston

Vote after roll call:

Yea—Peterson

By the Committee on Economic, Community and Consumer Affairs and Senator Dunn—

CS for SB 1293—A bill to be entitled An act relating to compensation of county officials; amending s. 145.022(1), Florida Statutes; relating to county officials' guaranteed salaries; amending s. 145.09, Florida Statutes; prescribing the salaries of supervisors of elections; amending s. 145.10(2), Florida Statutes; prohibiting a decrease in certain property appraisers' salaries; providing requirements for qualification thereof; requiring completion of a prescribed continuing educational course annually for continued qualification; amending s. 145.16(2), Florida Statutes, adding members of district school board to a list of county officials whose compensation may not be changed by special laws or general laws of local application; amending s. 145.19, Florida Statutes, providing definitions; providing for the annual adjustment of county officers' salaries by a prescribed factor; amending and renumbering s. 145.041, Florida Statutes; providing that laws which increase such base salaries shall contain provisions on no other subjects; increasing the base salary and group rate for members of the district school board; eliminating an exception to the provision dealing with district school board salaries; amending and renumbering s. 145.08, Florida Statutes; providing that laws which increase such base salaries shall contain provisions on no other subject; amending s. 145.012, Florida Statutes; providing for a special qualification salary for clerks of the circuit court, sheriffs, supervisors of elections, and tax collectors; amending s. 145.051, Florida Statutes; increasing the base salary and the group rate for clerks of the circuit court and county comptrollers; providing special qualification salary for clerks of the circuit court and comptrollers; providing time limitations; requiring completion of a prescribed continuing education course annually for continued qualification; amending s. 145.071, Florida Statutes; increasing the base salary and the group rate for sheriffs; providing for a special qualification salary for sheriffs; providing requirements for qualification thereof; providing time limitations; requiring completion of a prescribed continuing education course annually for continued qualification; amending s. 943.21, Florida Statutes; providing that the compensation provided in s. 145.071, Florida Statutes, is in addition to the salary incentive in s. 943.22(2)(d), Florida Statutes; amending s. 145.11, Florida Statutes; increasing the base salary and the group rate for tax collectors; providing for a special qualification salary for tax collectors; providing requirements for qualification thereof; providing time limitations; requiring completion of a prescribed continuing education course annually for continued qualification; repealing s. 145.18, Florida Statutes, relating to annual cost of living adjustments and limitations thereto; providing an effective date.

—was read the first time by title and SB 1293 was laid on the table.

On motion by Senator Thomas, by two-thirds vote CS for SB 1293 was read the second time by title.

Senator Dunn offered the following amendments which were moved by Senator Thomas and adopted:

Amendment 1—On pages 3-15, strike everything after the enacting clause and insert: Section 1. Subsection (1) of section 145.022, Florida Statutes, is amended to read:

145.022 Guaranteed salary upon resolution of board of county commissioners.—

(1) Any board of county commissioners, with the concurrence of the county official involved, shall by resolution guarantee and appropriate a salary to the county official, in an amount not to exceed that specified in this chapter, if all fees collected by such official are turned over to the board of county commissioners. Copies of the resolution adopted shall be filed with the Department of Banking and Finance and the Auditor General.

Section 2. Section 145.09, Florida Statutes, is amended to read:

145.09 Supervisor of elections.—

(1) Each supervisor of elections shall receive as salary the amount indicated, based on the population of his county. In addition, a compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the grouping times the group rate.

Pop. Group	County Minimum	Pop. Range Maximum	Base Salary	Group Rate	
I	—0—	9,999	\$11,828	\$ 8,500	\$0.200
II	10,000	49,999	13,328	10,500	0.075
III	50,000	99,999	16,328	13,500	0.060
IV	100,000	199,999	19,328	16,500	0.025
V	200,000	399,999	22,328	19,000	0.015
VI	400,000	999,999	25,328	22,000	0.005
VII	1,000,000		28,328	25,000	0.000

(2) The above salaries are based upon a 5-day work week. If a supervisor does not keep his office open 5 days per week, then the salary will be prorated accordingly.

(3)(a) Special qualification salary shall be an additional \$2,000 per year to each supervisor of elections who has met the certification requirements established by the Division of Elections of the Department of State. Any supervisor who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.

(b) In order to qualify for the special qualification salary described in paragraph (a), the supervisor must complete the requirements established by the Division of Elections within 6 years after first taking office, provided that those holding office on July 1, 1980, shall have until July 1, 1986, to complete such requirements.

(c) After a supervisor meets the requirements of paragraph (a), in order to remain certified the supervisor shall thereafter be required to complete each year a course of continuing education as prescribed by the division. The supervisor of elections in each county shall receive an increase in the base salary provided in subsection (1) of \$4,300 for each population group. This increase shall be added to the total salary of the supervisor of elections as of October 1, 1978.

Section 3. Section 145.10, Florida Statutes, is amended to read:

145.10 Property appraiser.—

(1) Each property appraiser shall receive as salary the amount indicated, based on the population of his county. In addition, a compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the grouping times the group rate.

Pop. Group	County Minimum	Pop. Range Maximum	Base Salary	Group Rate
I	—0—	9,999	\$12,840	\$.32103
II	10,000	49,999	16,050	.08025
III	50,000	99,999	19,260	.06420
IV	100,000	199,999	22,470	.02675
V	200,000	399,999	25,145	.01605
VI	400,000	999,999	28,355	.00535
VII	1,000,000		31,565	.00000

(2) (a) Except as provided in paragraph (b), special qualification salary shall be an additional \$2,000 per year to each property appraiser who has met the requirements of the Department of Revenue and has been designated a certified Florida property appraiser. Any property appraiser who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year. The department shall establish and maintain a certified Florida property appraiser program.

(b) No property appraiser who prior to July 1, 1980, is certified as herein provided shall have a decrease in gross salary as a result of implementation of 1980 amendments to s. 145.19.

(c) In order to qualify for the special qualification salary described in paragraph (a), the property appraiser must complete the requirements established by the Department of Revenue within 6 years after first taking office, provided that those holding office on July 1, 1980, shall have until July 1, 1986, to complete such requirements.

(d) After a property appraiser meets the requirements of paragraph (a), in order to remain certified the appraiser shall thereafter be required to complete each year a course of continuing education as prescribed by the department.

Section 4. Subsection (2) of section 145.16, Florida Statutes, is amended to read:

145.16 Special laws or general laws of local application prohibited.—

(2) Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application pertaining to the compensation of the following county officials:

- (a) Members of the board of county commissioners;
- (b) Clerk of the circuit court;
- (c) Sheriff;
- (d) Superintendent of schools;
- (e) Members of district school boards;
- (f) Supervisor of elections;
- (g) Property appraiser; and
- (h) Tax collector.

Section 5. Section 145.19, Florida Statutes, is amended to read:

145.19 Definitions; annual percentage increases based on increase for State Career Service employees; limitation.—

(1) As used in this section:

(a) "Annual factor" means the average percentage increase in State Career Service employees' salaries for the current fiscal year as determined by the Department of Administration or as provided in the General Appropriations Act or 7 percent, whichever is less, divided by 100, and added to 1.

(b) "Cumulative annual factor" means the product of all annual factors certified under this act prior to the fiscal year for which salaries are being calculated.

(c) "Initial factor" means a factor of 1.292, which is a product, rounded to the nearest thousandth, of an earlier cost of living increase factor authorized by chapter 73-173, Laws of Florida, and intended by the Legislature to be preserved in adjustments to salaries made prior to enactment of chapter 76-80, Laws of Florida, multiplied by the annual increase factor authorized by chapter 79-327, Laws of Florida.

(2) Effective the fiscal year commencing after June 30, 1980 ~~1979~~, and for each fiscal year thereafter, the salaries of all county officers listed in this chapter shall be adjusted by the annual factor. The Department of Administration shall certify the annual factor and the cumulative annual factors to the Department of Community Affairs not later than September 1 of each year, and the Department of Community Affairs shall, as of October 1 of each year, determine the adjusted salary rate as provided herein. The adjusted salary rate shall be the product, rounded to the nearest dollar, of the salary rate granted by the appropriate section of this chapter, multiplied first by the initial factor, then by the cumulative annual factor, and finally by the annual factor. Any special qualification salary received under this chapter shall be added to such adjusted salary rate, to provide the same percentage increase in salary as the average percentage increase in State Career Service employees' salaries as determined by the Department of Administration or as provided in the General Appropriations Act; however, such increases shall not exceed 7 percent for any fiscal year. The salary increases specified in this section shall be determined independently of, and shall not affect, changes in base salary and compensation occasioned by changes in population as prescribed in this chapter.

Section 6. Section 145.041, Florida Statutes, is renumbered as section 230.201, Florida Statutes, and amended to read:

~~230.201~~ **145.041** District school board.—

(1) Each member of the district school board shall receive as salary the amount indicated, based on the population of his county. In addition, compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the grouping times the group rate. *Laws which increase the base salary herein provided shall contain provisions on no other subject.*

Pop. Group	County Pop. Minimum	Range Maximum	Base Salary	Group Rate
I	-0-	9,999	\$5,000 \$3,000	\$.083300 \$.05500
II	10,000	49,999	5,833 3,500	.020830 0.0125
III	50,000	99,999	6,666 4,000	.016680 0.0100
IV	100,000	199,999	7,500 4,500	.003330 0.0050
V	200,000	399,999	8,333 5,000	.004165 0.0025
VI	400,000	999,999	9,166 5,500	.001390 0.0008
VII	1,000,000		10,000 6,000	.000000 0.0000

(2) This section shall not apply to those counties which, since July 1, 1964, have by referendum voted that school board members shall receive no salary.

Section 7. Section 145.08, Florida Statutes, is renumbered as section 230.303, Florida Statutes, and is amended to read:

~~230.303~~ **145.08** Superintendent of schools.—

(1) Each superintendent of schools shall receive as salary the amount indicated, based on the population of his county. In addition, a compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the grouping times the group rate. *Laws which increase the base salary herein provided shall contain provisions on no other subject.*

Pop. Group	County Pop. Minimum	Range Maximum	Base Salary	Group Rate
I	-0-	9,999	\$17,120 \$16,000	\$.32103 \$.3000

Pop. Group	County Pop. Minimum	Range Maximum	Base Salary	Group Rate
II	10,000	49,999	20,330 19,000	.08025 0.075
III	50,000	99,999	23,540 22,000	.06420 0.060
IV	100,000	199,999	26,750 25,000	.02675 0.025
V	200,000	399,999	29,425 27,500	.01605 0.015
VI	400,000	999,999	32,635 30,500	.00535 0.005
VII	1,000,000		35,845 33,500	.00000 0.000

(2) On October 1, 1973, no elected superintendent shall be caused to suffer a decrease in gross salary as a result of the implementation of subsection (1).

(3) This section does not apply to a superintendent of schools appointed pursuant to the terms of s. 230.321.

(4)(a) Special qualification salary shall be an additional \$2,000 per year to each superintendent of schools who has met the certification requirements established by the Department of Education. Any superintendent of schools who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.

(b) In order to qualify for the special qualification salary provided by paragraph (a), the superintendent must complete the requirements established by the Department of Education within 6 years after first taking office, provided that those holding office on July 1, 1980, shall have until July 1, 1986, to complete such requirements.

(c) After a superintendent meets the requirements of paragraph (a), in order to remain certified the superintendent shall thereafter be required to complete each year a course of continuing education as prescribed by the Department of Education.

Section 8. Section 145.012, Florida Statutes, is amended to read:

145.012 Applicability.—This chapter applies to all officials herein designated in all counties of the state except those officials whose salaries are not subject to being set by the Legislature because of the provisions of a county home rule charter and except officials, other than the property appraiser, clerk of the circuit court, sheriff, supervisor of elections, superintendent of schools, and tax collector who if qualified shall receive in addition to their ~~his~~ salary a special qualification salary as provided in this chapter ~~or 145.10(2)~~, of counties which have a charter consolidated form of government as provided in chapter 67-1320, Laws of Florida.

Section 9. Section 145.051, Florida Statutes, is amended to read:

145.051 Clerk of circuit court and county comptroller.—

(1) Each clerk of circuit court and each county comptroller shall receive as salary the amount indicated, based on the population of his county. In addition, a compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the grouping times the group rate.

Pop. Group	County Pop. Minimum	Range Maximum	Base Salary	Group Rate
I	-0-	9,999	\$14,980 \$14,000	\$.32103 \$.3000
III	10,000	49,999	19,190 17,000	.08025 0.075
III	50,000	99,999	21,400 20,000	.06420 0.060
IV	100,000	199,999	24,610 23,000	.02675 0.025
V	200,000	399,999	27,285 25,500	.01605 0.015
VI	400,000	999,999	30,495 28,500	.00535 0.005
VII	1,000,000		33,705 31,500	.00000 0.000

(2)(a) *Special qualification salary shall be an additional \$2,000 per year to each clerk of the circuit court who has met the certification requirements established by the Florida Supreme Court. Any clerk of the circuit court who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.*

(b) *In order to qualify for the special qualification salary provided by paragraph (a), the clerk must complete the requirements established by the Florida Supreme Court within 6 years after first taking office, provided that those holding office on July 1, 1980, shall have until July 1, 1986, to complete such requirements.*

(c) *After a clerk meets the requirements of paragraph (a), in order to remain certified the clerk shall thereafter be required to complete each year a course of continuing education as prescribed by the Florida Supreme Court.*

Section 10. Section 145.071, Florida Statutes, is amended to read:

145.071 Sheriff.—

(1) Each sheriff shall receive as salary the amount indicated, based on the population of his county. In addition, a compensation shall be made for population increments over the minimum for each group, which shall be determined by multiplying the population in excess of the minimum for the grouping times the group rate.

Pop. Group	County Pop. Range Minimum	Maximum	Base Salary	Group Rate
I	—0—	9,999	\$16,050 \$15,000	\$.21402 \$.20000
II	10,000	49,999	18,190 17,000	.08025 0.075
III	50,000	99,999	21,400 20,000	.06420 0.060
IV	100,000	199,999	24,610 23,000	.02675 0.025
V	200,000	399,999	27,285 25,500	.01605 0.015
VI	400,000	999,999	30,495 28,500	.00535 0.005
VII	1,000,000		33,705 31,500	.00000 0.000

(2)(a) *Special qualification salary shall be an additional \$2,000 per year to each sheriff who has met the qualifications for the salary incentive provided in s. 943.22(2)(d). Any sheriff who so qualifies during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.*

(b) *In order to qualify for the special qualification salary described in paragraph (a), the sheriff must complete the requirements specified in said paragraph within 6 years after first taking office, provided that those holding office on July 1, 1980, shall have until July 1, 1986, to complete such requirements.*

(c) *After a sheriff meets the requirements of paragraph (a), in order to remain qualified the sheriff shall thereafter be required to complete each year a course of continuing education as prescribed by the Department of Law Enforcement.*

Section 11. Section 943.21, Florida Statutes, is amended to read:

943.21 Exception; elected officers.—The provisions of ss. 943.09-943.24 shall not apply to any elected officers; however any sheriff who qualifies for the salary incentive provided in s. 943.22(2)(d) shall receive additional compensation as provided in s. 145.071.

Section 12. Section 145.11, Florida Statutes, is amended to read:

145.11 Tax collector.—

(1) Each tax collector shall receive as salary the amount indicated, based on the population of his county. In addition, a compensation shall be made for population increments over the minimum for each population group, which shall be determined

by multiplying the population in excess of the minimum for the grouping times the group rate.

Pop. Group	County Pop. Range Minimum	Maximum	Base Salary	Group Rate
I	—0—	9,999	\$12,840 \$12,000	\$.21402 \$.20000
II	10,000	49,999	14,980 14,000	.08025 0.075
III	50,000	99,999	18,190 17,000	.06420 0.060
IV	100,000	199,999	21,400 20,000	.02675 0.025
V	200,000	399,999	24,075 22,500	.01605 0.015
VI	400,000	999,999	27,285 25,500	.00535 0.005
VII	1,000,000		30,495 28,500	.00000 0.000

(2)(a) *Special qualification salary shall be an additional \$2,000 per year to each tax collector who has met the requirements of the Department of Revenue and has been designated a certified Florida tax collector. Any tax collector who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year. The department shall establish and maintain a certified Florida tax collector program.*

(b) *In order to qualify for the special qualification salary described in paragraph (a), the tax collector must complete the requirements established by the Department of Revenue within 6 years after first taking office, provided that those holding office on July 1, 1980, shall have until July 1, 1986, to complete such requirements.*

(c) *After a tax collector meets the requirements of paragraph (a), in order to remain certified the collector shall thereafter be required to complete each year a course of continuing education as prescribed by the department.*

Section 13. Section 145.18, Florida Statutes, is hereby repealed.

Section 14. This act shall take effect July 1, 1980.

Amendment 2—On page 2, in title, line 4, before the word "and" insert: superintendent of schools,

Amendment 3—On page 2 in title, line 1, strike all of said line and insert: no other subject; increasing the base salary and group rate of school superintendents; providing special qualification salary for school superintendents; providing requirements for qualifications therefor; providing time limitations; requiring completion of a prescribed continuing education course annually for continued qualification; amending s. 145.012, Florida

Amendment 4—On page 1 in title, line 8, strike all of said line and insert: 145.10, Florida Statutes; increasing the base salary and group rate for property appraisers; prohibiting a

On motion by Senator Thomas, by two-thirds vote CS for SB 1293 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fechtcl	MacKay	Stuart
Anderson	Frank	McClain	Thomas
Barron	Grizzle	McKnight	Tobiasen
Beard	Henderson	Neal	Trask
Carlucci	Hill	Poole	Ware
Chamberlin	Holloway	Scarborough	Williamson
Childers, D.	Jenne	Skinner	Winn
Childers, W. D.	Johnston	Steinberg	

Nays—None

Votes after roll call:

Yea—Dunn, Myers, Peterson

Abstained from Voting

I abstained from voting on CS for SB 1293 because of a possible conflict of interest. It is my intention to seek election to a county office this year.

Bill Gorman, 15th District

HB 653—A bill to be entitled An act relating to bridge designation; designating and naming the bridge which will span the Intracoastal Waterway in the City of Delray Beach, Palm Beach County, being constructed as a part of Linton Boulevard, as the Jack L. Saunders Bridge; providing for appropriate markers to be erected by the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 653 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Gorman	McKnight	Trask
Barron	Grizzle	Neal	Vogt
Beard	Henderson	Poole	Ware
Carlucci	Hill	Scarborough	Williamson
Childers, D.	Holloway	Skinner	Winn
Childers, W. D.	Jenne	Steinberg	
Dunn	Johnston	Thomas	
Frank	McClain	Tobiassen	

Nays—None

Votes after roll call:

Yea—Myers, Peterson

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

CS for SB 1218—A bill to be entitled An act relating to nursing homes; adding s. 400.021(13)-(15), Florida Statutes; adding definitions; amending s. 400.022(1), (3), Florida Statutes, and adding subsection (4) to said section; providing further detail regarding patients' rights; providing for patient interviews and consultation with the ombudsman committee during the annual inspection to determine facility compliance with patients' rights; granting immunity under certain circumstances to individuals who report complaints or testify regarding a patient's rights; creating s. 400.023, Florida Statutes; providing for the civil enforcement of patients' rights; providing for conditional repeal; amending s. 400.063(1), (3), Florida Statutes; providing for utilization of certain funds in removal and alternate placement of patients under certain circumstances; amending s. 400.071(2)(f), (3), (4), Florida Statutes; requiring certain information to be supplied by any license applicant; prohibiting certain persons from applying for licensure; requiring the Department of Health and Rehabilitative Services to establish documentation requirements for demonstration of a facility's financial ability to operate; amending s. 400.111(1), Florida Statutes; authorizing the department to charge facilities a late fee for failure to timely file annual license renewal applications; providing for deposit of such late fees in a specified trust fund; amending s. 400.121(1), (2), Florida Statutes; correcting the form of a cross reference; requiring deposit of certain fines paid by any nursing home facility in the Patient Protection Trust Fund; amending s. 400.125, Florida Statutes; authorizing petition by the department for the appointment of a receiver under specified conditions; providing for a hearing prior to such petition; providing conditions for appointment of a receiver; providing for compensation of receiver; providing powers and duties of receiver; providing for liability; providing for termination of receivership; amending s. 400.141(6), Florida Statutes; requiring facilities to keep full records of patient care plans; amending s. 400.151(1), (2), Florida Statutes; providing for a patient-facility contract when a previous contract expires and when the source of payment for a patient's care changes; requiring the printing of said contract in bold type, and attachment to the contract of a list of charges and supplies not covered in the per diem rate or by Titles XVIII and XIX of the Social Security Act; providing for notification as to any changes in such attachment; amending s. 400.18(1), (2), Florida Statutes, and adding a new subsection (3) to said section; providing duties of the department in the closing of a nursing facility; creating s. 400.181, Florida Statutes; providing for sale or transfer of ownership of a nursing

facility; providing for conditional repeal; amending and renumbering s. 400.19(2), Florida Statutes, and adding new subsections (2) and (4) to said section; providing for coordination of licensure activities and requiring multiple inspection visits under certain circumstances; adding a new paragraph (b) to s. 400.317(2), Florida Statutes; conforming nursing home ombudsman committee procedures for resolving complaints against a facility; providing for conditional repeal; providing an effective date.

—was read the first time by title and SB 1218 was laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for SB 1218 was read the second time by title.

Senator Jenne moved the following amendment which was adopted:

Amendment 1—On pages 3-27, strike everything after the enacting clause and insert: Section 1. Subsections (13), (14), and (15), are added to section 400.021, Florida Statutes, to read:

400.021 Definitions.—When used in this chapter, unless the context otherwise requires:

(13) "*Bed reservation policy*" means the number of consecutive days and the number of days per year that a patient may leave the nursing home facility for overnight therapeutic visits with family or friends or for hospitalization for an acute condition before the facility may discharge the patient due to his absence from the facility.

(14) "*Patient care plan*" means a written plan developed, maintained, and reviewed not less than quarterly by a registered nurse, with participation from other facility staff and the patient or his designee or legal representative, which includes a comprehensive assessment of an individual patient's needs a listing of services provided within or outside the facility to meet those needs, and an explanation of service goals.

(15) "*Patient designee*" means a person, other than the owner, administrator, or employee of the facility, designated in writing by a patient or a patient's guardian, if the patient is adjudicated incompetent, to be the patient's representative for a specific, limited purpose.

Section 2. Subsections (1) and (3) of section 400.022, Florida Statutes, are amended and subsection (4) is added to said section to read:

400.022 Patients' rights.—

(1) All nursing home facilities shall adopt and make public a statement of the rights and responsibilities of the patients residing in such facilities and shall treat such patients in accordance with the provisions of said statement. The statement shall insure each patient the following:

(a) The right to civil and religious liberties, including knowledge of available choices and the right to independent personal decision, which will not be infringed upon, and the right to encouragement and assistance from the staff of the facility in the fullest possible exercise of these rights.

(b) The right to have private and uncensored communication, including, but not limited to, receiving and sending unopened correspondence, access to a telephone, visiting with any person of his or her choice during visiting hours, and overnight visitation outside the facility with family and friends in accordance with facility policies, physician orders, and Title XVIII (Medicare) and Title XIX (Medicaid) of the Social Security Act regulations, without losing his or her bed. Facility visiting hours shall be flexible, taking into consideration special circumstances such as, but not limited to, out-of-town visitors and working relatives or friends. Unless otherwise indicated in the patient care plan, the facility shall, with the consent of the patient and in accordance with policies approved by the department, permit recognized volunteer groups, representatives of community-based legal, social, mental health, and leisure programs, and members of the clergy access to the facility during visiting hours for the purpose of visiting with and providing services to any patient. ~~communications with any person of his or her choice.~~

(c) The right to present grievances on behalf of himself, herself, or others to the facility's staff or administrator, to governmental officials, or to any other person; ~~without fear~~

of reprisal, to recommend changes in policies and services to facility personnel; and to join with other patients or individuals within or outside of the facility to work for improvements in patient care, free from restraint, interference, coercion, discrimination, or reprisal.

(d) The right to manage his or her own financial affairs or to delegate such responsibility to the facility, but only to the extent of the funds held in trust by the facility for the patient. A quarterly accounting of any transactions made on behalf of the patient shall be furnished to the patient or the person responsible for the patient.

(e) The right to be fully informed, in writing and orally, prior to or at the time of admission and during his or her stay, of services and charges for services not covered under Title XVIII or Title XIX of the Social Security Act or not covered by the basic per diem rates; and of bed reservation and refund policies of the facility.

(f) The right to be adequately informed of his or her medical condition and proposed treatment, unless otherwise indicated by his or her physician, and to participate in the planning of all medical treatment, including the right to refuse medication and treatment, unless otherwise indicated by his or her physician, and to know the consequences of such actions.

(g) The right to receive adequate and appropriate health care and protective and support services, including social services; mental health services, if available; planned recreational activities; and therapeutic and rehabilitative services consistent with the patient care plan and established and recognized practice standards within the community and with rules as promulgated by the department.

(h) The right to have privacy in treatment and in caring for personal needs, to close room doors, and to have facility personnel knock before entering the room, except in the case of an emergency or unless medically contraindicated, confidentiality in the treatment of personal and medical records, and to security in storing and using personal possessions. Privacy of the patient's body shall be maintained during, but not limited to, toileting, bathing, and other activities of personal hygiene, except as needed for patient safety or assistance.

(i) The right to be treated courteously, fairly, and with the fullest measure of dignity and to receive a written statement and an oral explanation of the services provided by the facility, including those required to be offered on an as-needed basis.

(j) The right to be free from mental and physical abuse and from physical and chemical restraints, except those restraints authorized in writing by a physician for a specified and limited period of time or as are necessitated by an emergency. In case of an emergency, restraint may only be applied by a qualified licensed nurse who shall set forth in writing the circumstances requiring the use of restraint, and, in the case of use of a chemical restraint, a physician shall be consulted immediately thereafter. Restraints shall not be used in lieu of staff supervision or merely for staff convenience, for punishment, or for reasons other than patient protection or safety.

(k) The right to be transferred, reclassified, or discharged only for medical reasons, for the welfare of other patients, or for nonpayment for his or her stay and the right to be given reasonable advance notice of no less than 30 days of any involuntary transfer or discharge, except in the case of an emergency as determined by a licensed professional on the staff of the nursing home, or in the case of conflicting rules and regulations which govern Title XVIII or Title XIX of the Social Security Act. For nonpayment of a bill for care received, the patient shall be given 15 days advance notice. A facility certified to provide services under Title XIX of the Social Security Act shall not transfer or discharge patients solely because the source of payment for care changes from private to public funds or from public to private funds, unless the facility, as documented in the patient's medical record, makes a reasonable effort to arrange for appropriate continued care in the community or through another nursing home.

(1) The rights to freedom of choice in selecting a personal physician; to obtain pharmaceutical supplies and services from a pharmacy of his or her choice, at the patient's own expense or through Title XIX of the Social Security Act; and to obtain information about, and to participate in, community-based activities programs, unless medically contraindicated as docu-

mented by a physician, in the patient's medical record. If a patient chooses to use a community pharmacy and the facility in which he or she resides uses a unit dose system, the pharmacy selected by the patient shall be one that provides a compatible unit dose system, provides service delivery, and stocks the drugs normally used by long term care patients. If a patient chooses to use a community pharmacy and the facility in which he or she resides does not use a unit dose system, the pharmacy selected by the patient shall be one that provides service delivery, and stocks the drugs normally used by long term care patients. health care facility.

(m) The right to retain and use personal clothing and possessions as space permits, unless to do so would infringe upon the rights of other patients or unless medically contraindicated as documented by a physician in the patient's medical record. If clothing is provided to the resident by the facility, it shall be of reasonable fit.

(n) The right to have copies of the facility's rules and regulations and an explanation of his or her responsibility to obey all reasonable rules and regulations of the facility and to respect the personal rights and private property of the other patients.

(3) Any violation of the patient's rights set forth in this section shall constitute grounds for action by the department under the provisions of s. 400.102. In order to determine whether the facility is adequately protecting patients' rights, the annual inspection of the facility shall include private informal conversations with a sample of patients to discuss patients' experiences within the facility with respect to rights specified in this section and general compliance with standards, and consultation with the ombudsman committee in the district in which the nursing home is located.

(4) Any person who submits or reports a complaint concerning a suspected violation of the patient's rights, or concerning services or conditions in a facility, or who testifies in any administrative or judicial proceeding arising from such complaint shall have immunity from any criminal or civil liability therefor, unless such person has acted in bad faith, with malicious purpose, or if the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party.

Section 3. Section 400.023, Florida Statutes, is created to read:

400.023 Civil enforcement.—Any patient whose rights as specified in this part are deprived or infringed upon shall have a cause of action against any facility responsible for the violation. The action may be brought by the patient or his or her guardian or by a person or organization acting on behalf of a patient with the consent of the patient or his or her guardian. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for any deprivation or infringement on the rights of a patient. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justifiable issue of either law or fact. Prevailing defendants may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a patient and to the department.

Section 4. Subsections (1) and (3) of section 400.063, Florida Statutes, are amended to read:

400.063 Patient Protection Trust Fund.—

(1) The Department of Administration shall establish a Patient Protection Trust Fund for the purpose of collecting and disbursing funds generated from the licensure fees and administrative fines as provided for in ss. 400.062(3)(b), 400.121(2), and 400.23(4). Such funds shall be directed to the Department of Health and Rehabilitative Services to pay for the appropriate alternate placement, care, and treatment of patients who are removed from a nursing home facility in which the department determines that existing conditions or practices constitute an immediate danger to the health, safety, or security of the nursing home patients. If the department determines that it is in the best interest of the patients' health, safety, or security to provide for an orderly removal of the

patients from the facility, the department may utilize such funds to maintain and care for the patients in the facility pending removal and alternative placement. The maintenance and care of the patients shall be under the direction and control of a receiver appointed pursuant to s. 400.125(3).

(3) Funds authorized under this section shall be expended on behalf of all patients transferred to an alternate placement, at the usual and customary charges of the facility used for the alternate placement, provided that no other source of private or public funding is available, and the state shall only be liable for the cost of such alternate placement to the extent that funds are available in the Patient Protection Trust Fund. However, such funds shall not be expended on behalf of a patient who is eligible for Title XIX of the Social Security Act, if the alternate placement accepts Title XIX of the Social Security Act. Funds shall be utilized for maintenance and care of patients in a facility in receivership only to the extent private or public funds, including funds available under Title XIX of the Social Security Act, are not available or are not sufficient to adequately manage and operate the facility, as determined by the department. The existence of the Patient Protection Trust Fund shall not make the department liable for the maintenance of any patient in any facility. The state shall be liable for the cost of alternate placement of patients removed from a deficient facility, or for the maintenance of patients in a facility in receivership, only to the extent that funds are available in the Patient Protection Trust Fund.

Section 5. Paragraph (f) of subsection (2) and subsections (3) and (4) of section 400.071, Florida Statutes, are amended to read:

400.071 Application for license.—

(2) The application shall be under oath and shall contain the following:

(f) Information relating to the number, experience, and training of the employees of the facility and of the moral character of the applicant and employees which the department requires by rule, including the name and address of any nursing home with whom said applicant or employees have been affiliated through ownership or employment within 5 years of the date of application for license regulation. The applicant must demonstrate that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of residents who will reside in the facility.

(3) The applicant shall submit evidence which establishes the good moral character of the applicant, manager, supervisor, and administrator. No applicant, if the applicant is an individual, no member of a board of directors or officer of an applicant, if the applicant is a firm, partnership, association, or corporation, and no licensed nursing home administrator shall have been convicted, or found guilty, regardless of adjudication, of a crime in any jurisdiction which affects or may potentially affect patients in the facility.

(4) The applicant shall furnish satisfactory proof of financial ability to operate and conduct the home in accordance with the requirements of this part chapter and all rules and regulations promulgated hereunder. The department shall establish documentation requirements, to be completed by each facility, that show anticipated facility revenues and expenditures, the basis for financing the anticipated cash flow requirements of the facility, and a facility's access to contingency financing.

Section 6. Subsection (1) of section 400.111, Florida Statutes, is amended to read:

400.111 Expiration of license; renewal.—

(1) Licenses issued for the operation of a facility, unless sooner suspended or revoked, shall expire 1 year from the date of issuance. Ninety Sixty days prior to the expiration date, an application for renewal shall be submitted to the Department of Health and Rehabilitative Services, and licenses shall be renewed upon the filing of an application on forms furnished by the department if the applicant has first met the requirements established under this chapter and all rules and regulations promulgated hereunder. The failure to file an application within the time period established herein shall result in a late fee charged to the facility by the department in an amount equal to 50 percent of the fee in effect on the last preceding regular renewal date. A late fee shall be levied for

each and every day the filing of the license application is delayed. Late fees shall be deposited and disbursed through the Patient Protection Trust Fund established in s. 400.063. New facilities which are in substantial compliance with this section and with the rules of the Department of Health and Rehabilitative Services, but which have deficiencies, may be issued conditional licenses pending correction of deficiencies.

Section 7. Subsections (1) and (2) of section 400.121, Florida Statutes, are amended to read:

400.121 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedure.—

(1) The Department of Health and Rehabilitative Services may deny, revoke, or suspend a license or impose an administrative fine, not to exceed \$500 per violation per day, for a violation of any provision of s. 400.102(1)(a), (b), or (d). All hearings shall be held within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

(2) The department, as a part of any final order issued by it under the provisions of this chapter, may impose such fine as it deems proper, except that such fine shall not exceed \$500 for each violation. Each day a violation of this chapter occurs shall constitute a separate violation and shall be subject to a separate fine, but in no event shall any fine aggregate more than \$5,000. A fine may be levied pursuant to this section in lieu of and notwithstanding the provisions of s. 400.23. Fines paid by any nursing home facility under the provisions of this subsection shall be deposited in the Patient Protection Trust Fund and expended as provided in s. 400.063.

Section 8. Section 400.125, Florida Statutes, is amended to read:

400.125 Injunction; receivership; proceedings authorized.—

(1) The Department of Health and Rehabilitative Services may institute injunction proceedings in a court of competent jurisdiction to:

(a) Enforce the provisions of this chapter or any minimum standard, rule, regulation, or order issued or entered into pursuant thereto; or

(b) Terminate the operation of a home where any of the following exist:

1. Failure to take preventive or corrective measures in accordance with any order of the department.

2. Failure to abide by any final order of the department once it has become effective and binding.

3. Any violation as provided in s. 400.121 constituting an emergency requiring immediate action.

(2) Such injunctive relief may include temporary and permanent injunction.

(3) As an alternative to or in conjunction with injunctive proceedings, the department may petition a court of competent jurisdiction for the appointment of a receiver, if suitable alternate placements are not available, when any of the following conditions exist:

(a) The facility is operating without a license and refuses to make application for a license as required by s. 400.062.

(b) The facility is closing or has informed the department that it intends to close and adequate arrangements have not been made for relocation of the patients within 7 days, exclusive of weekends and holidays, of the closing of the facility.

(c) The department determines that conditions exist in the facility which present an imminent danger to the health, safety, or welfare of the patients of the facility or a substantial probability that death or serious physical harm would result therefrom.

(d) The facility cannot meet its financial obligation for providing food, shelter, care, and utilities.

(4) Petitions for receivership shall take precedence over other court business unless the court determines that some other pending proceeding, having similar statutory precedence, shall have priority. A hearing shall be conducted within 5 days of the filing of the petition, at which time all interested parties

shall have the opportunity to present evidence pertaining to the petition. The department shall notify the owner or administrator of the facility named in the petition of its filing and the date set for the hearing. The court shall grant the petition only upon finding that the health, safety, or welfare of patients of the facility would be threatened if a condition existing at the time the petition was filed is permitted to continue. A receiver shall not be appointed *ex parte* unless the court determines that one or more of the conditions in subsection (3) exist; that the facility owner or administrator cannot be found; that all reasonable means of locating and notifying the owner or the administrator of the petition and hearing have been exhausted; or that the owner or administrator, after notification of the hearing, chooses not to attend. After such findings, the court may appoint any person qualified pursuant to s. 400.20 as a receiver, except it shall not appoint any owner or affiliate of the facility which is in receivership. The receiver may be selected from a list of persons qualified to act as receivers developed by the department and presented to the court with each petition for receivership. Under no circumstances shall the department or designated departmental employee be appointed as a receiver for longer than 60 days; however, the receiver may petition the court, one time only, for a 30-day extension. The court shall grant the extension upon a showing of good cause.

(5) The receiver shall make provisions for the continued health, safety, and welfare of all patients of the facility and:

(a) Shall exercise those powers and perform those duties set out by the court.

(b) Shall operate the facility in such a manner as to assure safety and adequate health care for the patients.

(c) Shall take such action as is reasonably necessary to protect or conserve the assets or property of the facility for which the receiver is appointed, or the proceeds from any transfer thereof, and may use them only in the performance of the powers and duties set forth in this section and by order of the court.

(d) May use the building, fixtures, furnishings and any accompanying consumable goods in the provision of care and services to patients and to any other persons receiving services from the facility at the time the petition for receivership was filed. The receiver shall collect payments for all goods and services provided to patients or others during the period of the receivership at the same rate of payment charged by the owners at the time the petition for receivership was filed, or at a fair and reasonable rate otherwise approved by the court for private pay patients. The receiver may apply to the department for a rate increase for Title XIX of the Social Security Act patients if the facility is not receiving the state reimbursement cap and expenditures justify an increase in the rate.

(e) May correct or eliminate any deficiency in the structure or furnishings of the facility which endangers the safety or health of patients while they remain in the facility, provided the total cost of correction does not exceed \$3,000. The court may order expenditures for this purpose in excess of \$3,000 on application from the receiver after notice to the owner and hearing.

(f) May let contracts and hire agents and employees to carry out the powers and duties of the receiver under this section.

(g) Shall honor all leases, mortgages, and secured transactions governing the building in which the facility is located and all goods and fixtures in the building of which the receiver has taken possession, but only to the extent of payments which, in the case of a rental agreement, are for the use of the property during the period of receivership, or which, in the case of a purchase agreement, come due during the period of receivership.

(h) Shall have full power to direct and manage and to discharge employees of the facility, subject to any contract rights they may have. The receiver shall pay employees at the rate of compensation, including benefits, approved by the court. Receivership does not relieve the owner of any obligation to employees made prior to the appointment of a receiver and not carried out by the receiver.

(i) Shall be entitled to take possession of all property or assets of patients which are in the possession of a facility or its owner. The receiver shall preserve all property or assets and all patient records of which the receiver takes possession and shall provide for the prompt transfer of the property, assets, and records to the new placement of any transferred resident. An inventory list certified by the owner and receiver shall be made at the time the receiver takes possession of the facility.

(6)(a) A person who is served with notice of an order of the court appointing a receiver and of the receiver's name and address shall be liable to pay the receiver for any goods or services provided by the receiver after the date of the order if the person would have been liable for the goods or services as supplied by the owner. The receiver shall give a receipt for each payment and shall keep a copy of each receipt on file. The receiver shall deposit accounts received in a separate account and shall use this account for all disbursements.

(b) The receiver may bring an action to enforce the liability created by paragraph (a).

(c) A payment to the receiver of any sum owing to the facility or its owner shall discharge any obligation to the facility to the extent of the payment.

(7)(a) A receiver may petition the court that he not be required to honor any lease, mortgage, secured transaction, or other wholly or partially executory contract entered into by the owner of the facility if the rent, price, or rate of interest required to be paid under the agreement was substantially in excess of a reasonable rent, price, or rate of interest at the time the contract was entered into, or if any material provision of the agreement was unreasonable, when compared to contracts negotiated under similar conditions. Any relief in this form provided by the court shall be limited to the life of the receivership, unless otherwise determined by the court.

(b) If the receiver is in possession of real estate or goods subject to a lease, mortgage, or security interest which the receiver has obtained a court order to avoid under paragraph (a), and if the real estate or goods are necessary for the continued operation of the facility under this section, the receiver may apply to the court to set a reasonable rental price, or rate of interest to be paid by the receiver during the duration of the receivership. The court shall hold a hearing on the application within 15 days. The receiver shall send notice of the application to any known persons who own the property involved or mortgage holders at least 10 days prior to the hearing. Payment by the receiver of the amount determined by the court to be reasonable is a defense to any action against the receiver for payment or for possession of the goods or real estate subject to the lease, security interest, or mortgage involved by any person who received such notice, but the payment does not relieve the owner of the facility of any liability for the difference between the amount paid by the receiver and the amount due under the original lease, security interest or mortgage involved.

(8) The court shall set the compensation of the receiver, which will be considered a necessary expense of a receivership.

(9) A receiver may be held liable in a personal capacity only for the receiver's own gross negligence, intentional acts, or breach of fiduciary duty.

(10) The court may require a receiver to post a bond.

(11) The court may terminate a receivership when:

(a) The court determines that the receivership is no longer necessary because the conditions which gave rise to the receivership no longer exist; or

(b) All of the patients in the facility have been transferred or discharged.

(12) Unless otherwise specified by the court, within 30 days after termination, the receiver shall give the court a complete accounting of all property of which the receiver has taken possession, of all funds collected, and of the expenses of the receivership.

(13) Nothing in this section shall be deemed to relieve any owner, administrator, or employee of a facility placed in re-

ceivership of any civil or criminal liability incurred, or any duty imposed by law, by reason of acts or omissions of the owner, administrator, or employee prior to the appointment of a receiver; nor shall anything contained in this section be construed to suspend during the receivership any obligation of the owner, administrator, or employee for payment of taxes or other operating and maintenance expenses of the facility, nor of the owner, administrator, employee, or any other person for the payment of mortgages or liens. The owner shall retain the right to sell or mortgage any facility under receivership, subject to approval of the court which ordered the receivership.

Section 9. Subsection (6) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing facilities.—Every facility shall comply with all applicable standards, rules, and regulations of the Department of Health and Rehabilitative Services and shall:

(6) Keep full records of resident admissions and discharges; and medical and general health status, including medical records, personal and social history, and identity and address of next of kin or other persons who may have responsibility for the affairs of the residents; and individual patient care plans including, but not limited to, prescribed services, service frequency and duration, and service goals. The records shall be open to inspection by the department.

Section 10. Subsections (1) and (2) of section 400.151, Florida Statutes, are amended to read:

400.151 Contracts.—

(1) The presence of each resident in a facility shall be covered by a contract, executed by the facility and the resident or his designee or legal representative at the time of admission or prior thereto, at the expiration of the term of a previous contract, and at the time the source of payment for the patient's care changes by the facility and the resident or his designee or legal representative. Each party to the contract shall be entitled to a duplicate original thereof, printed in bold type, and the facility shall keep on file all contracts which it has with residents. The facility shall not destroy or otherwise dispose of any such contract until 5 years after its expiration or such longer period as may be provided in the rules and regulations of the department.

(2) Each contract to which this section applies shall contain express provision specifically setting forth the services and accommodations to be provided by the facility, the rates or charges therefor, bed reservation and refund policies, and any other matters which the parties deem appropriate. The facility shall attach to the contract a list of services and supplies available but not covered by the facility's per diem rate or by Title XVIII and Title XIX of the Social Security Act and the standard charge to the patient for each item. The facility shall provide written notification to each party to the contract of any changes in any attachment thereto, not less than 14 days in advance of the effective date of said changes. If the patient is a party to the contract, the facility shall provide him with a written and oral notification of such changes.

Section 11. Subsections (1) and (2) of section 400.18, Florida Statutes, are amended, subsection (3) of said section is renumbered as subsection (4), and a new subsection (3) is added to said section to read:

400.18 Closing of nursing facility.—

(1) Whenever a facility voluntarily discontinues operation, and during the period when it is preparing for such discontinuance, it shall inform the department and the local health systems agency of the district wherein the facility is located not less than within 90 days prior to the discontinuance of operation. The facility also shall inform the patient resident or the next of kin, legal representative, or agency acting on the patient's resident's behalf of the fact, and the proposed time, of such discontinuance and give at least 90 days' notice so that suitable arrangements may be made for the transfer and care of the patient resident. In the event any patient resident has no such person to represent him, the facility shall be responsible for securing a suitable transfer of the patient resident prior to the discontinuance of operation. The department shall be responsible for arranging for the transfer of those patients requiring transfer who are receiving assistance under s. 409.266.

(2) A representative of the department shall be placed in a facility 30 days prior to the voluntary discontinuance of operation, or immediately upon the department's determination that the facility is discontinuing operation, or that existing conditions or practices represent an immediate danger to the health, safety, or security of the residents in the facility notice from the department of involuntary discontinuance of operation of a facility to:

- (a) Monitor the transfer of patients to other facilities.
- (b) Insure that the rights of patients are protected.
- (c) Observe the operation of the facility.

(d) Assist the management of the facility by advising the management on compliance with state and federal laws and rules.

(e) Recommend further action by the department.

(3) The department shall discontinue the monitoring of a facility pursuant to subsection (2) when:

- (a) All patients in the facility have been relocated; or
- (b) The department determines that the conditions which gave rise to the placement of a representative of the department in the facility no longer exist and the department is reasonably assured that such conditions will not recur.

Section 12. Section 400.181, Florida Statutes, is created to read:

400.181 Sale or transfer of ownership of a nursing facility.—

(1) It is the intent of the Legislature to protect the rights of nursing home patients and the security of public funds when the nursing facility is sold or the ownership is transferred.

(2) Whenever a nursing facility is sold or the ownership is transferred, including leasing, the transferee shall make application to the department for a new license at least 60 days prior to the date of transfer of ownership.

(3) The transferor shall notify the department in writing at least 60 days prior to the date of transfer of ownership. The transferor shall be responsible and liable for the lawful operation of the nursing facility and the welfare of the patients domiciled in the facility until the date the transferee is licensed by the department. The transferor shall be liable for any and all penalties imposed against the facility for violations occurring prior to the date of transfer of ownership and for any outstanding liability to the state, unless the transferee has agreed, as a condition of sale or transfer, to accept the outstanding liabilities and to guarantee payment therefor. However, if the transferee fails to meet these obligations, the transferor shall remain liable for the outstanding liability. If the penalty imposed is a moratorium on admissions, and the threat to the health, safety, or welfare of the patients continues unabated, the moratorium shall remain in full force and effect after the transfer of ownership or it may be grounds for denial of a license to the transferee in accordance with chapter 120.

(4) The transferor shall, prior to transfer of ownership, repay or make arrangements to repay to the department any amounts owed to the department. Should the transferor fail to repay or make arrangements to repay said amounts owed to the department prior to the transfer of ownership, the issuance of a license to the transferee shall be delayed until repayment or until arrangements for repayment are made.

Section 13. Subsection (2) of section 400.19, Florida Statutes, is renumbered as subsection (3) and a new subsection (2) and subsection (4) are added to said section to read:

400.19 Right of entry and inspection.—

(2) The department shall coordinate nursing home facility licensing activities and responsibilities of any duly designated officer or employee involved in nursing home facility inspection to assure necessary, equitable and consistent supervision of inspection personnel without unnecessary duplication of inspections, consultation services, or complaint investigations. To facilitate such coordination, all rules and regulations promulgated or enforced by the state pursuant to this part and other

related statutes shall be compiled into a single packet by the department and made available to nursing homes licensed under s. 400.062 and to applicants for such licensure.

(3)(2) The department shall annually conduct at least one unannounced inspection to determine compliance by the nursing home facility with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of patients. The department shall verify through subsequent inspection that any deficiency identified during the annual inspection is corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the department to any unauthorized person shall constitute cause for suspension of not less than 5 working days according to the provisions of chapter 110.

(4) The department shall conduct four or more unannounced on-site facility reviews within a 12-month period following written verification of facility noncompliance in instances where a nursing home ombudsman committee, pursuant to s. 400.311 and s. 400.317, has received a complaint and has documented deficiencies in patient care or in the physical plant of the facility that threaten the health, safety, or security of residents, or when the department documents through inspection that conditions in a facility present a direct or indirect threat to the health, safety, or security of patients. Deficiencies related to physical plant shall not require follow-up reviews after the department determines that correction of the deficiency has been accomplished and that the correction is of the nature that continued compliance can be reasonably expected.

Section 14. Paragraphs (b), (c), (d), and (e) of subsection (2) of section 400.317, Florida Statutes, are redesignated as paragraphs (c), (d), (e), and (f), respectively, and a new paragraph (b) is added to said subsection to read:

400.317 Procedures for resolving a complaint.—

(2) Upon referral from the district ombudsman committee, the State Ombudsman Committee assumes the responsibility for the disposition of the complaint. If a nursing home facility fails to take action on a complaint found valid by the State Ombudsman Committee, the state committee may:

(b) Recommend to the department a series of facility reviews pursuant to s. 400.19(4) to assure correction and non-recurrence of conditions that give rise to complaints against a nursing home facility.

Section 15. If chapter 400, Florida Statutes, is repealed in accordance with the intent expressed in the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, or as subsequently amended, it is the intent of the Legislature that this act shall also be repealed on the same date as is therein provided.

Section 16. This act shall take effect October 1, 1980.

Senator Fechtel moved the following amendment to the bill as amended which was adopted:

Amendment 2—On page 25 between lines 13 and 14 insert: Section 14. Part X of chapter 23, Florida Statutes, consisting of sections 23.171, 23.172, 23.173, and 23.174, is created to read:

PART X
WORKFARE

23.171 Short Title.—This act may be cited as the "Workfare Policy Act."

23.172 Definition.—"Workfare" as used in this act refers to a policy of requiring certain able-bodied recipients of assistance programs to work in return for assistance benefits received.

23.173 Policy and purpose.—

(1) The Legislature finds that the cost to the state of its share of the aid to families with dependent children and food stamp programs is escalating and draining dollars from other essential state programs and services. The Legislature also finds that developing a mechanism whereby able-bodied eligible adult recipients of these two programs would work as a condition for assistance would be beneficial to the state

as well as provide the recipient an opportunity to develop a feeling of self-worth by taking part in a productive work experience.

(2) It shall be the purpose of this act to establish that it is the policy of the Legislature that eligible adults participate in an established workfare program as a condition of their receipt of aid to families with dependent children and food stamps.

(3) Further, it is the policy of the Legislature that the state do all within its power to encourage the federal government to move in the direction of a responsible, effective, and fiscally beneficial workfare program.

(4) It is also the policy of the Legislature that, to the extent possible, the agency which is responsible for the placement of assistance recipients in jobs be the agency which also has the authority to determine a person who refuses to work to be ineligible for assistance.

(5) It is the policy of the Legislature that no law should prevent the maintenance of the family unit. Therefore, this act shall not require any single parent head of the family unreasonably to be separated from his or her minor child in order to accept employment.

23.174 Activities and reports.—

(1) It shall be the joint and individual responsibility of the Department of Health and Rehabilitative Services and the Department of Labor and Employment Security to work diligently to overcome all barriers which have been set by the federal government and which discourage the development of a state workfare program.

(2) It shall be the joint and individual responsibility of the Department of Health and Rehabilitative Services and the Department of Labor and Employment Security to make every effort to take advantage of any exemptions, pilot projects, or any other program made available by the federal government which would allow or provide for the placement of recipients in a workfare program.

(3) It shall be the responsibility of the secretaries of all state agencies to inform their employees that it is the state's policy to encourage the development of a workfare program and that no state agency or employee shall discourage that development.

(4) The Department of Health and Rehabilitative Services and the Department of Labor and Employment Security shall jointly prepare a summary report to be submitted to the Speaker of the House of Representatives and the President of the Senate twice annually on March 1 and September 1. The report shall include, but not be limited to, a summary of:

(a) All efforts being made by the departments to fulfill a workfare concept;

(b) All recommendations which have been made for legislative action relating to the workfare concept;

(c) All efforts being made to take advantage of any federal workfare programs, exemptions or projects;

(d) All current plans for policy change in this area, for new recommendations for legislative action, and for new efforts to encourage federal development and expansion of the workfare concept.

(e) A current description of the aid to families with dependent children program and the food stamp program as they relate to:

1. The number of applicants and recipients of each program;
2. The number who are exempt from the work registration requirements based on each exemption;
3. The number of applicants and recipients referred for job placement screening;
4. The number of applicants and recipients who are screened for job placement;
5. The number who are placed in jobs;
6. The number who are not placed in jobs and the reasons for not being placed;

7. The number who are reported to the Department of Health and Rehabilitative Services as having refused to accept employment;

8. The number determined ineligible for assistance because of 7.;

9. The number who actually cease to receive assistance;

10. The number of applicants diverted from participation in an assistance program because of job placement;

11. The number of assistance recipients who leave the assistance programs because of job placement;

12. The costs related to the job placement programs reported by source of funds and by cost per client placed;

13. The cost savings to the state and to the Federal Government as a result of job placements for the report period. Where appropriate, information should be reported separately for each county or district of the Department of Health and Rehabilitative Services, for aid to families with dependent children and food stamps, for assistance applicants and recipients, and for work incentive program and supported work assistance program. For the second and each subsequent report, the change in each category from the previous report shall be reported.

(f) Any change in numbers of applicants and recipients of aid to families with dependent children and food stamps not reported in (a) through (e), the assumed reasons for the change, and the resulting cost increase or savings to the programs.

(Renumber subsequent sections.)

Senator Fechtel moved the following amendment which was adopted:

Amendment 3—On page 1 in title, strike all of line 2 and insert: An act relating to social welfare programs; creating part X of chapter 23, Florida Statutes; providing a definition; establishing the legislative policy that all able-bodied adults participate in a work program as a condition to their receipt of assistance from the aid to families with dependent children program and the food stamp program; requiring the Department of Health and Rehabilitative Services and the Department of Labor and Employment Security work to overcome federal government obstacles to such a work program; providing that the departments make use of certain federal government programs; providing for the cooperation of state employees; providing for reports;

On motion by Senator Jenne, by two-thirds vote CS for SB 1218 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gordon	McClain	Steinberg
Anderson	Gorman	McKnight	Stuart
Beard	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Fecht	Jenne	Scott	Winn
Frank	Johnston	Skinner	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Peterson

By the Committee on Health and Rehabilitative Services and Senators Jenne, McKnight, Johnston, Vogt, MacKay, Steinberg, Stuart and Gordon—

CS for SB 835—A bill to be entitled An act relating to nursing homes; amending s. 400.23(3), Florida Statutes; providing for a nursing home rating system; providing for minimum standards and criteria for evaluation; providing for posting of rating and correction of deficiencies; providing for imposition

of sanctions; providing for adoption of rules; providing an effective date.

—was read the first time by title and SB 835 was laid on the table.

Pending further consideration of CS for SB 835, on motion by Senator Jenne, the rules were waived and by two-thirds vote HB 1592 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Jenne—

HB 1592—A bill to be entitled An act relating to nursing homes; amending s. 400.23(3), Florida Statutes, providing for a nursing homes rating system; providing for rating minimum standards in specified areas; providing for promulgation of rules; providing for evaluation, surveys and interviews; providing for posting of rating; providing for correction of deficiencies; providing for imposition of sanctions under certain circumstances; providing for conditional repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 835 and read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1592 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Henderson	Myers	Tobiassen
Anderson	Hill	Neal	Trask
Beard	Holloway	Poole	Vogt
Carlucci	Jenne	Scarborough	Ware
Chamberlin	Johnston	Scott	Winn
Childers, D.	Maxwell	Steinberg	
Frank	McClain	Stuart	
Gorman	McKnight	Thomas	

Nays—None

Votes after roll call:

Yea—W. D. Childers, Fechtel, Peterson

CS for SB 835 was laid on the table.

HB 159—A bill to be entitled An act relating to providers of continuing care; amending s. 651.071(3), Florida Statutes, specifying that provisions relating to preferred claims against a provider's assets on liquidation shall not impair the priority of certain lease agreements or installment sale agreements; adding subsection (3) to s. 651.114, Florida Statutes, providing that the rights of the Department of Insurance with respect to delinquency proceedings against a provider shall be subordinate to the rights of certain trustees; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 159 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Fecht	McClain	Thomas
Anderson	Frank	McKnight	Tobiassen
Beard	Gorman	Scarborough	Trask
Carlucci	Henderson	Scott	Vogt
Chamberlin	Hill	Skinner	Ware
Childers, D.	Holloway	Steinberg	
Childers, W. D.	Johnston	Stuart	

Nays—None

Votes after roll call:

Yea—Myers, Peterson

HB 431—A bill to be entitled An act relating to the Florida Adoption Act; adding subsection (4) to s. 63.042, Florida

Statutes; prohibiting discrimination in adoption solely on the basis of physical handicap; providing an effective date.

—was read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 431 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Frank	McClain	Stuart
Anderson	Gorman	McKnight	Thomas
Beard	Grizzle	Neal	Tobiassen
Carlucci	Henderson	Poole	Trask
Chamberlin	Hill	Scarborough	Vogt
Childers, D.	Holloway	Scott	Ware
Childers, W. D.	Johnston	Skinner	Winn
Fechtcl	MacKay	Steinberg	

Nays—None

SB 876—A bill to be entitled An act relating to parking for disabled persons; amending s. 316.1956(2), Florida Statutes; requiring that certain signs provided to designate parking spaces for disabled persons be fixed and nonmovable; amending s. 320.0848(1), Florida Statutes; removing the residency requirement for persons qualified for exemption entitlement parking permits; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Chamberlin and adopted:

Amendment 1—On page 1, line 19, after the word “posted” insert: *and maintained*

Amendment 2—On page 1, line 20, strike the words “*fixed nonmovable*” and insert: *permanent*

Amendment 3—On page 1, line 13, insert: Section 1. Subsection (4) of Section 316.1955, Florida Statutes, is amended to read:

316.1955 Parking spaces provided by governmental agencies for certain disabled persons.—

(4) Each such parking space shall be prominently outlined with paint and posted with a *permanent fixed, nonmovable* sign of a color and design approved by The Department of Transportation, bearing the internationally accepted wheelchair symbol and the caption “PARKING BY DISABLED PERMIT ONLY”.

(Renumber subsequent sections.)

Senator Chamberlin moved the following amendment which was adopted:

Amendment 4—On page 2, lines 1 and 2, strike “the Social Security Administration” and insert: the Division of Blind Services of the Department of Education

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

Amendment 5—On page 1 in title, strike all of lines 3 through line 6 and insert: persons; amending s. 316.1955(4), Florida Statutes; providing that signs posted to designate handicapped parking spaces be permanent; amending s. 316.1956(2), Florida Statutes, providing that handicapped parking spaces provided by nongovernmental entities shall be posted and maintained with a permanent sign; amending s.

Senator Chamberlin moved the following amendment which was adopted:

Amendment 6—On page 1 in title, line 7, after the semicolon insert: prescribing the agencies which may certify a person as disabled in order to qualify for an exemption entitlement parking permit;

Pending further consideration of SB 876 as amended, on motion by Senator Chamberlin, the rules were waived and by two-thirds vote CS for HB 724 was withdrawn from the Committee on Transportation.

On motion by Senator Chamberlin—

CS for HB 724—A bill to be entitled An act relating to parking for disabled persons; amending s. 316.1955(4), Florida Statutes, providing that signs posted to designate handicapped parking spaces be permanent; amending s. 316.1956(2), Florida Statutes, providing that handicapped parking spaces provided by nongovernmental entities shall be posted and maintained with a permanent sign; amending s. 320.0848(1), Florida Statutes; removing the residency requirement for persons qualified for exemption entitlement parking permits; providing an effective date.

—a companion measure, was substituted for SB 876 and read the second time by title. On motion by Senator Chamberlin, by two-thirds vote CS for HB 724 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson

SB 876 was laid on the table.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator MacKay, the rules were waived and by two-thirds vote CS for CS for HB 1769 was withdrawn from the Committees on Education and Ways and Means and by two-thirds vote placed next on the special order calendar.

Senator Barron presiding

SPECIAL ORDER, continued

CS for CS for HB 1769—A bill to be entitled An act relating to postsecondary education; creating s. 240.2012, Florida Statutes, creating the University of Florida at Jacksonville from a merger of the University of North Florida with the University of Florida; creating a merger steering council to accomplish such merger; providing an appropriation; creating s. 240.2013, Florida Statutes, providing for the merger of the Florida Atlantic University and the Florida International University; creating a merger steering council to accomplish such merger; providing an appropriation; amending s. 240.203, Florida Statutes, changing duties of the State Board of Education with respect to the State University System; amending s. 240.205, Florida Statutes, replacing the Board of Regents with a Postsecondary Education Coordinating Commission; creating ss. 240.2051 and 240.2052, Florida Statutes, creating the commission and providing its powers and duties; renumbering and amending s. 240.115, Florida Statutes, transferring certain duties of the Department of Education and the State Board of Education with respect to articulation agreements and acceleration mechanisms to the commission and the Articulation Coordinating Committee appointed by it; providing additional duties for the committee; amending s. 240.125, Florida Statutes, providing for regional advisory postsecondary educational consortia; creating s. 240.2055, Florida Statutes, providing for the organization of the commission and indemnification for civil actions against commission members and employees; amending s. 240.213, Florida

Statutes, transferring various duties of the Board of Regents with respect to liability insurance to the commission; amending s. 240.223, Florida Statutes, conforming provisions relating to trustee powers; creating s. 240.2241, Florida Statutes, providing legislative intent with respect to the autonomy of universities; creating ss. 240.2242-240.2244, Florida Statutes, creating university boards of trustees and providing their powers and duties; amending s. 240.229, Florida Statutes, granting such boards of trustees certain powers with respect to patents, copyrights, and trademarks; amending s. 240.231, Florida Statutes, granting such boards of trustees powers with respect to indemnification for civil actions against board members and university officers and employees; renumbering and amending s. 240.217, Florida Statutes, transferring eminent domain powers from the Board of Regents to such boards of trustees; amending the introductory paragraph of s. 240.333, Florida Statutes, and subsections (1) and (5) thereof, conforming to the act provisions relating to university admissions; amending s. 240.235(1) and (2), Florida Statutes, restricting the reallocation of certain activity and service funds from branch campuses to main campuses; deleting the requirement that universities enforce the collection of delinquent accounts; amending s. 240.327, Florida Statutes, requiring the maintenance of student records to be within commission policies; amending s. 240.241(1), (2), (4), (8), and (9), Florida Statutes, restricting the number of divisions of sponsored research at state universities and deleting Department of Education approval for their creation; requiring submission of certain budgets to the commission; amending s. 240.247, Florida Statutes, conforming to the act provisions relating to sexual discrimination in university salaries; providing for eradication of racial discrimination in the granting of such salaries; amending s. 240.257, Florida Statutes, transferring certain duties with respect to the Florida Endowment Trust Fund for Eminent Scholars to the commission and requiring certain investment of funds; changing funding provisions; requiring universities to establish eminent scholars trust funds; amending s. 240.271(2), (4), (6)(d), and (7), Florida Statutes, and adding new subsections (7) and (8) thereto, and amending ss. 240.273, 240.277, 240.279(1), and 240.281, Florida Statutes, providing for the allocation of certain salary adjustments at universities for fiscal year 1980-1981; restricting the expenditure of competitive/merit salary adjustments; providing for the consideration of certain faculty travel costs; conforming to the act provisions relating to funding of the State University System and to working capital trust funds; amending s. 240.283, Florida Statutes, transferring to university boards of trustees rulemaking powers with respect to extra compensation for university employees; amending s. 240.291(3), Florida Statutes, authorizing universities to employ collection agencies; amending s. 240.299, Florida Statutes, granting such boards of trustees powers with respect to the use of university property by direct-support organizations; creating s. 240.2995, Florida Statutes, creating the Florida Women's Intercollegiate Athletics Equity Act; providing legislative intent; creating the Council on Equity in Athletics within the Postsecondary Education Coordinating Commission; providing members and responsibilities; providing for continued funding of women's intercollegiate athletics through a specified portion of the student activity and service fee; providing the level of funding to intercollegiate athletics; providing for requests; amending s. 240.301, Florida Statutes, providing duties of the commission with respect to community colleges; amending s. 240.313(4), Florida Statutes, removing required Cabinet approval of members of community college boards of trustees and providing for confirmation by the Legislature; amending s. 240.317, Florida Statutes, changing legislative intent with respect to compliance with State Board of Education rules by community colleges; amending s. 240.319, Florida Statutes, providing additional duties for community college boards of trustees; transferring certain powers with respect to community colleges from the Department of Education and State Board of Education to the commission; amending ss. 240.321, 240.323, 240.325, and 240.327, Florida Statutes, granting to the commission certain powers with respect to community college student admissions, student records, minimum standards, definitions, and policies, and planning and construction of community college facilities; amending s. 240.329(1), Florida Statutes, removing Department of Education approval of community college president residences; amending ss. 240.335 and 240.337, Florida Statutes, conforming to the act provisions relating to community college personnel; amending s. 240.339, Florida Statutes, granting community college boards of trustees certain rulemaking powers over contracts with administrative and instructional staff; amending s. 240.341, Florida Statutes, con-

forming a cross-reference; amending the introductory paragraph of s. 240.343, Florida Statutes, subsection (1)(b), (c), and (d), subsection (2), and the introductory paragraph and paragraph (i) of subsection (4), thereof; clarifying references to community college boards of trustees in sick leave provisions; amending s. 240.345(1) and (2)(a) and (b), Florida Statutes, transferring from the State Board of Education to the commission certain powers with respect to financial support of community colleges; amending ss. 240.347, 240.349, and 240.351, Florida Statutes, similarly transferring powers with respect to the state community college program fund and with respect to community college units; amending s. 240.353(1), Florida Statutes, transferring from the State Board of Education to the commission rulemaking powers with respect to determining the number of instruction units for community colleges; amending s. 240.355, Florida Statutes, transferring from the State Board of Education to the commission certain rulemaking powers with respect to comprehensive occupational education programs; amending s. 240.359(1), and (3)(a), (b), (c), (f), and (h), Florida Statutes, transferring to the commission certain powers with respect to state financial support determination procedures; amending ss. 240.361 and 240.363, Florida Statutes, conforming provisions relating to community college budgets and financial accounting and expenditures; amending s. 240.365(2), Florida Statutes, and adding a subsection, conforming provisions relating to delinquent accounts and providing for rules for registration cancellations under certain circumstances; amending ss. 240.367, 240.377, and 240.379, Florida Statutes, conforming provisions relating to loans, funding of promotion and public relations, and the applicability of various laws to community colleges; amending s. 240.401(1), (2), and (4), Florida Statutes, transferring certain Department of Education duties with respect to state tuition vouchers to the Florida Student Financial Assistance Authority (created by the act); amending ss. 240.403, 240.405, 240.407, 240.409(1), (2), (4), and (5), 240.411, 240.413, and 240.415, Florida Statutes, similarly transferring other duties to the authority and commission with respect to certain endowment trust funds, grants to teachers in exceptional child education, general scholarship loans, state student assistance grant funds; professional and practical nursing education and scholarships; Seminole and Miccosukee Indian scholarships, student financial aid, and funding for scholarship loan programs; restricting the persons eligible for state student assistance grants; restricting the amount of nursing scholarships; amending the introductory paragraph of s. 240.421, Florida Statutes, requiring the Florida Student Financial Aid Advisory Council to assist the authority rather than the Commissioner of Education and providing for appointment of the council; amending ss. 240.423, 240.425, 240.427, 240.429, 240.431, 240.433, and 240.435, Florida Statutes, conforming to the act provisions relating to the Florida Student Financial Assistance Authority; providing for audits and legal services; amending ss. 240.437, Florida Statutes, specifically granting certain duties to the authority over student financial aid planning and development; adding subsections to s. 240.441, Florida Statutes, authorizing the authority to issue revenue bonds; amending s. 240.465, Florida Statutes, transferring from the department to the authority and the commission certain duties of the department with respect to delinquent accounts; amending ss. 240.501, 240.503, 240.505(4) and (5), 240.509(1), and 240.511, Florida Statutes, transferring from the Board of Regents to the University of Florida Board of Trustees and the commission certain duties with respect to agricultural programs at the university; amending s. 240.513(3)(a), (b), (c), (d), and (f), Florida Statutes, transferring from the Board of Regents and State Board of Education to the commission and University of Florida Board of Trustees certain duties with respect to the health center at such university; amending ss. 240.517, 240.519, and 240.531(3), (4), and (5), Florida Statutes, conforming to the act provisions relating to law books, school of optometry, and the establishment of educational research centers for child development at universities; renumbering and amending ss. 240.132, 240.133, and 240.135, Florida Statutes, conforming provisions relating to disruptive activities at institutions of higher learning, expulsion and discipline of students, and federal funding; amending s. 11.30(2), Florida Statutes, conforming to the act provisions relating to legislative staff internships; amending s. 11.45(3)(a), Florida Statutes, conforming to the act provisions relating to the Auditor General; amending s. 20.15, Florida Statutes, creating the Postsecondary Education Coordinating Commission within the Department of Education; deleting the Division of Community Colleges and the Division of Universities; exempting the commission from certain department control; amending s. 20.18(5)(a), the introductory paragraph of s. 23.0193(2), 23.147(1)(a), 110.205(2)(e), 112.-

3145(1)(a) and (c), 112.215(8), 116.111(1)(a), 116.161(1), and 120.52(6), Florida Statutes, conforming to the act references to the Board of Regents and divisions of the department abolished by the act; amending ss. 136.01 and 136.02(1), Florida Statutes, providing that funds of community college district boards of trustees be deposited in banks designated as county depositories; requiring such banks to deposit securities to cover such funds; amending s. 216.251(2)(a), Florida Statutes, granting certain duties with respect to classifications and pay plans to each university; amending s. 228.041(1)(b) and (2), Florida Statutes, conforming certain definitions to the act; amending s. 229.512(1), (2), (6), (12), and (13), Florida Statutes, conforming to the act provisions relating to the powers and duties of the Commissioner of Education; amending s. 229.053, Florida Statutes, conforming to the act the general powers of the State Board of Education; amending s. 229.551(1) and (3)(g), (h), (i), and (j), Florida Statutes, conforming to the act provisions relating to educational management duties of the Department of Education; amending s. 229.555(1)(a), Florida Statutes, and the introductory paragraph of subsection (2) thereof, conforming to the act provisions relating to educational planning and information systems; amending s. 229.561(2)(a), 231.610(3), and 232.2481(1), Florida Statutes, conforming to the act provisions relating to educational research and development, funding for noncredit activities of faculty in the State University System, and graduation and promotion requirements; amending ss. 235.02, 235.05(2), 235.055(1), 235.149, 235.15, 235.155, 235.16, 235.18, 235.19(1), 235.195(1), 235.211(3), 23.34(1), 235.41(2), and 235.42(1),(5), and (10), and amending the introductory paragraph of s. 235.435, Florida Statutes, and subsection (1)(m) thereof, conforming to the act provisions relating to the construction of educational facilities; amending s. 242.62(2)(c) and (d) and (3), Florida Statutes, conforming to the act provisions relating to appropriations for medical schools; amending ss. 243.01(1), (2), and (3), 243.06(1), 243.10, 243.131, 243.141, and 243.151, Florida Statutes, conforming to the act provisions relating to financing and leasing of educational facilities; amending ss. 245.06-245.14 and 245.16, Florida Statutes, conforming to the act provisions relating to the disposition of dead bodies; amending ss. 255.02 and 255.21(3), Florida Statutes, conforming to the act provisions relating to public buildings; amending s. 283.22, Florida Statutes, authorizing each university to promulgate rules for the exchange of documents with other states and counties; amending s. 283.23, Florida Statutes, designating certain libraries as state legal depositories; amending s. 284.34, Florida Statutes, excluding university boards of trustees from certain coverages under the Florida Casualty Insurance Risk Management Trust Fund; amending s. 288.17, Florida Statutes, substituting the commission for the Board of Regents in provisions relating to issuance of revenue certificates by the Department of General Services for construction of certain buildings; amending s. 318.12, Florida Statutes, conforming to the act provisions relating to disposition of certain traffic infractions; amending s. 318.14(1), Florida Statutes, correcting a cross-reference; amending ss. 377.705(3)(a), 381.503(3)(a) and (b), (4), (5), (6), (7), and (8), and 388.43(1), Florida Statutes, conforming to the act provisions relating to the Florida Solar Energy Center, transferring supervision of the Florida Medical Entomology Laboratory from the Board of Regents to the University of Florida Board of Trustees and conforming to the act provisions relating to community hospital education; amending s. 402.37(1), Florida Statutes, conforming to the act provisions relating to the medical manpower clearinghouse; amending s. 413.051(2)(d), Florida Statutes, substituting university boards of trustees for the Board of Regents in provisions relating to the operation of vending stands by blind persons at state universities; amending s. 447.203(2) and (18), Florida Statutes, and adding a paragraph to subsection (3) thereof, and amending ss. 447.301(5) and 447.403(4)(a), Florida Statutes, defining the university boards of trustees as public employer of certain employees for purposes of certain provisions relating to public employees; excluding certain persons from the definition of "public employee"; redefining "student representative"; deleting provisions relating to the presence of a student representative at certain negotiations; amending s. 489.109(4), Florida Statutes, transferring from the Department of Education to the Executive Office of the Governor control over the distribution of certain licensed contractors' fees to construction-related educational programs; amending s. 509.302(1), (2), (4), (5) and (6), Florida Statutes, transferring from the Board of Regents to the Florida State University Board of Trustees supervision over the Hospitality Education Program at the university; amending s. 550.03(2)(b), Florida Statutes, correcting a cross-reference; amending ss. 550.08(1) and 550.41(5), Florida Statutes, transferring from the Board of Regents to the

commission certain duties with respect to use of racetrack funds for educational purposes; amending s. 650.03(5), Florida Statutes, conforming to the act provisions relating to federal-state agreements with respect to social security for public employees; amending s. 943.22(1)(e), Florida Statutes, correcting a cross-reference; repealing s. 240.2011(1), Florida Statutes, removing the Board of Regents from the State University System; repealing ss. 240.207 and 240.209, Florida Statutes, removing provisions relating to the Board of Regents and its powers and duties; repealing s. 240.2111, Florida Statutes, removing provisions relating to the Board of Regents meritorious service awards program; repealing s. 240.215, Florida Statutes, removing provisions relating to civil actions against Board of Regents members and employees; repealing s. 240.219, Florida Statutes, removing provisions requiring the Department of Legal Affairs to represent the Board of Regents in condemnation proceedings; repealing s. 240.225, Florida Statutes, removing provisions relating to the delegation of certain duties by the Department of General Services to the State University System; repealing s. 240.227, Florida Statutes, removing provisions relating to powers and duties of the universities; repealing ss. 240.305, 240.307, 240.309, and 240.311, Florida Statutes, abolishing the State Community College Coordinating Board and removing provisions relating thereto; repealing s. 240.357, Florida Statutes, relating to the community college transportation density index; repealing s. 240.417, Florida Statutes, relating to increased registration and tuition fees to fund the scholarship loan program; repealing s. 240.443, Florida Statutes, relating to the collection of fees as security for certain Department of Education revenue bonds; repealing s. 240.455, Florida Statutes, relating to the use of certain trust funds; repealing ss. 240.521, 240.523, 240.525, and 240.527, Florida Statutes, removing provisions relating to the establishment by the Board of Regents of an East Central Florida university, a 4-year college in Dade County, a state university or branch in Duval County, and a St. Petersburg branch of the University of South Florida; providing for a select legislative committee on post-secondary reorganization; providing an effective date.

—was read the second time by title.

Senator MacKay moved the following amendment:

Amendment 1—On page 15, line 18, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 240.207, Florida Statutes, is amended to read:

240.207 Board of Regents; appointment of members; qualifications and terms of office of members, etc.—

(1) The Board of Regents shall consist of ~~13~~ 10 citizens of this state selected from the state at large, representative of the geographical areas of the state, who shall have been residents and citizens thereof for a period of at least 10 years prior to their appointment, one of whom shall be a member registered as a full-time student in the State University System and who shall have been a resident of this state for at least 5 years prior to appointment in lieu of the 10 years required of other members, and who shall be appointed by the Governor, approved by three members of the Cabinet, and confirmed by the Senate; however, no appointee shall take office until after his appointment has been approved by three members of the Cabinet. The State Board of Education shall develop rules and procedures for review and approval of the appointees. *Beginning July 1, 1980, the* ~~Their~~ terms of office *for the members of the Board of Regents* shall be 6 0 years, except for the full-time student member, who shall serve for 1 year, and until their successors are appointed and qualified, except in case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as in this section otherwise provided. No member shall be selected from any *congressional district county* to serve with any other member from the same *congressional district county*, with the exception of the student member, who shall be selected at large. The Governor shall fill all vacancies, subject to the above approval and confirmation, that may at any time occur therein.

Section 2. Paragraph (i) of subsection (3) of section 240.209, Florida Statutes, is hereby repealed.

Section 3. Present paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), of subsection (2) of section 229.053, Florida Statutes, are redesignated as paragraphs (h), (i), (j), (k), (l), (m), (n), (o), (p), and (q), respectively, and new paragraphs (e), (f), and (g) are added to said subsection to read:

229.053 General powers of state board.—

(2) The board has the following duties:

(e) To contract with accredited independent institutions for the provision of those educational programs and facilities which will serve to meet the needs unfulfilled by the State University System.

(f) To approve requests for new public postsecondary education programs submitted by the Board of Regents, the boards of trustees of community colleges, and local school districts which operate area vocational-technical centers. However, if any request is not disapproved by the State Board of Education within 30 days of its submission, the program shall be considered approved by the board.

(g) To direct the Board of Regents, the boards of trustees of community colleges, and local school districts which operate area vocational-technical centers to terminate postsecondary education programs that the State Board of Education deems inconsistent with the comprehensive educational objectives and long-range plans that it has adopted for public education.

Section 4. Subsection (4) of section 240.271, Florida Statutes, is amended to read:

240.271 State University System; funding.—

(4) The Commissioner of Education and the Board of Regents jointly shall establish a cost-estimating system consistent with the requirements of subsection (1) and shall report as part of the Commissioner of Education's legislative budget request the actual expenditures for the fiscal year ending the previous June 30. The report shall include total expenditures from all sources and shall be in such detail as needed to support the legislative budget request.

Section 5. Paragraph (e) is added to subsection (2) of section 240.295, Florida Statutes, to read:

240.295 State University System buildings; approval of construction.—

(2) This section shall not be construed to prohibit:

(e) Construction of child care facilities pursuant to s. 240.531.

Section 6. Section 240.203, Florida Statutes, is amended to read:

240.203 Board of Education; responsibilities for higher education.—With respect to the State University System, the State Board of Education shall:

(1) Approve or amend all rules adopted by the Board of Regents before they are filed with the Department of State; however, if any rule is not disapproved by the Board of Education within 30 days of its adoption by the Board of Regents, the rule shall immediately be filed with the Department of State.

(2) The State Board of Education is the statewide coordinating and planning agency for postsecondary education and has the following powers, functions, and responsibilities:

(a) To require the institutions of public postsecondary education and the governing boards thereof to submit data on plans and programs, costs, selection and retention of students, enrollments, plant capacities, and other matters pertinent to effective statewide planning, policy development, articulation and coordination, and evaluation;

(b) To require the governing boards of the segments of public postsecondary education to develop and submit institutional and systemwide long-range plans in a form determined by the board after consultation with the segments;

(c) To prepare a 5-year state plan for postsecondary education which shall integrate the planning efforts of the public segments and other pertinent plans. The board shall resolve conflicts or inconsistencies among segmental plans in consultation with the segments. In developing such plan, the board shall consider at least the following factors:

1. The need for and location of new facilities;
2. The range and kinds of programs appropriate to each institution or system;

3. The budgetary priorities of the institutions and systems of postsecondary education;

4. The impact of various types and levels of student charges on students and on postsecondary educational programs and institutions;

5. Appropriate levels of state-funded student financial aid;

6. Access and admissions of students to postsecondary education;

7. The educational programs and resources of private postsecondary institutions; and

8. The provisions of this division differentiating the functions of the public systems of higher education;

(d) To update the state plan annually;

(e) To participate in appropriate stages of the executive and legislative branches budget processes as requested by the executive and legislative and to advise the executive and legislative branches as to whether segmental programmatic budgetary requests are compatible with the state plan;

(f) To advise the Legislature and the Governor regarding the need for and location of new institutions and campuses of public higher education;

(g) To review proposals by the public segments for new programs and make recommendations regarding such proposals to the Legislature and the Governor;

(h) To develop and submit plans to the Legislature and the Governor for the funding and administration of a program to encourage innovative educational programs by institutions of postsecondary education;

(i) To develop criteria for evaluating the effectiveness of all aspects of postsecondary education;

(j) To maintain and update annually an inventory of all off-campus programs and facilities for education, research, and community service operated by public or private institutions of postsecondary education;

(k) To act as a clearinghouse for information on postsecondary education and as a primary source of information for the Legislature, the Governor, and other agencies, and to develop a comprehensive data base insuring comparability of data from diverse sources;

(l) To establish criteria for state support of new and existing programs, in consultation with the public segments, the Department of Administration, and the legislative committees having authority over appropriations;

(m) To consider the relationships between academic and occupational and vocational education programs and to actively encourage the participation of state and local and public and private persons and agencies with a direct interest in these areas.

(n) To oversee and coordinate the development and maintenance of public postsecondary education programs by establishing procedures for determining whether such programs are consistent with the comprehensive long-range plans adopted by the board. The board is authorized to use the Postsecondary Commission and such subordinate advisory committees as it deems desirable for determining the consistency of such programs with the state comprehensive long-range plans.

(o) To direct, when necessary, the appropriate governing body to terminate, after due notice, those programs found to be inconsistent with comprehensive long-range plans adopted by the board.

(3)(2) At all times exercise general supervision and control over the Board of Regents.

Section 7. Section 240.145, Florida Statutes, is created to read:

240.145 Florida Postsecondary Education Commission.—

(1) There is hereby established the Florida Postsecondary Education Commission for the purpose of advising the State Board of Education in the area of public and private postsecondary education. The commission shall be composed of 13 members who shall be appointed by the Governor.

(2) The provisions of this section establishing the Florida Postsecondary Education Commission shall stand repealed on October 1, 1985, and shall be reviewed by the Legislature pursuant to s. 11.611.

(3) The commission shall have the following responsibilities:

(a) To prepare and submit to the State Board of Education a master plan for postsecondary education;

(b) To prepare and submit to the State Board of Education a program-based budget process for public postsecondary education;

(c) Upon approval of the State Board of Education, enter into such contracts as may be necessary for the efficient administration of the provisions of this act;

(d) To recommend to the State Board of Education contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education;

(e) To assist the State Board of Education in the conduct of its responsibilities in such capacities as the state board deems appropriate;

(f) To recommend to the State Board of Education rules concerning the planning and coordination of postsecondary education programs; and

(g) To review existing State Board of Education rules concerning the planning and coordination of postsecondary education programs and recommend modifications to the State Board of Education.

Section 8. Section 240.125, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 240.125, F.S., for present text.)

240.125 Postsecondary consortia.—

(1) The State Board of Education shall encourage and approve regional advisory postsecondary educational consortia throughout the state for the purpose of planning and implementing a comprehensive, complementary, and cost-effective array of credit and noncredit programs and activities, instructional support services, and student services to meet the current and future educational needs of the respective geographic regions. The clusters of postsecondary institutions forming the regional consortia shall include those public community colleges and state universities, and the independent colleges and universities sharing in the State Tuition Voucher Fund, which are sufficiently proximate in distance to maintain functional cooperation and which serve the same general population area.

(2) The Commissioner of Education shall provide annual funds for the administration and office operation of the approved regional consortia on the basis of 50-50 matching grants for each public institutional consortium member; or he shall at least provide for the administration and office operation of the Southeast Florida Educational Consortium (Miami-Dade Community College serving as fiscal agent thereof) as a model regional consortium for other geographic areas of the state. To initiate regional efforts to compile complete and current information and to design a regional needs assessment model for a state postsecondary education master plan, the Commissioner of Education shall provide financial resources in 1980-1981 to the Southeast Florida Educational Consortium to complete a regional academic needs assessment. Implementation of this consortia shall be from funds made available in the General Appropriations Act.

(3) The Commissioner of Education shall forward to the Governor, the President of the Senate, and the Speaker of the House of Representatives, immediately prior to the commencement of each legislative biennium, a written evaluative report on the progress of the approved regional advisory postsecondary educational consortia in planning and implementing comprehensive, complementary, and cost-effective arrays of credit and noncredit programs and activities, instructional support services, and student services to meet the current and future educational needs of their respective geographic regions.

Section 9. Subsection (1) of section 240.523, Florida Statutes, is amended to read:

240.523 Four-year college, Dade County.—

(1) The State Board of Education and the State Board of Regents ~~shall be authorized to establish a degree-granting 4-year university college in Dade County and to make a study relating to the feasibility of such action. Such 4-year university shall be completed by adding a lower division to Florida International University.~~ The State Board of Education and the Board of Regents are authorized to enter into such contracts as may be necessary to carry out the provisions of this act.

Section 10. The Board of Regents shall conduct a feasibility study for the creation of a teaching hospital at the University of South Florida and shall report the findings and recommendations to the Legislature by March 1, 1981.

Section 11. There is created within the Board of Regents of the State University System the Council on Equity in Athletics. The council shall meet at least once but not to exceed four times, annually and shall receive reimbursement for travel and per diem from the Board of Regents as provided in s. 112.061, Florida Statutes.

(1) The council shall be composed of:

(a) The EEO/Affirmative Action Director within the Board of Regents, who shall serve as chairperson of the council.

(b) One member of the Board of Regents, appointed by the chairperson of the council for a 2-year term.

(c) The President of the State Council of Student Body Presidents or his or her designee.

(d) The EEO officer for the Department of Education or his or her designee.

(e) The FAIAW Title IX legislative representative, appointed by the President of FAIAW.

(f) One men's athletic director and one women's athletic director, or coordinator of women's sports, within the NCAA/AIAW institutions in the State University System, to be selected among themselves for a 2-year term.

(g) One men's athletic director and one women's athletic director, or coordinator of women's sports, within 229.512 and 229.551 and the duties concerning physical facilities in chapter 235.

Section 13. Subsection (1) of section 229.053, Florida Statutes, is amended to read:

229.053 General powers of state board.—

(1) The State Board of Education is the chief policymaking and coordinating body of public education in Florida. It has the general powers to determine, adopt or prescribe such policies, rules, regulations, or standards as are required by law or as it may find necessary for the improvement of the state system of public education. Except as otherwise provided herein it may, as it shall find appropriate, delegate its general powers to the Commissioner of Education or the directors of the divisions of the department. *The State Board of Education may delegate to the Commissioner of Education or to the Director of the Division of Community Colleges or the State Community College Coordinating Board any general power or duty assigned by part III of chapter 240 to the State Board of Education or the Department of Education.*

Section 14. Subsection (1) of section 240.311, Florida Statutes, is amended to read:

240.311 State Community College Coordinating Board; powers and duties.—

(1) The State Community College Coordinating Board shall ~~recommend be responsible for the establishing and developing of~~ rules and policies which will ensure the operation and maintenance of a State Community College System, as defined in s. 228.041(1)(b), in a coordinated, efficient, and effective manner. Such *proposed* rules and policies shall be submitted to the State Board of Education for approval or amendment. If any *proposed* rule is not disapproved by the State Board of Education within 30 days of its receipt by the State Board of Education, the *proposed* rule shall be filed immediately with the Department of State. If any *proposed* rule is amended by the State Board of Education, *the amended proposed rule shall be considered at the next meeting of the State Community*

College Coordinating Board, and if that board does not vote to withdraw the amended proposed rule, it shall be filed immediately with the Department of State adoption of such rule shall be delayed until a subsequent meeting. Such rules and policies shall:

(a) Provide for each community college to offer educational training and service programs designed to meet the needs of both students and the communities served; however, a community college shall not be required to offer an occupational or adult basic education program when such program is already operating in the district.

(b) Ensure that rules and procedures of community college boards relating to admission to, enrollment in, employment in, and programs, services, functions, and activities of each college provide equal access and equal opportunity for all persons.

(c) Recommend to the State Board of Education minimum standards for the operation of each community college as required in s. 240.325, which standards may include, but not be limited to, general qualifications of personnel, budgeting, accounting and financial procedures, educational programs, student admissions and services, and community services.

(d) Establish an effective information system which will provide composite data about the community colleges and assure that special analyses and studies about the colleges are conducted, as necessary, for provision of accurate and cost-effective information about the colleges and about the community college system as a whole.

(e) Encourage the colleges and the system as a whole to cooperate with other educational institutions and agencies and with all levels and agencies of government in the interest of effective utilization of all resources, programs, and services.

(f) Establish criteria for making recommendations relative to modifying district boundary lines and for making recommendations upon all proposals for the establishment of additional centers or campuses for community colleges.

Section 15. Paragraph (b) of subsection (1) of section 240.307, Florida Statutes, is amended to read:

240.307 State Community College Coordinating Board; appointment of members; qualifications. —

(1) The State Community College Coordinating Board shall be comprised of 11 members appointed by the Governor, approved by four members of the State Board of Education, and confirmed by the Senate in regular session. The Commissioner of Education may nominate two or more persons for each position, prior to appointment by the Governor. The State Board of Education shall adopt rules and procedures for its review and approval of nominees. Members shall have been residents and citizens of Florida for at least 10 years prior to appointment.

(b) The coordinating board shall consist of ~~at least~~ nine persons who shall be ~~incumbent~~ members of community college boards of trustees at the time of their appointment ~~all times~~. The terms of initial membership shall be as follows: two members shall be appointed for 1 year, two members shall be appointed for 2 years, two members shall be appointed for 3 years, and three members shall be appointed for 4 years.

Section 16. Subsection (1) of section 240.329, Florida Statutes, is amended to read:

240.329 Residence of president.—

(1) In all community college districts of the state having a total community college enrollment in excess of 20,000 students as of January 1, 1970, the district board of trustees is authorized to provide a home for the president of such community college. Any such home shall be built on land donated to the appropriate district board of trustees and approved by the Commissioner Department of Education for this purpose.

Section 17. Section 240.335, Florida Statutes, is amended to read:

240.335 Employment of community college personnel.—Employment of all personnel in each community college shall be upon recommendation of the president, subject to rejection for cause by the board of trustees; to the rules and regulations of the state board relative to certification, tenure, leaves of absence of all types, including sabbaticals, remuneration, and such

other conditions of employment as the Commissioner of Education Division of Community Colleges deems necessary and proper; and to policies of the board of trustees not inconsistent with law.

Section 18. Section 240.355, Florida Statutes, is amended to read:

240.355 State Board of Education rules.—The State Board of Education shall adopt rules which will enable community college district boards of trustees to initiate and provide comprehensive occupational education programs. The Commissioner State Board of Education shall adopt procedures for determining the extent to which minimum requirements are being met. Furthermore, procedures shall include examination of the employment performance of program graduates. The minimum requirements so adopted shall include standards of educational output, with particular emphasis on job placement and satisfactory performance in employment. All such procedures should take into account the cost of the procedure. Whenever possible, proven research methods, including sampling, shall be utilized.

Section 19. Section 240.357, Florida Statutes, is amended to read:

240.357 Procedure for determining the transportation density index for community colleges.—

(1) Each board of trustees shall annually, each term, on the dates and in the manner prescribed by the State Board of Education, determine and report to the Commissioner Department of Education the average number of registered or enrolled students who are transported at public expense to a community college by reason of living 2 miles or more from the college and the average number of students transported at public expense from one center of the college district to another center; however, the mileage limitation shall not apply to transportation of physically handicapped students as authorized under regulations of the State Board of Education. The average number of transported students for the college year shall be the sum of the number transported each term divided by the number of terms.

(2) Each board of trustees shall annually, each term, on the dates and in the manner prescribed by the State Board of Education, determine and report to the Commissioner Department of Education the one-way route mileage required to transport students to the college for the first time on any day of regularly scheduled classes and the one-way miles on routes between college centers. If a route operates for a fewer number of days than the full college year, the mileage of the route will be computed proportionately less.

(3) A density index for each district shall be computed annually by the Commissioner Department of Education by dividing the number of transported students as determined by subsection (1) by the bus route mileage as determined in subsection (2). Districts with a density index of 1.10 students per route mile or less will be counted as 1.10 per mile and districts with a density of 5.90 or more students per route mile will be counted as 5.90 per mile.

Section 20. Subsection (3) of section 240.359, Florida Statutes, is amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.—The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(a) By December 15 and again by February 15 of each year, the Department of Education shall estimate the annual enrollment of each community college for the current fiscal year and for the 6 subsequent fiscal years. These estimates shall be based upon prior years' enrollments, upon the initial fall term enrollments for the current fiscal year for each college, and upon each college's estimated current enrollment and demographic changes in the respective community college districts.

(b) The enrollment as accepted or modified by the Legislature shall be the assigned enrollment and the basis for the

allocation of appropriated funds to the Division of Community Colleges by the Legislature and to the individual colleges by the division.

(c) The apportionment to each community college from the community college program fund for current operations shall be based on an assigned full-time equivalent enrollment as determined in paragraphs (a) and (b) and shall consider the cost level of each field of study and such other factors as prescribed by rules of the State Board of Education.

(d) If the actual enrollment for any community college is from 0 to 5 percent or 100 full-time equivalent students, whichever is greater, less than the assigned enrollment for any fiscal year, and no more than 8 percent less for any biennium, the college shall receive full funding as allocated. If the actual enrollment is more than 5 percent below the assigned enrollment for any fiscal year or more than 8 percent for any biennium, the college's allocation for direct instructional cost shall be reduced proportionately to the difference between 5 percent and the actual percentage reduction in enrollment for any fiscal year or the difference between 8 percent and the actual percentage reduction in enrollment for the biennium, whichever is larger. If actual enrollment of a college exceeds the assigned enrollment, there shall be no increased allocation. Any institution not meeting its assigned enrollments within the 5-percent difference shall enroll the elderly in existing courses, at no charge to them, within the 5-percent difference. "Elderly" shall be defined as persons 65 years of age or older. If the course is offered for credit, the elderly may enroll in the course, but shall not receive credit for the course.

(e) No community college shall commit funds for the employment of personnel or resources in excess of those required to continue the same level of support for either the previously approved enrollment or the revised enrollment, whichever is lower.

(f) The apportionment to each community college district for capital outlay and debt service shall be the amount determined in accordance with subsection (2). This amount, less any amount determined as necessary for administrative expense by the State Board of Education and any amount necessary for debt service on bonds issued by the State Board of Education, shall be transmitted to the community college district board of trustees to be expended in a manner prescribed by rules of the State Board of Education.

(g) The total apportionment to each community college district from state funds shall be the total apportionment from the community college program fund for each community college district as determined in paragraph (c) and the amount for capital outlay and debt service as provided in paragraph (f).

(h) Colleges shall seek to maintain an unencumbered fund balance of between 4 and 10 percent of the funds available in the current general fund of the operating budget. If the 10-percent upper level is exceeded for 2 consecutive years, the appropriation to the college in a succeeding fiscal year shall be reduced by the average of the excess of the fund balance over the 10 percent for the 2 years. In exceptional cases, when fund balances greater than 10 percent are necessary for a college, prior approval shall be obtained from the *Commissioner of Education* ~~director of the Division of Community Colleges~~.

Section 21. Section 240.361, Florida Statutes, is amended to read:

240.361 Budgets for community colleges.—The president of each community college shall recommend to the board of trustees a budget of income and expenditures at such time and in such form as the state board may prescribe. Upon approval of a budget by the board of trustees, such budget shall be transmitted to the *Commissioner* ~~Department~~ of Education for review and approval. Rules and regulations of the state board shall prescribe procedures for effecting budget amendments subsequent to the final approval of a budget for a given year.

Section 22. Subsection (1) of section 240.367, Florida Statutes, is amended to read:

240.367 Current loans to community college boards of trustees.—

(1) At any time the current funds on hand are insufficient to pay obligations created by the board of trustees of any community college district in accordance with the approved budget of the community college, the board of trustees may request approval by the *Commissioner* ~~Department~~ of Education of a proposal to negotiate a current loan, with provisions for the repayment of such loan during the fiscal year in which the loan is made, in order to meet these obligations.

Section 23. Section 240.377, Florida Statutes, is amended to read:

240.377 Promotion and public relations, funding.—Each community college is authorized to budget and use a portion of funds accruing from auxiliary enterprises and undesignated gifts for promotion and public relations as prescribed by regulations of the state board. Such funds may be used to provide expenditures for hospitality of business guests at the college or elsewhere. However, such hospitality expenses shall not exceed the amount authorized for such contingency fund as prescribed by *rules* ~~regulations~~ of the state board.

Section 24. Section 381.503, Florida Statutes, is amended to read:

381.503 The Community Hospital Education Act.—

(1) SHORT TITLE.—This section shall be known and cited as "The Community Hospital Education Act."

(2) LEGISLATIVE INTENT.—

(a) It is the intent of the Legislature that health care services for the citizens of this state be upgraded and that a program for continuing these services be maintained through a plan for community medical education. The program is intended to provide additional outpatient and inpatient services, a continuing supply of highly trained physicians, graduate medical education, and a program for continuing education in professional skills for practicing physicians in the state.

(b) The Legislature further acknowledges the critical need for increased numbers of family physicians to provide the necessary current and projected health and medical services. In order to meet both present and anticipated needs, the Legislature supports an expansion in the number of family practice residency positions so that 150 new family physicians can be graduated into practice each year by 1988. The Legislature intends that the funding for graduate education in family practice be maintained at a minimum of \$10,000 per resident per year. Should funding for this act remain constant or be reduced, it is intended that all programs funded by this act be maintained or reduced proportionately.

(3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND LOCAL PLANNING.—

(a) There is established within the Department of Education a program for statewide medical education. It is intended that continuing medical education programs for interns and residents be established on a statewide basis. The program shall provide salary supplements for interns and residents based on policies recommended and approved by the *Commissioner of Education* ~~Board of Regents~~, the Community Hospital Education Council, herein established, and the *State Board* ~~Department~~ of Education.

(b) Medical institutions throughout the state, other than hospitals under the control of the *State Board of Education* ~~Board of Regents~~, may apply to the Community Hospital Education Council for grants-in-aid for financial support of their approved programs. Recommendations for funding of approved programs shall be forwarded to the *Division of Universities* ~~of the Department of Education~~.

(c) The program shall provide a plan for community clinical teaching and training with the cooperation of the medical profession, hospitals, and clinics. The plan shall also include formal teaching opportunities for intern and resident training and advanced medical education for physicians throughout the state. In addition, the plan shall establish an off-campus medical faculty with university faculty review to be located throughout the state in local communities.

(4) In addition to the programs established in subsection (3), the *Commissioner of Education* ~~Board of Regents~~, the Community Hospital Education Council, and the *State Board* ~~Department~~ of Education shall establish an ongoing, statewide program of

family practice residencies. The administration of this program shall be in the manner described in this section.

(5) COUNCIL AND DIRECTOR.—

(a) There is established the Community Hospital Education Council, hereinafter referred to as the council, which shall consist of nine members, three of whom shall be directors of medical education in approved community hospital medical education programs; two of whom shall be from private practice and members of faculty of approved community hospital education programs; one of whom shall be a representative of the administration of a hospital with an approved community hospital medical education program; one of whom shall be the dean of a medical school in this state; and two of whom shall be consumer representatives. All of the members shall be appointed by, and serve at the pleasure of, the Governor.

(b) Council membership shall cease when a member's representative status no longer exists. Members of similar representative status shall be appointed to replace retiring or resigning members of the council.

(c) The *Commissioner of Education Board of Regents* shall designate an administrator to serve as staff director. The council shall elect a chairman from among its membership. Such other personnel as may be necessary to carry out the program shall be employed as authorized by the Department of Education.

(6) COMMISSIONER OF EDUCATION BOARD OF REGENTS, STANDARDS.—

(a) The *Commissioner of Education Board of Regents*, with recommendations from the council, shall establish standards and policies for the use and expenditure of medical education funds appropriated pursuant to subsections (8) and (9) for a program of community hospital education. The *Commissioner of Education Board of Regents* shall establish requirements for hospitals to be qualified for participation in the program, which shall include, but not be limited to:

1. Submission of an educational plan and a training schedule.
2. A determination by the council to ascertain that each portion of the program of the hospital provides a high degree of academic excellence and that it qualifies for approval by the Council on Education of the American Medical Association or accreditation by the American Osteopathic Association.
3. Supervision of the educational program of the hospital by a physician who is not the hospital administrator.

(b) Each participating hospital shall provide a postgraduate education program for physicians in private practice in the local area.

(c) The *Commissioner of Education Board of Regents* shall periodically review the educational program provided by a participating hospital to assure that the program includes a reasonable amount of both formal and practical training and that the formal sessions are presented as scheduled in the plan submitted by each hospital.

(7) POLICIES ESTABLISHED BY THE COMMISSIONER OF EDUCATION BOARD OF REGENTS.—The *Commissioner of Education Board of Regents*, with recommendations by the council and final approval by the Department of Education, shall establish policies for the use and expenditure of funds appropriated for the inter-residency program.

(8) COMMUNITY MEDICAL EDUCATION PROGRAM; FUNDING FORMULA.—There is appropriated from the General Revenue Fund \$25,000, which shall be matched by local funds. The *Commissioner of Education Board of Regents* shall develop a formula which shall apportion said funds among the following uses:

(a) Funds for payments to be used for student remunerations;

(b) Funds for teaching assistants and teaching-related equipment to be used for salaries of nonacademic faculty and for the purchase of related teaching equipment;

(c) Funds for faculty review to be used to hire part-time or per diem faculty members to review approved programs.

(9) MATCHING FUNDS.—State funds shall be used to match funds from any local governmental or hospital source.

The state shall provide up to 50 percent of the funds, and the community hospital medical education program shall provide the remainder. However, except for fixed capital outlay, the provisions of this subsection shall not apply to any program authorized under the provisions of subsection (4) for the first 3 years after such program is in operation.

(10) REPORT TO LEGISLATURE.—On or before January 1 of each year, the council shall make a report to the Legislature on the progress of the program and the expenditures of funds authorized by this act. The report shall include:

(a) A summary of expenditures by program and by specialty, in accordance with procedures and guidelines adopted by the council.

(b) Specialty and individual program goals as they relate to the number of residents trained.

(c) The location of graduating physicians' practices, including an analysis of out-of-state movement and the potential impact on in-state health and medical services needs.

Section 25. Subsection (1) of section 402.37, Florida Statutes, is amended to read:

402.37 Medical manpower clearinghouse; grants.—

(1) The Department of Health and Rehabilitative Services shall function as a medical manpower clearinghouse to assist in the placement of health care providers in medically underserved communities, and, in acting as such a clearinghouse, the department shall coordinate its efforts with the Community Hospital Education Council of the *State Board of Education Board of Regents* in such a manner as to avoid duplication of efforts. The department shall collect, store, classify, and distribute current information pertaining to the medical manpower needs of communities and the availability of medical manpower to serve in such communities. As part of its clearinghouse function, the department shall contract with an outside entity or entities to develop and operate programs to recruit individual health care providers for relocation in medically underserved communities.

Section 26. Paragraph (a) of subsection (2) of section 229.561, Florida Statutes, is amended to read:

229.561 Educational research and development.—There is hereby created an Educational Research and Development Program which shall be administered by a director of research and development under the direction of the Commissioner of Education. It is the intent of the Legislature that funds shall be allocated each year for the sole purpose of sponsoring projects which shall provide information designed to identify areas of critical concern and assess the effects of alternative educational practices so that the needs of students may be met. The director of research and development, under the direction of the Commissioner of Education, shall develop and implement an educational research and development program as hereinafter provided. Support for the research and development program shall be included in the budget request of the commissioner.

(2) BOARD OF ADVISORS FOR EDUCATIONAL RESEARCH AND DEVELOPMENT.—The State Board of Education shall, from a list of individuals submitted by the Commissioner of Education, appoint 14 members of the Board of Advisors for Educational Research and Development. The board shall, as nearly as practicable, reflect the social and geographic composition of the state.

(a) The board shall not exceed 16 members, from the following categories:

1. Five teachers from the public schools, selected from a list of 15 teachers nominated for "Florida Teacher of the Year."

2. Two public school administrators from the local district level, selected from a list of six nominees submitted by the Florida Association of Secondary School Principals and the Florida Elementary School Principals Association.

3. Two parents with children attending the public schools, from a list of six nominees submitted by the Florida Parent Teachers Association.

4. Two district school board members, selected from a list of six nominees submitted by the Florida School Boards Association.

5. One university professor teaching at a public university in the state, selected from a list of three nominees submitted by the Board of Regents.

6. One university professor teaching at a private university in the state, from a list of three nominees submitted by the State Board of Independent Colleges and Universities.

7. One community college instructor teaching at a public community college in the state, selected from a list of three nominees submitted by the State Community College Coordinating Board Council.

8. The board shall also include one member of the House of Representatives selected by the Speaker of the House of Representatives and one member of the Senate selected by the President of the Senate.

Section 27. Subsection (2) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees, the Governor shall be deemed to be the public employer, and the Board of Regents shall be deemed to be the public employer with respect to faculty and administrative and professional employees and for all other public employees within the state university system not otherwise determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees, ~~except that such faculty and administrative and professional employees and all other such employees shall have the right, in elections to be conducted at each university by the commission pursuant to its rules, to elect not to participate in collective bargaining. In the event that a majority of such voting employees at any university elect not to participate in collective bargaining, they shall be removed from the Board of Regents bargaining unit. If, thereafter, by election conducted by the commission pursuant to its rules, a majority of such voting employees elect to participate in collective bargaining, they shall be included again in the Board of Regents bargaining unit for such purpose.~~ The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind.

Section 28. This act shall take effect July 1, 1980.

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

Amendment 1A—On page 12 after line 11 insert: Section 10. The Board of Regents, in conjunction with the Department of Insurance, shall cause a study to be conducted of health and accident insurance offered to students in the State University System. This study shall include, but not be limited to accident insurance, major medical insurance, sickness insurance, other forms of prepaid insurance, and a feasibility study which shall address the appropriateness of funding on-campus clinics and health centers. Further, this study shall address the appropriateness of charging students health fees and of supplementing health centers and clinics with activity and service fees. This study shall be completed no later than March 1, 1981 and be ready for presentation to the State Legislature for appropriate action.

And renumber subsequent sections.

Amendment 1B—On page 31 after line 29 insert: Section 28. Subsection 2 and paragraphs (a) and (c) of subsection (3) of section 240.401, Florida Statutes, are amended to read:

240.401 State tuition vouchers.—

(1) There is created the State Tuition Voucher Fund to be administered by the Department of Education. The department shall adopt rules for the administration of such fund.

(2) The department shall issue from the fund a tuition voucher to any full-time undergraduate student registered at a nonprofit college or university which is located in and chartered by the state, which is accredited by an agency holding membership in the Council on Postsecondary Accreditation, which grants baccalaureate degrees and whose credits are acceptable ~~without qualification~~ for transfer to state universities, and which is not a state university or a pervasively sectarian institution.

(3) A person is eligible to receive such tuition voucher if:

(a) He is a graduate of a Florida high school, ~~or a recipient of a graduate equivalent degree (G.E.D.) from Florida, or an accelerated student from a Florida high school according to s. 240.115, or the child of a family stationed at a military base in Florida;~~

(c) He is registered:

1. As a freshman, *excluding progress accrued through college-level examination programs, after July 31, 1979;*

2. As a freshman or sophomore, *excluding progress accrued through college-level examination programs, after July 31, 1980;*

3. As a freshman, sophomore, or junior, *excluding progress accrued through college-level examination programs, after July 31, 1981; or*

4. As a freshman, sophomore, junior, or senior after July 31, 1982; and

And renumber subsequent sections.

Amendment 1C—On page 11, lines 8-12, strike all of lines 8-12 and insert:

(b) One member of the Board of Regents, appointed by the chairperson of the Board for a two year term who shall serve as chairperson of the council.

(c) The EEO/Affirmative Action Director employed by the Board of Regents.

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

Amendment 1D—Strike lines 24 through 33 on page 9 and lines 1 through 3 on page 10 and insert:

Section 9. Section 240.523, Florida Statutes, is amended to read:

240.523 Four-year colleges college, Dade County.—

(1) The State Board of Education and the State Board of Regents ~~shall be authorized to establish a degree-granting 4-year universities college out of the existing institutions of the University of North Florida, the University of West Florida, Florida Atlantic University, and Florida International University, in Dade County and to make a study relating to the feasibility of such action. Such 4-year universities shall be established by adding lower divisions to each of those universities.~~ The State Board of Education and the Board of Regents are authorized to enter into such contracts as may be necessary to carry out the provisions of this act.

(2) ~~The boards of county commissioners of the counties in which each of the universities specified in subsection (1) is located are authorized to cooperate with the State Board of Regents, the State Board of Education, any city or other county in the establishment of these 4-year universities. The Board of County Commissioners of Dade County is authorized to cooperate with the State Board of Education, the Board of Regents, any city or other county in the establishment of such institution. Dade County and Any cooperating city and county are authorized to acquire lands by purchase, gift, condemnation, or otherwise for such use as a county or county and city public purpose and to donate same to the state. The State Board of Education and the Board of Regents are authorized to acquire lands and other property for the purposes of this act as a public purpose.~~

(3) The provisions of this act shall be cumulative and shall not be construed to repeal or limit any of the powers now

vested by law in any of such state agencies, counties, or cities, but shall be construed to create authority in addition to any such powers.

Amendment 1E—On page 29, between lines 29 and 30, insert:

Section 28. The Board of Regents shall conduct a comprehensive feasibility study regarding the merger of the University of North Florida and the University of Florida, and Florida Atlantic University and the University of Florida. This study shall be conducted during 1980-1981, and a report shall be made to the 1981 Regular Session of the Legislature on or before March 1, 1981 on the findings, conclusions, and recommendations of such study. The study shall use out-of-state consultants that have no vested interest in the State University System or any institution therein. The objectives of the study shall be to determine:

- (1) The needs of the citizens of the affected counties as they relate to programs of higher education at all levels;
- (2) The objectives of a merger of the University of North Florida and the University of Florida and of a merger of Florida Atlantic University and the University of Florida, taking into consideration the need for such mergers and the cost-benefit aspect of such mergers;
- (3) The method of implementing such mergers, which shall include but not be limited to the following:
 - (a) Identification of the structure of the executive management at the institutions;
 - (b) Matters relating to the concerns of faculty, such as hiring, promotion and tenure, and assignment of responsibilities;
 - (c) Policies relating to program planning and placement.
- (4) The feasibility of merging University Hospital of Jacksonville to become a component of the Medical Education Program at the University of Florida, taking into consideration such factors as the identification of the relationship of the hospital to the University of Florida, the structure of the executive management of the hospital, and matters relating to the concerns of all hospital personnel.

(Renumber subsequent section.)

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

Amendment 1F—On page 29 between lines 29 and 30, insert:

Section 28. Subsection (2) of section 240.2011, Florida Statutes is amended to read:

240.2011 State University System defined.—

located in Alachua County, and a branch campus located in Broward County.

(And renumber subsequent sections.)

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

Amendment 1G—On page 3, lines 8 and 9, strike all of said lines and insert:

Section 4. Subsections (4) and (6) of section 240.271, Florida Statutes, are amended to read:

Amendment 1H—On page 3, between lines 19 and 20, insert:

(6) For the 1979-1981 biennium, any quality improvement funds appropriated by the Legislature for the State University System and referenced to this section shall be allocated in the following manner:

(a) All disciplines shall be categorized as follows:

1. Category I—The laboratory sciences and technical disciplines.
2. Category II—The professional and education disciplines.
3. Category III—The fine arts and foreign language disciplines.

4. Category IV—All other disciplines.

5. Category V—Law.

(b) For allocation purposes, the Board of Regents shall divide any quality improvement funds among the different levels and categories in the following manner:

Amendment 1I—On page 29, between lines 28 and 29, insert:

Section 28. Section 240.285, Florida Statutes, as created by chapter 79-222, Laws of Florida, is hereby repealed.

(Renumber subsequent section.)

	Percentage
1. Lower level: category I	5
2. Lower level: category II	3
3. Lower level: category III	2
4. Lower level: category IV	9
5. Upper level: category I	11
6. Upper level: category II	23
7. Upper level: category III	4
8. Upper level: category IV	18
9. Beginning graduate: category I	2
10. Beginning graduate: category II	9
11. Beginning graduate: category III	0.5
12. Beginning graduate: category IV	2
13. Beginning graduate: category V	3
14. Advanced graduate: category I	2
15. Advanced graduate: category II	4
16. Advanced graduate: category III	0.5
17. Advanced graduate: category IV	2

(c) Each university shall receive funds for quality improvement in a lump sum allocation for each fiscal year of the biennium and shall expend these funds in accordance with cost data analysis and university priorities in conformance with the systemwide and university master plans.

(d) However, any increase in salary rate resulting from new positions shall not exceed 25 percent of each university's total allocation for quality improvement in the fiscal year 1979-80.

Amendment 1J—On page 21, between lines 9 and 10, insert:

Section 24. Subsection (4) is added to section 240.365, Florida Statutes, to read:

240.365 Delinquent accounts.—

(4) The district board of trustees shall adopt rules to cancel the registration of a student whose fee account is in arrears beyond the close of business on the 28th day after the opening day of classes. The rules may provide for the reinstatement of students whose registration is thus cancelled.

(Renumber subsequent sections.)

The President presiding

Senator Peterson moved the following amendment to Amendment 1 which failed:

Amendment 1K—On page 15, between lines 3 and 4, insert:

Section 16. Present paragraph (c) of subsection (2) of section 240.345, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to said subsection to read:

240.345 Financial support of community colleges.—

(2) STUDENT FEES.—

(c) Community college district boards of trustees are authorized to provide waivers of matriculation and tuition fees pursuant to rules promulgated by the State Community College Coordinating Board based on the following:

1. Fee waivers shall not exceed 6 percent of the total matriculation and tuition fees assessed by the community college system based upon enrollment projections as assigned in the biennial appropriation or supplements thereto. Such rules shall provide for the State Community College Coordinating Board to allocate within the 6 percent systemwide total an amount that may be waived by each college.

2. For the purpose of determining the allocation of fee waivers, the systemwide amount of assessed matriculation and tuition fees shall apply only to full-time equivalent student enrollments funded in the community college program fund.

3. Student fees, required to be waived by state and federal laws, shall be included in the calculation of the total matriculation and tuition fees assessed, but such fee waivers shall not be included in the 6 percent systemwide total of fee waivers allocated by the State Community College Coordinating Board and shall be reported separately.

4. Institutions within the community college system providing educational programs in correctional facilities that, through negotiated contracts with the facility or the inmate receive direct in-kind benefits, may exclude any fee waivers based on such in-kind contracts from the provisions of this paragraph. Nothing contained in this subparagraph shall be construed as encouraging these types of contracts.

(Renumber subsequent sections.)

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

Amendment 1L—Strike lines 27-33 on page 2 and lines 1-7 on page 3.

Amendment 1 as amended was adopted.

Senator MacKay moved the following amendment:

Amendment 2—On pages 1-14, in title, strike all of pages 1-14 and on page 15 strike lines 1-14 and insert:

A bill to be entitled

An act relating to postsecondary education; amending s. 240.207 (1), Florida Statutes; expanding Board of Regents membership; reducing terms of service; providing for regent selection by congressional district; repealing s. 240.209(3)(i), Florida Statutes, relating to contracts with independent institutions; redesignating s. 229.053(2)(e)-(n), Florida Statutes, and adding new paragraphs (e)-(g) to said subsection; expanding powers and duties of the State Board of Education; amending s. 240.271(4), Florida Statutes; providing for joint responsibility for cost-estimating and expenditures; adding s. 240.295(2)(e), Florida Statutes; providing for construction of child care facilities; amending s. 240.203, Florida Statutes; providing for State Board of Education responsibilities for higher education; creating s. 240.145, Florida Statutes; establishing and prescribing responsibilities for the Florida Postsecondary Education Commission; providing for repeal and review in accordance with the Sundown Act; amending s. 240.125, Florida Statutes; requiring the State Board of Education to encourage and approve regional advisory postsecondary education consortia; amending s. 240.523(1), Florida Statutes; requiring the State Board of Education and the State Board of Regents to complete the establishment of a degree-granting 4-year university in Dade County by adding a lower division to Florida International University; requiring the Board of Regents to conduct a feasibility study for the creation of a teaching hospital; creating the Council on Equity in Athletics within the Board of Regents of the State University System; providing members and responsibilities; amending s. 20.15(4)(c), Florida Statutes; requiring the State Board of Education and the Commissioner of Education to assign certain responsibilities to the Division of Community Colleges or to the State Community College Coordinating Board; amending s. 229.053(1), Florida Statutes; providing for delegation of powers in the community college area; amending s. 240.311(1), Florida Statutes; prescribing rule-making authority of the State Board of Education and of the State Community College Coordinating Board; amending s. 240.307(1)(b), Florida Statutes; prescribing qualifications of members of the State Community College Coordinating Board; amending ss. 240.329(1), 240.335, 240.355, 240.357, 240.359(3), 240.361, 240.367(1), and 240.377, Florida Statutes; expanding the Commissioner of Education's responsibilities for the community college system; amending ss. 381.503 and 402.37(1), Florida Statutes; transferring responsibilities for the Community Hospital Education Act; amending s. 229.561(2)(a), Florida Statutes; providing for nominee by the Community College Coordinating Board; amending s. 447.203(2), Florida Statutes; eliminating the provision allowing employees of the

State University System to be removed from the Board of Regents collective bargaining unit; providing an effective date.

Senator Hair moved the following amendments to Amendment 2 which were adopted:

Amendment 2A—On page 2, in title, strike all of lines 10 through 15 and insert: 240.523, Florida Statutes; requiring the State Board of Education and the State Board of Regents to establish degree-granting 4-year universities at the University of North Florida, the University of West Florida, Florida Atlantic University, and Florida International University by adding lower divisions to those universities; requiring the Board

Amendment 2B—On page 3, line 7, in title, after the semicolon insert: requiring a study on the merger of certain institutions of the State University System;

Senator Peterson moved the following amendments to Amendment 2 which were adopted:

Amendment 2C—On page 3, line 8, in title, after the word "system" insert: ; adding s. 240.365(4), Florida Statutes; providing for registration cancellations for students with delinquent accounts

Amendment 2D—On page 1, line 15, in title, after the word "expenditures" insert: ; adjusting the salary rate increases based on each university's allocation of quality improvement funds for the 1980-81 fiscal year

Amendment 2E—On page 1, line 13, in title, after "(4)" insert: and (6)

Amendment 2F—On page 3, line 17 in title, after the word "unit" insert: ; repealing s. 240.285, Florida Statutes, as created by chapter 79-222, Laws of Florida, relating to transfer of funds by the State University System

Amendment 2 as amended was adopted.

On motion by Senator MacKay, by two-thirds vote CS for CS for HB 1769 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Frank	MacKay	Steinberg
Anderson	Gordon	McClain	Stuart
Beard	Gorman	McKnight	Thomas
Carlucci	Grizzle	Myers	Tobiassen
Chamberlin	Hair	Peterson	Trask
Childers, W. D.	Henderson	Poole	Ware
Dunn	Holloway	Scarborough	Williamson
Fechtler	Jenne	Scott	Winn

Nays—4

Barron	Childers, D.	Johnston	Vogt
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Vote after roll call:

Yea—Skinner

On motion by Senator Barron, the rules were waived and time of adjournment was extended until 5:30 p.m.

SB 767—A bill to be entitled An act providing for the use of interpreters for the deaf; providing an intent to insure interpreter services for Florida's deaf citizens; providing for the use of interpreters for the deaf in administrative and judicial proceedings and in sessions of a grand jury; providing for notice of need and proof of disability; providing protections for deaf persons arrested for criminal violations; providing sources for requests for interpreters; providing for the taking of an oath; providing for compensation; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs offered the following amendments which were moved by Senator Fechtcl and adopted:

Amendment 1—On page 2, strike all of lines 15-22

Amendment 2—On page 4, strike all of lines 8-14 and insert:

Section 9. An interpreter appointed by the court in a criminal matter shall be entitled to a reasonable fee for such service in addition to actual expenses for travel, to be paid out of general county funds, and when the interpreter is appointed in a civil matter, a reasonable fee for such service and actual expenses for travel may be assessed as costs in the discretion of the court.

Senator Fechtcl moved the following amendments which were adopted:

Amendment 3—On page 4, line 15, insert a new Section 10, to read:

Section 10. To assist in carrying out the provisions of this act, there shall be created a Florida Council for the Hearing Impaired. The council shall be composed of 12 persons as follows:

- (a) The President of the Florida School for the Deaf and Blind, or his representative;
(b) The Chief of the Bureau of Education for Exceptional Students within the Department of Education, or his representative;
(c) The Staff Director of the Vocational Rehabilitation Program Office within the Department of Health and Rehabilitative Services, or his representative;
(d) Nine persons to be appointed by the Governor by August 15, 1980, five of whom must be hearing impaired, oral deaf adults to be included.

The council shall be charged with the responsibility of determining the most appropriate ways to improve the level of services currently provided by state agencies to hearing impaired persons, particularly in those areas relating to the provision of interpreters or interpreting services. In order to properly carry out this responsibility, the council shall meet in one organizational session by October 15, 1980 and no fewer than four and no more than eight regular sessions by February 15, 1981. By March 15, 1981, the council shall prepare a written report of its activities and recommendations and deliver copies of this report to the Governor, the President of the Senate, and the Speaker of the House.

(e) The council shall serve on a volunteer basis and not be reimbursed for travel or per diem expenses incurred.

(f) The council shall exist until June 30, 1981.

Renumber subsequent sections.

Amendment 4—On page 1, line 13, after "compensation;" insert: providing for the creation of a Florida Council for the Hearing Impaired;

The Committee on Economic, Community and Consumer Affairs offered the following amendment which was moved by Senator Fechtcl and adopted:

Amendment 5—On page 1, line 6, strike "administrative and"

On motion by Senator Fechtcl, by two-thirds vote SB 767 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

Table with 4 columns: Mr. President, Anderson, Beard, Carlucci, Chamberlin, Childers, D., Childers, W. D., Fechtcl, Frank, Gorman, Grizzle, Hair, Henderson, Hill, Holloway, Jenne, Johnston, MacKay, McClain, McKnight, Myers, Neal, Peterson, Poole

Table with 4 columns: Scarborough, Scott, Skinner, Steinberg, Stuart, Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Winn

Nays—1

Dunn

The Senate resumed consideration of—

CS for SB 1307—A bill to be entitled An act relating to health and rehabilitative services; amending s. 400.401, Florida Statutes, providing legislative purpose; amending s. 400.402, Florida Statutes, adding and changing definitions; amending s. 400.404(2)(c), Florida Statutes, and adding a paragraph thereto, granting exemptions to certain facilities otherwise regulated by law, transient rentals, and college dormitories; amending s. 400.407, Florida Statutes, requiring certain disclosures on licenses and increasing the maximum fee; amending s. 400.411, Florida Statutes, specifying information to be included in license applications; requiring notice to department of change in operator of a facility during the license period; amending s. 400.414(2) and (3), Florida Statutes, authorizing license suspension or revocation for specified reasons; deleting provisions relating to responsibility for inspections; amending s. 400.417 (1), Florida Statutes, and adding a subsection, providing for automatic expiration of license after 1 year, requiring earlier application for license renewal and providing late fees for failure to renew; providing for access of the department to the financial documents of any facility applying for licensure; requiring issuance of conditional licenses under specified circumstances; creating s. 400.418, Florida Statutes, creating a trust fund and providing for the disposition of fees and fines therein and for the use of such fund; creating s. 400.419, Florida Statutes, providing procedures with respect to violations and penalties therefor; providing for the classification of violations; providing for the disposition of revenues from fees and fines; providing for the preparation and distribution of information with respect to violations; amending s. 400.421, Florida Statutes, altering the circumstances in which the department may institute injunction proceedings; amending s. 400.424(2), Florida Statutes, requiring facility contracts to include certain information; amending s. 400.427, Florida Statutes, requiring the representative of a facility who is granted power of attorney for a resident to post a surety bond; providing for the safekeeping of residents' personal effects; providing for personal funds of residents; prohibiting persons from withholding or wrongfully receiving such funds or wrongfully borrowing from a resident's personal funds; providing a penalty; providing for the disposition of funds of a deceased resident; amending s. 400.431, Florida Statutes, providing for certain notice of termination of operation of a facility and for refunds; providing departmental responsibility for transfer of certain persons; amending s. 400.434, Florida Statutes, providing for unannounced inspections of facilities by certain persons; creating s. 400.435, Florida Statutes, providing for the maintenance of records and distribution of departmental inspection reports; amending s. 400.437(2), Florida Statutes, increasing the membership of the ad hoc committee on congregate facilities; amending s. 400.441, Florida Statutes, providing considerations for rulemaking; requiring the establishment of certain fire safety standards; creating s. 400.442, Florida Statutes, requiring examinations of residents within 30 days of admission and authorizing annual examinations for certain residents thereafter; creating s. 400.443, Florida Statutes, specifying rights of residents; requiring certain notification of such rights; prohibiting certain interference in the exercise of rights; exempting residents from certain liability with respect to such rights; providing for reports of abuse; creating s. 400.4435, Florida Statutes, providing for the civil enforcement of such rights; amending s. 400.451, Florida Statutes, updating the applicability of part II of chapter 400, Florida Statutes, to existing facilities; creating s. 400.452, Florida Statutes, providing for facility staff training and educational programs; creating s. 400.453, Florida Statutes, establishing the Community-Based Residential Facility Trust Fund to provide loans for the initial costs of developing and improving certain facilities; providing for loan repayment; creating s. 400.454, Florida Statutes, requiring the department to develop a plan for determining certain rates at facilities, and for the determination of state supplemental income payment; providing for the adoption of rules; providing an effective date.

On motion by Senator Vogt, by two-thirds vote CS for SB 1307 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

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

Nays—None

SB 946—A bill to be entitled An act relating to gasoline stations; renumbering s. 526.141(5), (6), Florida Statutes, and adding a new subsection (5) to said section; requiring full-service gasoline stations which offer self-service to require an attendant to dispense gasoline from the self-service portion of the station to motor vehicles properly displaying an exemption entitlement parking permit when the person to whom the permit has been issued is the operator of the vehicle and such service is requested; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendments which were adopted:

Amendment 1—On page 1, line 31, strike “July 1, 1980” and insert: October 1, 1980

Amendment 2—On page 1, line 17, strike the words “Present subsections” and insert: Subsections

Amendment 3—On page 1, line 24, strike the word “reduced” and insert: lesser

Amendment 4—On page 1 in title, lines 3-7, strike all of said lines and insert: adding a new subsection 157 to s. 526.141, Florida Statutes, requiring attendants at full-service gasoline stations offering self-service to dispense gasoline from the self-

Pending further consideration of SB 946 as amended, on motion by Senator Frank, the rules were waived and by two-thirds vote CS for HB's 1212 and 1552 was withdrawn from the Committee on Commerce.

On motion by Senator Frank—

CS for HB's 1212 & 1552—A bill to be entitled An act relating to gasoline stations; adding a new subsection (5) to s. 526.141, Florida Statutes, requiring attendants at full-service gasoline stations offering self-service to dispense gasoline from the self-service portion of the station to motor vehicles properly displaying an exemption entitlement parking permit when the person to whom the permit has been issued is the operator of the vehicle and such service is requested; providing an effective date.

—a companion measure, was substituted for SB 946 and read the second time by title. On motion by Senator Frank, by two-thirds vote CS for HB's 1212 and 1552 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gorman	Johnston	Skinner
Anderson	Grizzle	MacKay	Steinberg
Barron	Hair	McClain	Stuart
Beard	Henderson	McKnight	Trask
Carlucci	Hill	Myers	Vogt
Dunn	Holloway	Peterson	Williamson
Frank	Jenne	Scott	Winn

Nays—3

Chamberlin Childers, D. Scarborough

SB 946 was laid on the table.

Consideration of SB 138 was deferred.

CS for CS for SB 167 by the Committee on Ways and Means and Senator Vogt was read the first time by title and CS for SB 167 and SB 167 were laid on the table.

On motion by Senator Vogt, the rules were waived and by two-thirds vote CS for CS for HB 311 was withdrawn from the Committee on Ways and Means. On motion by Senator Vogt—

CS for CS for HB 311—A bill to be entitled An act relating to waste management; amending s. 403.701, Florida Statutes, adding paragraph (f) to s. 403.702(1) and (2), Florida Statutes, amending s. 403.702(2)(c), Florida Statutes, amending s. 403.703(9), Florida Statutes, and adding subsections (18)-(30) thereto, and adding subsections (16)-(20) to s. 403.704, Florida Statutes; extending provisions relating to the short title, legislative findings, definitions, and powers of the Department of Environmental Regulation under the Florida Resource Recovery and Management Act; including provisions relating to hazardous waste; redefining “solid waste”; amending s. 403.706(2)(b), Florida Statutes; relating to local resource and recovery and management program; creating ss. 403.704.1-403.733, Florida Statutes; specifying those wastes and activities which are and are not regulated under the act; requiring that the department by rule list and provide for identification of hazardous waste; requiring generators and transporters of such waste and persons owning or operating a facility that stores, treats, or disposes of such waste to file written notification with the department; requiring that the department establish by rule standards, requirements, and procedures for such generators, transporters, and owners and operators, and providing specific requirements relating thereto; requiring permits for the construction, modification, operation or closure of a hazardous waste disposal, storage, or treatment facility; providing for temporary permits for certain facilities; providing for revocation or modification of permits and for fees; providing for public meetings; providing authority of local governments and local land use plans, zoning laws, and other regulatory laws; providing for petition to Governor and Cabinet for a finding of public necessity to override local law under certain conditions; providing duties of regional planning agencies with respect thereto; providing conditions; requiring that facility owners or operators be bonded or insured to insure financial responsibility as determined by the department; providing exceptions; establishing the Hazardous Waste Management Trust Fund; providing purposes thereof and providing for deposit of specified moneys therein; imposing an excise tax on generators of hazardous waste and providing for deposit in the Hazardous Waste Management Trust Fund; providing exemptions; providing initial rates of levy; providing an exemption for wastes rendered non-hazardous by certain treatment; providing for administration and collection; providing rates of levy based on balance in the fund; providing for recovery of moneys expended from the fund from persons causing the need for expenditure; authorizing the department to take action to abate or reduce any nuisance or imminent hazard caused by hazardous waste; prohibiting the causing of such imminent hazard; providing for injunctive proceedings and for civil penalties; providing for permits to abate an imminent hazard; providing for restoration of waters into which hazardous waste is discharged; specifying violations and providing penalties; providing defenses; requiring that hazardous waste facility operating personnel be adequately trained and authorizing training programs through the department; providing for an advisory council and providing for repeal and legislative review in accordance with the Sundown Act; providing for confidentiality of trade secrets; authorizing inspections of resource recovery and management facilities by the department; creating s. 220.145, Florida Statutes; providing for a credit against the corporate income tax for investment in a qualified hazardous waste treatment facility; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 167 and 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 3, line 28, strike everything after the enacting clause and insert:

Section 1. Section 403.091, Florida Statutes, is amended to read:

403.091 Inspections.—Any duly authorized representative of the department may enter and inspect any property, premises, or place, except a building which is used exclusively for a private residence, on or at which an air or water contaminant source or a resource recovery and management facility is located or is being constructed or installed at any reasonable time for the purpose of ascertaining the state of compliance with the law, or rules and regulations of the department. No person shall refuse immediate entry or access to any authorized representative of the department who requests entry for purposes of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection. If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status.

Section 2. Section 403.701, Florida Statutes, is amended to read:

403.701 Short title.—Section 403.701-403.730 ~~403.713~~ shall be known and may be cited as the "Florida Resource Recovery and Management Act."

Section 3. Paragraphs (f) and (g) are added to subsection (1) of section 403.702, Florida Statutes, paragraph (c) of subsection (2) of said section is amended, and paragraphs (f), (g), and (h), are added to subsection (2) of said section, to read:

403.702 Legislative findings; public purpose.—

1) In order to enhance the beauty and quality of our environment, conserve and recycle our natural resources, prevent the spread of disease and creation of nuisances, protect the public health, safety, and welfare, and provide a coordinated statewide resource recovery and management program, the Legislature finds that:

(f) *Certain solid waste, due to its quantity, concentration, or physical, chemical, biological, or infectious characteristics is exceptionally hazardous to human health, safety, and welfare and to the environment; and that exceptional attention to the transportation, disposal, storage and treatment of such waste is necessary to protect human health, safety, and welfare and the environment.*

(g) *This act should be integrated with other acts such that nonhazardous waste discharges currently regulated under chapter 403, water or solid waste construction, modification, or operating permits, air emissions, special wastes and other activities regulated under other more appropriate acts remain in full force and effect and are not preempted by the requirements of this act.*

(2) It is declared to be the purpose of this act to:

(c) Provide the authority, and require counties and municipalities, to adequately plan and provide efficient, environmentally acceptable resource recovery and management except for hazardous wastes.

(f) *Insure that exceptionally hazardous solid waste is transported, disposed of, stored, and treated in a manner adequate to protect human health, safety, and welfare and the environment.*

(g) *Promote the recycling, reuse or treatment of solid waste, specifically including hazardous waste, in lieu of disposal of such wastes.*

(h) *Promote the application of methods and technology for the treatment, disposal, and transportation of hazardous wastes which are practical, cost-effective, and economically feasible.*

Section 4. Subsection (9) of section 403.703, Florida Statutes, is amended, and subsections (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), and (28) are added to said section, to read:

403.703 Definitions.—As used in this act:

(9) "Solid waste" means *sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, or and other discarded material, including solid, liquid, semisolid, or contained gaseous material solid or semisolid materials* resulting from domestic,

industrial, commercial, *mining, agricultural, or and governmental operations; but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.*

(18) "Closure" means *the cessation of operation of a resource recovery and management facility.*

(19) "Disposal" means *the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including grounds waters, or otherwise enter the environment.*

(20) "Generation" means *the act or process of producing hazardous waste.*

(21) "Hazardous waste" means *solid waste, or a combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed.*

(22) "Hazardous waste facility" means *any building, site, structure, or equipment at or by which hazardous waste is disposed of, stored, or treated.*

(23) "Hazardous waste management" means *the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes.*

(24) "Manifest" means *the method used for identifying the concentration, quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, storage, and treatment.*

(25) "Operation", with respect to any resource recovery and management facility, means *the disposal, storage, or treatment of solid waste at and by the facility.*

(26) "Storage" means *the containment or holding of a hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.*

(27) "Transport" means *the movement of hazardous waste from the point of generation or point of entry into the state to any off-site intermediate points, and to the point of off-site ultimate disposal, storage, treatment, or exit from the state.*

(28) "Treatment", when used in connection with hazardous waste, means *any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safe for transport, amenable to recovery, amenable to storage or disposal, or reduced in volume or concentration. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.*

Section 5. Subsections (16), (17), (18), (19), and (20) are added to section 403.704, Florida Statutes, to read:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of the provisions of this act. In addition to other powers and duties, the department shall:

(16) *Adopt, repeal, or amend rules to implement, administer, and enforce this act; provided, however, the department shall not adopt hazardous waste rules for solid waste for which special studies are required under the Resource Conservation and Recovery Act, as amended, until the studies are completed by the United States Environmental Protection Agency and the information is available to the department for consideration in adopting its own rules. No department rule shall be more stringent than federal regulations promulgated pursuant to the Resource Conservation and Recovery Act of 1976, P.L. 94-580,*

as amended. However, if the department finds that there is a compelling need for a stricter standard than the federal regulation, which includes regulating hazardous wastes not regulated by the United States Environmental Protection Agency, the department may petition the Governor and Cabinet to adopt the stricter standard. The Governor and Cabinet shall review the petition and may adopt the stricter standard.

(17) Issue or modify permits on such conditions as are necessary to effect the intent and purposes of this act, and may deny or revoke permits.

(18) Establish an account and deposit to the Hazardous Waste Management Trust Fund and control and administer moneys it may withdraw from the fund.

(19) Budget and receive appropriated funds, and accept, receive, and administer grants or other funds or gifts from public or private agencies, including the state and federal government, for the purpose of carrying out the provisions of this act.

(20) Delegate its powers, enter into contracts, or take such other actions as may be necessary to implement this act.

Section 6. Section 403.7045, Florida Statutes, is created to read:

403.7045 Application of act and integration with other acts.—

(1) The following wastes or activities shall not be regulated pursuant to this act:

(a) Byproduct material, source material, and special nuclear material, the generation, transportation, disposal, storage, or treatment of which is regulated under the federal Atomic Energy Act of 1954, Chapter 1073, 68 Stat. 923, as amended, or under chapter 290, Florida Statutes;

(b) Suspended solids and dissolved materials in domestic sewage effluent or irrigation return flows or other discharges which are point sources subject to permits pursuant to s. 402 of the Clean Water Act, P.L. 95-217, or pursuant to provisions of chapter 403, Florida Statutes;

(c) Emissions to the air from a stationary installation or source regulated under the Clean Air Act, P.L. 95-11, or under provisions of chapter 403, Florida Statutes;

(d) Drilling fluids, produced waters, and other wastes associated with the exploration for, or development and production of, crude oil or natural gas which are regulated under chapter 377; or

(e) Activities which are regulated pursuant to the "Florida Hazardous Substances Law", ss. 501.061-501.121.

(2) Except as provided in s. 403.704(16), the following wastes shall not be regulated as a hazardous waste, including a special waste, pursuant to this act, except where determined by the United States Environmental Protection Agency to be a hazardous waste, including a special waste:

(a) Ashes and scrubber sludges generated from the burning of boiler fuel for generation of electricity or steam.

(b) Agricultural and silvicultural byproduct material and agricultural and silvicultural process waste from normal farming or processing.

(c) Discarded material generated by the mining and beneficiation and chemical or thermal processing of phosphate rock; and precipitates resulting from neutralization of phosphate chemical plant process and nonprocess waters.

(3) The following wastes or activities shall be regulated pursuant to this act in the following manner:

(a) Dredge spoil or fill material shall be disposed of pursuant to a dredge and fill permit; but whenever hazardous components are disposed within the dredge or fill material, the dredge and fill permits shall so specify the specific hazardous wastes contained and the concentration of each such waste. The department may then limit or restrict the sale or use of such dredge and fill material and may specify such other conditions relative to this material as are reasonably necessary to protect the public from the potential hazards.

(b) Hazardous wastes which are contained in artificial recharge waters or other waters intentionally introduced into any underground formation and which are permitted pursuant to s. 373.106 shall also be handled in compliance with the requirements and standards for disposal, storage, and treatment of hazardous waste under this act.

(c) Solid waste or hazardous waste facilities operated as a part of the normal operation of a power generating facility and which are licensed by certification pursuant to the Florida Electrical Power Plant Siting Act, ss. 403.501-403.517, shall undergo such certification subject to the substantive provisions of this act.

Section 7. Paragraph (b) of subsection (2) of section 403.706, Florida Statutes, is amended to read:

403.706 Local resource recovery and management programs.—

(2)

(b) It is the policy of the state that a county and its municipalities may jointly determine, through an interlocal agreement pursuant to s. 163.01 or by requesting the passage of special legislation, which local governmental agency shall administer the local resource recovery and management program. If, on December 1, 1978, no interlocal agreement has been effectuated and no special act has become law, the board of county commissioners shall administer and be responsible for the local resource recovery program, except sludge from a waste treatment works, air plant or pollution control facility or water supply treatment plant, or other liquid, semisolid or contained gaseous material, for the entire county.

Section 8. Sections 403.720, 403.721, 403.722, 403.723, 403.724, 403.725, 403.726, 403.727, 403.728, 403.729, and 403.730, Florida Statutes, are created to read:

403.720 Identification, listing and notification.—

(1) The department shall adopt rules which list hazardous wastes and identify their characteristics and shall establish procedures by which hazardous waste may be identified. The department shall consider ignitability, corrosivity, reactivity, toxicity, infectiousness, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, and persistence and degradability in nature and any other characteristics relevant to each particular waste material.

(2) Any generator or transporter of or any person who owns or operates a facility that disposes, stores, or treats hazardous waste which is identified or listed by rule of the department shall, within 90 days of the effective date of the rule, file a written notification with the department, unless previous notification was given to the United States Environmental Protection Agency pursuant to federal law. The notification shall state the location of the generator, transporter, or facility, generally describe the activity engaged in, and state the hazardous waste handled. The department shall adopt and make available to the public a notification form for this purpose.

403.721 Standards, requirements, and procedures for generators and transporters of hazardous waste and hazardous waste facilities and persons who own and operate hazardous waste facilities.—

(1) Persons who generate or transport hazardous waste, or who own or operate a hazardous waste facility, shall comply with the applicable standards, requirements, and procedures of this act and the rules adopted pursuant to it.

(2) The department shall establish by rule such standards, requirements, and procedures as are needed to protect human health and the environment which standards requirements, and procedures shall apply to persons who generate or transport hazardous waste, to persons who own or operate hazardous waste disposal, storage, or treatment facilities, and to hazardous waste disposal facilities. The department may establish standards, requirements, and procedures which may vary based on differences in amounts of, types of, concentrations of, and methods of handling hazardous waste and on differences in the size and location of hazardous waste facilities and which may take into account standards, requirements, and procedures imposed by other laws not in conflict with this act. Solid waste determined to be special wastes by the United States Environ-

mental Protection Agency shall be regulated pursuant to this act consistent with federal regulations for special wastes under Sub-title C of the Resource Conservation and Recovery Act.

(3) The department, with respect to generators of hazardous waste identified or listed pursuant to this act, shall adopt rules governing:

(a) Recordkeeping practices that accurately identify the quantities of such hazardous waste generated, the constituents thereof which are significant in quantity or in potential harm to human health or the environment, and the method of disposal of such wastes;

(b) Labeling practices for any containers used for the disposal, storage, or transport of such hazardous waste which accurately identify such waste;

(c) The use of appropriate containers for such hazardous waste;

(d) The furnishing of information on the general elemental and chemical composition of such hazardous waste to persons transporting, treating, storing, or disposing of such wastes;

(e) The use of a manifest system to assure that all such hazardous waste generated is designated for treatment, storage, or disposal in treatment, storage, or disposal facilities, other than facilities on the premises where the waste is generated, for which a permit has been issued; and

(f) Submission of reports to the department describing the quantities of hazardous waste which are identified or listed pursuant to this act and which have been generated during a particular time period, and, their disposition.

(4) The department, with respect to transporters of hazardous waste identified or listed pursuant to this act, shall adopt rules governing:

(a) Recordkeeping concerning the source, transport, and delivery of hazardous waste;

(b) The transportation of hazardous waste, requiring that such waste be properly labeled;

(c) Compliance with the manifest system required in s. 403.721(3)(e);

(d) The transportation of all such hazardous waste only to the hazardous waste treatment, storage, or disposal facilities designated by the shipper on the manifest form, which facility shall be a facility holding a permit; and

(e) The use of appropriate containers for transporting such hazardous waste.

(5) With respect to any hazardous waste and transporters of hazardous waste which also meet the definitions and criteria for hazardous materials and transporters of hazardous materials regulated by the Hazardous Materials Transportation Act, 88 Stat. 2156, 49 U.S.C., Section 1801 et seq., the department shall consider and adopt, as appropriate, rules which are consistent with such act and the rules adopted pursuant thereto.

(6) The department, with respect to owners and operators of hazardous waste disposal, storage, or treatment facilities and with respect to such facilities, shall adopt rules governing:

(a) Maintaining records concerning all hazardous wastes which are identified or listed pursuant to this act and which are treated, stored, or disposed of, and the manner of treatment, storage, or disposal;

(b) Satisfactory reporting, monitoring, and inspection for compliance with the manifest system required in s. 403.721(3)(e);

(c) The treatment, storage, or disposal of all hazardous waste received by the facility pursuant to operating methods, techniques, and practices approved by the department;

(d) The location, design, and construction of such hazardous waste treatment, disposal, or storage facilities;

(e) Contingency plans for effective action to minimize unanticipated damage resulting from any accident occurring during the treatment, storage, or disposal of any such hazardous waste;

(f) The maintenance or operation of such facilities and the requirement of such additional qualifications as to ownership,

continuity of operation, training for personnel, and financial responsibility as may be necessary or desirable; and

(g) Compliance with s. 403.722.

403.722 Permits; hazardous waste disposal, storage, and treatment facilities.—

(1) Each person who intends to construct, modify, operate, or close a hazardous waste disposal, storage, or treatment facility shall obtain a construction, operation, or closure permit from the department prior to constructing, modifying, operating, or closing the facility. By rule the department may provide for the issuance of a single permit instead of any two or more hazardous waste facility permits.

(2) Any owner or operator of a hazardous waste facility in operation on the effective date of the department rule listing and identifying hazardous wastes shall file an application for a temporary operation permit within 6 months after the effective date of such rule. The department, upon receipt of a properly completed application, shall identify any department rules which are being violated by the facility, and shall establish a compliance schedule. However, if the department determines that an imminent hazard exists, the department may take any necessary action to abate the hazard pursuant to s. 403.726. The department shall issue a temporary operation permit to such facility within the time constraints of s. 120.60(2), upon submission of a properly completed application which is in conformance with this subsection. Temporary operation permits for such facilities shall be issued only for up to 3 years. Upon termination of the temporary operation permit and upon proper application by the facility owner or operator, the department shall issue an operation permit for such existing facilities if the applicant has corrected all of the deficiencies identified in the temporary operation permit and is in compliance with all other rules adopted pursuant to this act.

(3) Permit applicants shall provide any information which will enable the department to determine that the proposed construction, modification, operation, or closure will comply with this act and any applicable rules. In no instance shall any person construct, modify, operate, or close a facility in contravention of the standards, requirements, or criteria for a hazardous waste facility.

(4) The department may require, in a permit application, submission of information concerning matters specified in s. 403.721(6) as well as information respecting:

(a) Estimates of the composition, quantity, and concentration of any hazardous waste identified or listed under this act, or combinations of any such waste and any other solid waste, proposed to be disposed of, treated, transported, or stored, and the time, frequency, or rate at which such waste is proposed to be disposed of, treated, transported, or stored; and

(b) The site to which such hazardous waste or the products of treatment of such hazardous waste will be transported and at which it will be disposed of, treated, or stored.

(5) A permit issued pursuant to this section is not a vested right. The department may revoke or modify any such permit.

(a) Permits may be revoked for failure of the holder to comply with the provisions of this act, the terms of the permit, the standards, requirements, or criteria adopted pursuant to this act, or an order of the department; for refusal by the holder to allow lawful inspection; or for submission by the holder of false or inaccurate information in the permit application.

(b) Permits may be modified, upon request of the permittee, if such modification is not in violation of this act or department rules or if the department finds the modification necessary to enable the facility to remain in compliance with this act and department rules.

(6) A hazardous waste facility permit issued pursuant to this section shall satisfy the permit requirements of s. 403.707(1). The permit exemptions provided in s. 403.707(2) shall not apply to hazardous waste.

(7) The department may establish permit application procedures for hazardous waste facilities, which procedures may vary based on differences in amounts, types, and concentrations of hazardous waste and on differences in the size and location of facilities and which procedures may take into account permitting procedures of other laws not in conflict with this act.

(8) For permits required by this section, the department may require that a fee be paid and may establish, by rule, a fee schedule based on the degree of hazard and the amount and type of hazardous waste disposed of, stored, or treated at the facility; but no permit fee shall exceed \$1,000.

403.723 Siting of hazardous waste facilities.—

(1) Within 14 days of receipt of application for a hazardous waste facility permit, the department shall notify all local governments having jurisdiction over such facility of the received application.

(2) The department shall process applications for hazardous waste facility permits pursuant to s. 120.60.

(3) A land use analysis shall be made regarding each hazardous waste facility which will be constructed or modified after the effective date of this act. The analysis shall be made by local government and shall be a determination of whether or not the proposed site is consistent with and in compliance with local land use plans and zoning ordinances in effect at the time a hazardous waste facility construction or modification permit application is made.

(4) If the local government fails to act within 90 days after receipt of a request for a land use analysis, the applicant for a hazardous waste facility permit may request the Governor and Cabinet to make the analysis, but such analysis shall not be undertaken until the department has issued a permit which shall be conditioned upon land use approval of the Governor and Cabinet or local government. Prior to making a decision the Governor and Cabinet shall solicit and consider the comments of the appropriate Regional Planning Council on land use issues.

(5) Whenever construction, modification, or use of a hazardous waste facility may result in a nonconforming use, the applicant is responsible for applying for a zoning change. If the zoning change is denied, the Governor and Cabinet may, after notice and a public hearing, and after a permit has been issued by the department conditioned upon approval of the Governor and Cabinet or local government, authorize the nonconforming use, if to do so is in the public interest. In determining whether a nonconforming use is in the public interest, the Governor and Cabinet shall consider state and local resource recovery management programs, the need for the facility, and other such factors as they deem appropriate. Prior to making its decision, the Governor and Cabinet shall solicit and consider, in addition to the department, the comments of:

(a) The appropriate Regional Planning Council on land use issues;

(b) Local government having jurisdiction on reasons why it denied approval;

(c) The Department of Community Affairs on matters within its jurisdiction; and

(d) The appropriate Water Management District on potential impacts of the proposed site on water resources.

The Governor and Cabinet may consider and authorize nonconforming uses if an applicant elects to obtain certification pursuant to the Industrial Siting Act.

403.724 Financial responsibility.—

(1) An owner or operator of a hazardous waste facility, as a prerequisite to the operation of a facility in the state, shall be bonded or insured to guarantee the financial responsibility of the owner or operator for any liability which may be incurred in operation of the facility and to provide that, upon closure, abandonment, or interruption of operation of the facility, all appropriate measures are taken to prevent present and future damage to human health, safety, and welfare, the environment, and private and public property.

(2) Cash, surety bonds, or casualty insurance, or a combination thereof, may be used to satisfy the financial responsibility requirement. Any bond or insurance obtained to satisfy this requirement shall be maintained in the amount established by the department and shall be maintained until the department determines that the waste is no longer a hazard and authorizes cancellation, modification, or liquidation of the bond or insurance.

(3) The amount of financial responsibility required shall be established by the department upon each issuance, renewal,

or modification of a hazardous waste facility permit. The established financial responsibility requirements shall not be altered for the duration of the permit. Such factors as inflation rates and changes in operation may be considered when establishing financial responsibility for the duration of the permit. Once such a determination is made it shall represent the maximum financial responsibility of the owner or operators of such a facility. The Department of Insurance shall be available to assist the department in making this determination. In establishing the amount of financial responsibility, the department shall consider:

(a) The amount and type of hazardous waste involved;

(b) The probable damage to human health and the environment;

(c) The danger and probable damage to private and public property near the facility;

(d) The probable time that the hazardous waste and facility involved will endanger the public health, safety, and welfare, or the environment;

(e) The probable costs of properly closing the facility.

(4) The department may adopt rules which establish the procedures and guidelines it will use to establish or modify the amount of the bond or insurance.

(5) Hazardous waste facilities in operation on the effective date of this act shall, within 1 year after the effective date of rules regarding financial responsibility pursuant to this act, be bonded or insured or have the requirement waived.

(6) By rule, the department may create exemptions from the financial responsibility requirement when, due to the size or magnitude of the operation, waiving the requirement will not conflict with the purposes of the requirement.

403.725 Hazardous Waste Management Trust Fund.—

(1) The purpose of this section is to create a method to provide the financial resources to abate or substantially reduce an imminent hazard due to hazardous waste, to maintain and monitor an area where hazardous waste has been disposed of, to prevent damage from hazardous waste, to pay for all provable property damages which are the proximate results of hazardous wastes released into the environment after the effective date of this act, and to pay for restoration of areas damaged by hazardous waste from abandoned hazardous waste sites. It shall be the responsibility of any person claiming damages from this fund to provide the department with documentation of the destruction to or loss of any real or personal property. The claimant shall also provide the department with documentation that the damages were the direct result of the release of hazardous waste into the environment. This section shall be liberally construed to effect the purposes set forth, such construction being especially imperative due to the danger which hazardous waste poses to human health, safety, and welfare, the environment, and private and public property.

(2) The Hazardous Waste Management Trust Fund is established and shall be used by the department for the purposes, and shall receive funds and be administered in the manner, specified in this section.

(3) Into the fund shall be deposited:

(a) Appropriations to the fund by the Legislature;

(b) Hazardous waste facility permit fees;

(c) Fines collected for violations of this act, department rules, or permit conditions;

(d) Moneys collected from reimbursement requests and actions;

(e) Grants, moneys, or gifts from public or private agencies which are specifically designated to be deposited into the fund for hazardous waste management; and

(f) Excise tax fees.

(4) Moneys in the fund not currently needed to meet the obligations of the department in the exercise of its responsibilities under this act shall be deposited with the State Treasurer to the credit of the fund and may be invested in such manner as

is provided by statute. Interest received on such investment shall be credited to the fund.

(5)(a) There is hereby levied, to be paid by each generator of hazardous wastes in the state, an excise tax for the privilege of generating hazardous wastes. The tax shall be levied at a rate of 4 percent of the price of disposing of, storing, or treating hazardous waste. This tax shall be in addition to all other taxes imposed upon or paid by a generator of hazardous waste. However, no tax shall be imposed upon a generator that is a municipality, county, or other unit of government.

(b) The 4 percent rate provided in paragraph (a) shall be suspended for a period of 4 years beginning October 1, 1980. During such period the following rates shall be applicable:

1. There shall be no tax charged from October 1, 1980, to September 30, 1981.

2. October 1, 1981, through September 30, 1982, 1 percent of the price of disposing of, storing, or treating hazardous waste.

3. October 1, 1982, through September 30, 1983, 2 percent of the price of disposing of, storing, or treating hazardous waste.

4. October 1, 1983, through September 30, 1984, 3 percent of the price of disposing of, storing, or treating hazardous waste.

(c) There shall be exempt from the tax imposed by this section those transactions wherein hazardous wastes are treated and rendered nonhazardous at a facility certified by the department as employing treatment technology which renders waste nonhazardous. The department shall promulgate a rule that lists those treatment technologies which may be applied to any particular hazardous waste to render the waste nonhazardous, but the department may only certify a facility as employing treatment technology which renders the waste nonhazardous on the basis of the following:

1. Exact knowledge of the chemistry of the hazardous waste; and

2. Exact knowledge, including test results if necessary, of the treatment technology of a particular facility or facilities applied to the particular waste.

No tax shall be paid by or levied upon a generator who operates his own exclusive hazardous waste disposal or hazardous waste processing facility on the generation site and who is so permitted under this act.

(6) The excise tax shall not be imposed during any quarter of the fiscal year following a quarter at the end of which the balance in the fund exceeds \$10 million. Such balance shall be determined quarterly during the fiscal year. The tax shall be reimposed following any quarter in which the balance in the fund drops below \$8 million. The Department of Revenue shall collect the tax monthly on the basis of records certified to the department the previous quarter. This tax shall be in addition to all other taxes imposed upon or paid by a generator of hazardous wastes.

(a) Except for the 3 percent collection allowance, the same duties and privileges imposed by chapter 212 upon dealers of tangible personal property respecting the remission of tax, making of returns, penalties and interest, the keeping of books, records and accounts; and the compliance with the rules of the Department of Revenue in the administration of said chapter shall apply to and be binding to all generators who are subject to this section.

(b) The Department of Revenue shall keep records showing the amount of taxes collected. These records shall be maintained in the same manner with respect to confidentiality, as provided in s. 213.072.

(c) Collections received by the Department of Revenue from the tax, less cost of administration of this section, shall be paid and returned on a monthly basis, to the Department of Environmental Regulation. The revenue shall be placed into the Hazardous Waste Management Trust Fund.

(d) The Department of Revenue, under the applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.

(e) The Department of Revenue shall promulgate regulations, establish audit procedures for the audit of generators under this section, authorized to assess for delinquency and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section.

(f) The department shall furnish the Department of Revenue a list quarterly, of the active generators.

(7) Moneys expended from the fund, if any, shall be recoverable, jointly and severally, from the person or persons responsible for the management of the hazardous waste causing the need for the expenditure, and the moneys recovered shall be deposited in the fund. Requests for reimbursement to the fund for moneys expended, if not paid within 30 days after receipt of demand, shall be turned over to the Department of Legal Affairs. A generator or transporter of hazardous wastes who has complied with this act, and with the applicable rules and regulations promulgated under this act, and who has contracted for the disposal of hazardous wastes with a licensed hazardous waste disposal or processing facility is relieved from liability for those wastes upon receipt of a certificate of disposal from the disposal or processing facility.

(8) Moneys in the fund shall not be expended to clean up hazardous waste which is being removed from navigable waters by a federal agency in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan established pursuant to the Federal Water Pollution Control Act, PL 92-500, as amended, or which is being removed from any coastal waters, estuaries, tidal flats, beaches, or lands adjoining the coastline of the state by the Department of Natural Resources pursuant to chapter 376.

403.726 Imminent hazard.—

(1) The Legislature finds that hazardous waste which has been improperly generated, transported, disposed of, stored, or treated may pose an imminent hazard to the public health, safety, and welfare, and the environment.

(2) The department shall take any action necessary pursuant to s. 403.121 or s. 403.131 to abate or substantially reduce any imminent hazard caused by hazardous waste including spills into the environment of hazardous substances which are included within the hazardous waste criteria or lists established pursuant to s. 403.720, and are causing an imminent hazard. The department is authorized to use moneys from the Hazardous Waste Management Trust Fund to finance such actions, and such expenditures from the fund shall be recoverable pursuant to s. 403.725(7).

(3) An imminent hazard exists if any hazardous waste creates an immediate and substantial danger to human health, safety, or welfare, or to the environment. The department may institute action in its own name, using the procedures and remedies of s. 403.121 or s. 403.131, to abate an imminent hazard. However, the department is authorized to recover a civil penalty of not more than \$25,000 for each day of continued violation. Whenever serious harm to human health, safety, welfare, the environment, or private or public property may occur prior to completion of an administrative hearing or other formal proceedings which might be initiated to abate the risk of serious harm, the department may obtain, ex parte, an injunction without paying filing and service fees prior to the filing and service of process.

(4) The department may implement the provisions of chapter 386, s. 387.08, and s. 387.10 in its own name whenever hazardous waste is being generated, transported, disposed of, stored, or treated in violation of those provisions of law.

(5) The department may issue a permit requiring prompt abatement of an imminent hazard.

(6) The department may remove or dispose of any hazardous waste which has become an imminent hazard, or take any other emergency action, when the owner or operator of a hazardous waste facility or a generator or transporter of hazardous waste does not take appropriate action to abate or neutralize the hazard.

(7) Where hazardous waste is discharged into waters of the state and abatement action is taken pursuant to this section, the department may require that the affected body of water be restored to meet, but not exceed, either the standards established by department rule for that particular body of water, or ambient water quality prior to the discharge, whichever

is higher. However, under no circumstances would the subject water have to be restored to a more pure state than ambient water quality prior to the discharge.

403.727 Violations, penalties and remedies.—

(1) It is unlawful for any hazardous waste generator, transporter, or facility owner or operator to:

- (a) Fail to comply with the provisions of this act or department rules, or orders;
- (b) Operate without a valid permit;
- (c) Fail to comply with a permit;
- (d) Cause, authorize, create, suffer, or allow an imminent hazard to occur or continue;
- (e) Knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the provisions of this act;
- (f) Fail to notify the department pursuant to s. 403.720(2); or
- (g) Refuse lawful inspection.

(2) In addition to the Imminent Hazard provision, ss. 403.121 and 403.131 are available to the department to abate violations of this act.

(3) Violations of the provisions of this act shall be punishable as follows:

(a) Any person who violates the provisions of this act, the rules or orders of the department, or the conditions of a permit shall be liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than \$25,000 for each day of continued violation. The department may revoke any permit issued to the violator.

(b) Any person who knowingly:

1. Transports any hazardous waste listed pursuant to this act to a facility which does not have a permit under s. 403.722,

2. Disposes, treats or stores hazardous waste at any place but a hazardous waste facility which has a current and valid permit pursuant to s. 403.722, or

3. Makes any false statement or representation in any application, label, manifest, record, report, permit, or other document required by this act, shall upon the first conviction, be subject to a fine of not more than \$25,000 for each day of violation or to imprisonment not to exceed 1 year, or both, and upon any subsequent conviction, be subject to a fine of not more than \$50,000 per day of violation or to imprisonment for not more than 2 years, or both.

403.728 Qualifications of operation personnel of hazardous waste facilities.—Owners and operators of a hazardous waste facility shall employ persons who are adequately trained, or registered in a training program, to operate and maintain a hazardous waste facility. The department may develop and conduct on-site or classroom training programs for persons who operate or maintain hazardous waste facilities. The department may do so through its employees or by contract. The program may include training in personnel and public safety, emergency measures, properties of the waste, and such other items as the department deems necessary.

403.729 State Hazardous Waste Policy Advisory Council; responsibilities.—

(1) The State Hazardous Waste Policy Advisory Council, hereinafter called "council", is created within the Department of Environmental Regulation. Within 60 days after the effective date of this act, the Governor shall appoint 13 members to the council consisting of the following representatives:

- (a) One representative each of state, county and municipal governments.
- (b) A hazardous waste hauler.
- (c) A hazardous waste generator.
- (d) A hazardous waste disposal facility operator.

(e) A member of an environmental group.

(f) A member from agriculture.

(g) Two members of the general public.

(h) The secretary of the department, or a designated representative.

(i) A representative of the Governor's office.

(2) The Governor shall appoint a chairman. Vacancies on the council shall be filled in the same manner as for the original appointment.

(3) The secretary shall appoint an employee of the department to act as executive director of the council.

(4) Members of the council shall receive no compensation but shall receive travel expenses and per diem as provided in chapter 112.

(5) The council shall assess the department's hazardous waste program, including review of rules as they are developed and review of the hazardous waste part of the solid waste plan required pursuant to the federal Resource Recovery and Conservation Act. The council shall also review the agreement between the department and the United States Environmental Protection Agency authorizing the state to assume responsibility for the federal hazardous waste management program. In addition, the council is directed to review the costs and benefits of alternative technologies relating to the transportation, storage, treatment, and disposal of hazardous waste in the state. Finally, the council shall analyze the market for hazardous waste as a secondary raw material and the technology available in the market and make suggestions as to legislative, administrative, and economic measures to improve the market for hazardous waste as a secondary raw material.

(6) The assessment may include recommendations as to:

(a) The geographic distribution of disposal facilities.

(b) The adequacy of existing legislative, administrative, and economic mechanisms required to carry out the purposes of this act.

(c) The need for additional legislative, administrative or economic mechanisms.

(d) Potential problems and solutions to the siting of hazardous waste facilities.

(7) The council may prepare and distribute appropriate public education materials relating to all aspects of hazardous waste.

(8) No later than February 1, 1982, the council shall prepare a report of its findings and recommendations based upon its assessment of the state program and other matters within its jurisdiction. The report shall be presented to the secretary, the Governor, the President of the Senate and to the Speaker of the House of Representatives.

(9) At least 60 days before the report is finalized, the council shall schedule public hearings on the report. The secretary shall participate in the hearings. Such hearings shall be held in central locations in the state in order to afford the maximum amount of public participation in the development of the report and recommendations.

(10) The council shall cease to exist on July 1, 1982 unless the Governor determines, based upon recommendations in the report, that there is a need for it to continue, in which case the council shall continue to exist for a time established specifically by the Governor.

403.730 Trade secrets.—Records, reports, or information obtained from any person under this act shall be available to the public, except upon a showing satisfactory to the department by any person that records, reports, or information, or a particular part thereof, contain trade secrets. Such trade secrets, or portions thereof, shall be confidential and not available to the public. However, such trade secrets may be disclosed to officers, employees, or authorized representatives of the department or the United States Environmental Protection Agency, or when relevant in any proceeding under this act.

Section 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the in-

validity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 10. The sum of \$1 million is appropriated from the General Revenue Fund to the Hazardous Waste Management Trust Fund.

Section 11. For the purpose of developing a hazardous waste management program as provided for in this act, there are created within the Department of Environmental Regulation five positions effective July 1, 1980. In addition, there are created 14 positions to be effective October 1, 1981. To assist in implementing the provisions of s. 403.729, Florida Statutes, there are also created within the Department of Environmental Regulation two positions to be effective July 1, 1980.

Section 12. The sum of \$300,000 is appropriated from the General Revenue Fund to the Department of Environmental Regulation for the purposes of matching available federal funds for developing a hazardous waste management program pursuant to this act.

Section 13. There is appropriated from the General Revenue Fund to the Department of Environmental Regulation the sum of \$45,000 for the purposes of providing two positions to assist in implementing the provisions of s. 403.729, Florida Statutes, and the sum of \$10,000 for per diem and travel expenses as provided in s. 403.729(4), Florida Statutes.

Section 14. This act shall take effect October 1, 1980.

Senators Thomas and Vogt offered the following amendment to Amendment 1 which was moved by Senator Thomas and adopted:

Amendment 1A—On page 16, lines 21-31, on page 17, lines 1-31 and on page 18, lines 1-10, strike all of said lines and insert: (9) The Department shall process permit applications pursuant to s. 120.60. It shall not be a requirement for the issuance of such a permit that the facility complies with an adopted local government comprehensive plan, local land use ordinances, zoning ordinances or regulations, or other local ordinances. However, such a permit issued by the Department shall not override such adopted local government comprehensive plans, local land use ordinances, zoning ordinances or regulations, or other local ordinances.

403.723 Siting of hazardous waste facilities.—

(1) The Department, within 30 days of receipt of a complete application for a hazardous waste facility construction or modification permit, shall notify each unit of local government within 3 miles of the proposed facility that a permit application has been received, and shall publish notice in a newspaper of general circulation in the area of the proposed facility that a complete permit application has been received.

(2) Upon request by a person who has applied for a hazardous waste facility permit from the Department, the local government having jurisdiction over the proposed site shall, within 90 days of such request, determine whether or not the proposed site is consistent with and in compliance with adopted local government comprehensive plans, local land use ordinances, zoning ordinances or regulations and other local ordinances in effect at the time a hazardous waste facility construction or modification permit application is made.

(4) If the local government determines within 90 days of the request that construction or modification of the facility does not comply with such plans, ordinances or regulations, the person requesting the determination may request a variance from such plans, ordinances or regulations.

(5) If the variance requested by the applicant is denied by local government or if there is no determination made by local government pursuant to s. 403.723(2), F.S., within 90 days of the request, or if there is no action on the variance requested by the applicant within 90 days of the request for the variance, the person requesting such determination or variance may petition the Governor and Cabinet for a variance from the local ordinances, regulations or plans, but only if the applicable regional planning council, by a vote of a majority of the members present, has previously recommended a variance from any local

ordinances, regulations or plans that prohibit the siting of the hazardous waste facility.

(6) A regional planning council may only recommend a variance from any local ordinances, regulations or plans only if a hazardous waste permit has been issued by the department and if the regional planning council finds, based upon competent substantial evidence that clearly and convincingly the evidence determines:

(a) The facility will not have a significant adverse impact on the environment and natural resources of the region.

(b) The facility will not have a significant adverse impact on the economy of the region.

(c) The facility does not pose a significant danger to the public in the region due to transportation of hazardous waste to or from the facility.

(d) The facility complies with adopted local and state resource recovery and management programs.

(7) Only if the regional planning council recommends a variance from local ordinances, regulations or plans, or if the regional planning council does not take any action within 90 days of the request for such recommendations, the person requesting the recommendation for variance may petition the Governor and Cabinet for a variance from the local ordinances, regulations or plans in question.

(8) The Governor and Cabinet shall consider the following when determining whether to grant a petition for a variance from local ordinances, regulations or plans:

(a) The record of the proceeding before the regional planning council.

(b) Such studies, reports and information as the Governor and Cabinet may request of the Department addressing the feasibility of alternative methods of storage, treatment or disposal of the hazardous waste to be handled at the proposed facility, the need for the hazardous waste facility based on the amount of hazardous waste being produced in Florida, the availability of possible suitable locations for the hazardous waste facility elsewhere in Florida, and the economics of transporting the hazardous waste to be disposed of, stored or treated at the proposed or existing facility to alternative existing facilities in or out of Florida.

(c) Such studies, reports and information as the Governor and Cabinet may request of the Department of Community Affairs addressing whether or not the facility unreasonably interferes with the achievement of the goals and objectives of any adopted state or local comprehensive plan and any other matter within its jurisdiction. The Governor and Cabinet may grant a variance from local ordinances, regulations or plans only if the permit has been issued by the Department and they find there is a clear and convincing need for the facility. A clear and convincing need for a facility is established if the proposed method of storage, treatment or disposal of the hazardous waste to be handled at the proposed facility is the most feasible method, and it seems probable that the proposed or existing facility will be more advantageous economically to generators of hazardous wastes at the proposed site than at possible alternative sites. The Governor and Cabinet may attach conditions and restrictions to any variance granted pursuant to this subsection.

(9) Regional planning councils and the Governor and Cabinet may adopt rules of procedure that govern these proceedings.

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

Amendment 1B—On page 6, line 5, strike all of subsection (16) and insert a new subsection to read as follows:

(16) *Adopt, repeal, or amend rules to implement, administer, and enforce this act; provided no department rule shall be more stringent than federal regulations promulgated pursuant to the Resource Conservation and Recovery Act of 1976, P. L. 94-580, as amended. However, the Environmental Regulation Commission, pursuant to a finding of compelling need, may adopt by rule a stricter standard than the federal regulation. Additionally, upon a finding by the Environmental Regulation Commission that a hazardous waste not regulated by the United States Environmental Protection Agency poses an*

imminent hazard to the public health, safety, and welfare, or the environment, the Environmental Regulation Commission may adopt a rule regulating such hazardous waste. In either case, the Governor and Cabinet shall review the rule and shall accept, reject, modify the rule, or remand the rule for further proceedings, within 60 days from its submission. In either case, such rules shall not be effective until final action by the Governor and Cabinet. The department shall not, however, adopt hazardous waste rules for solid waste for which special studies are required under the Resource Conservation and Recovery Act, as amended, until the studies are completed by the United States Environmental Protection Agency and the information is available to the department for consideration in adopting its own rule.

Amendment 1C—On page 28, insert: before line 1 a new subsection (4)

(4) The following defenses shall be available to a person alleged to be in violation of this act, who shall plead and prove that the alleged violation was solely the result of any of the following or combination of the following:

- (a) An act of war.
- (b) An act of government, either state, federal or local.
- (c) An act of God, which means only an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency.
- (d) An act or omission of a third party, without regard to whether any such act or omission was or was not negligent.
- (e) The negligence of a second party.

Renumber subsequent sections.

Amendment 1 as amended was adopted.

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

Amendment 2—On pages 1-3 in title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to hazardous wastes; amending s. 403.091, Florida Statutes; providing for inspections of resource recovery and management facilities; amending s. 403.701, Florida Statutes; providing a short title; adding s. 403.702(1)(f), (g) and (2)(f), (g), (h), Florida Statutes; amending s. 403.702(2)(c), Florida Statutes; declaring legislative intent and public purpose; amending s. 403.703(9), Florida Statutes; and adding s. 403.703(18)-(28), Florida Statutes; providing definitions; adding s. 403.704(16)-(20), Florida Statutes; providing powers and duties of the Department of Environmental Regulation; creating s. 403.7045, Florida Statutes; describing the application of the act and its relationship to other acts; amending s. 403.706(2)(b), Florida Statutes; creating ss. 403.720-403.730, Florida Statutes; providing for identification, listing, and notification regarding hazardous waste; providing for the establishment of standards, requirements, and procedures for generators and transporters of hazardous waste and for hazardous waste facilities; authorizing the permitting of hazardous waste disposal, storage, or treatment facilities; providing for siting of hazardous waste facilities; requiring financial responsibility for owners or operators of hazardous waste facilities; creating a Hazardous Waste Management Trust Fund; imposing an excise tax on generators of hazardous wastes; providing for initial rates of levy; providing exemptions; providing for abatement of imminent hazards created by hazardous waste; providing for violations, penalties, and remedies; requiring hazardous waste facilities to be operated by qualified personnel; authorizing the creation of an advisory council; providing confidentiality for trade secrets; providing severability; providing for transfer of trust funds; providing appropriations; providing an effective date.

On motion by Senator Vogt, by two-thirds vote CS for CS for HB 311 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Carlucci	Childers, W. D.	Frank
Anderson	Chamberlin	Dunn	Gorman
Beard	Childers, D.	Fechtcl	Grizzle

Hair	McClain	Scott	Vogt
Henderson	McKnight	Skinner	Ware
Hill	Myers	Steinberg	Williamson
Jenne	Peterson	Stuart	Winn
Johnston	Poole	Thomas	
MacKay	Scarborough	Trask	

Nays—None

Vote after roll call:

Yea—Holloway

CS for CS for SB 167 was laid on the table.

On motion by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to meet Thursday, June 5, from 12:00 noon until 2:00 p.m. and then upon adjournment of the Senate until completion of the committee agenda.

On motion by Senator Anderson, the Senate reconsidered the vote by which—

HB 1586—A bill to be entitled An act relating to financial matters; adding paragraph (g) to s. 215.47(2), Florida Statutes; authorizing the investment of public funds in mortgage pass-through certificates; providing an effective date.

—as amended passed this day.

On motion by Senator Anderson, the Senate reconsidered the vote by which HB 1586 was read the third time.

On motion by Senator Anderson, the Senate reconsidered the vote by which Amendment 2 was adopted.

By permission, Amendment 2 was withdrawn.

On motion by Senator Anderson, the Senate reconsidered the vote by which Amendment 3 was adopted.

Senator Anderson moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—On page 1, line 3, after "Certificate" insert: on Florida real property mortgages.

Amendment 3 as amended was adopted.

Senator Anderson moved the following amendment which was adopted:

Amendment 4—On page 1 in title, line 28, after "state," insert: on a licensee under Chapter 494, F.S.

On motion by Senator Anderson, by two-thirds vote HB 1586 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Frank	MacKay	Skinner
Barron	Gorman	McClain	Steinberg
Beard	Grizzle	McKnight	Stuart
Carlucci	Hair	Myers	Trask
Chamberlin	Henderson	Neal	Vogt
Childers, D.	Hill	Peterson	Williamson
Childers, W. D.	Holloway	Scarborough	Winn
Dunn	Jenne	Scott	

Nays—2

Mr. President Johnston

On motion by Senator Barron, the rules were waived and time of adjournment was extended until 5:45 p.m.

SB 1285—A bill to be entitled An act relating to claims against an officer, employee, or agent of the state or its subdivisions; amending s. 768.28(9), Florida Statutes; providing that an officer, employee, or agent of the state shall not be

personally liable or named in any action for injuries or omissions which arise as a result of any act, event, or omission of action within the scope of his employment; providing that complaints shall be presented as a claim against the state and in any litigation on such claim the state shall be joined as a party defendant; amending s. 111.07, Florida Statutes; providing for defense of civil actions arising from claims against an officer, employee, or agent of the state or its subdivisions; amending s. 111.071(1)(a), Florida Statutes; authorizing payment of final judgments in such actions; 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 Dunn and adopted:

Amendment 1—On page 4, between lines 13 and 14, insert: Section 4. This act shall apply to all actions pending in the trial or appellate courts on the date this act shall take effect and to all actions thereafter initiated.

Section 5. Should any section, paragraph, sentence, clause, phrase, or other part of this act be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this act as a whole or the parts of this act not declared invalid or unconstitutional.

(Renumber subsequent section.)

Senator Dunn moved the following amendment:

Amendment 2—On page 4, strike all of lines 14 and 15 and insert: Section 4. Subsection (5) of section 768.28, Florida Statutes, is amended to read:

Section 5. This act shall take effect upon becoming a law; except that section 4 shall take effect October 1, 1980 and shall apply only to courses of action accruing on or after October 1, 1980.

Senator Henderson was recorded as offering the two amendments which were adopted to SB 1338 on May 29.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 2 was corrected and approved.

The Journal of May 30 was corrected and approved as follows:

Page 561, column 2, between lines 29 and 30 insert:

Senator Gorman moved that the Senate reconsider the vote by which HB 940 passed this day.

The motion was placed on the calendar for consideration Tuesday, June 3.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:45 p.m. to convene at 8:30 a.m., Wednesday, June 4 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.