



Journal of the Senate

Number 31

Thursday, June 5, 1980

The Senate was called to order by Senator Thomas 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.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1778 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services—

HB 1778—A bill to be entitled An act relating to medical practice; adding ss. 458.331(1)(cc), 459.015(1)(cc), 462.14(1)(h), Florida Statutes; providing that the prescribing, ordering, dispensing, administering, supplying, selling, or giving of certain drugs to or for any person, except for the treatment or investigation of specified conditions or ailments, shall be grounds for suspension or revocation of licensure as a physician or osteopathic physician or naturopath; amending s. 466.028(1)(s), Florida Statutes; providing further description of certain drugs that may be used by dentists for clinical investigation; amending s. 893.08(1)(b), Florida Statutes; excepting any drug which is an amphetamine or sympathomimetic amine drug or a compound designated as a Schedule II controlled substance from those drugs which may be distributed at retail by a registered pharmacist; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1289 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Mann and M. E. Hawkins—

HB 1289—A bill to be entitled An act relating to consumer protection; authorizing counties to adopt ordinances relating to the construction of "floating residential units"; providing a definition; providing an exception to the operation of the act; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1812 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services—

HB 1812—A bill to be entitled An act relating to medical assistance; amending ss. 409.266(1)(b) and (5)(e) and (f), Florida Statutes, and adding subsections (6)-(8) to said section; conforming provision to federal eligibility requirements; removing the services of an audiologist from certain provided services; providing for specified physician referral for certain evaluation and testing; providing for bulk purchasing of dis-

persing, service, and repair of hearing aids by the Department of Health and Rehabilitative Services; requiring the department to protect use of patient records; providing for referral, to the Auditor General's office, of cases of suspected fraud or criminal violations; providing for suspension or termination of provider participation agreements under certain circumstances; providing for imposition of administrative fines against providers for certain specified acts; providing for determination of appropriate administrative sanctions; providing rulemaking authority of the department; providing for the withholding of payments; providing for repayment of overpayments; providing for an administrative hearing; providing for an interest penalty; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

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 1449 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Lippman and others—

CS for HB 1449—A bill to be entitled An act relating to health facilities; amending s. 381.493(1), (2) and (3)(e), Florida Statutes, and adding paragraphs to subsection (3) thereof; relating to health facilities and health services planning; expanding legislative intent, providing definitions; amending s. 381.494, Florida Statutes, broadening the scope of health related projects subject to review; specifying conditions under which a certificate of need is required; amending and expanding certificate of need application submittal procedures; amending criteria against which applications are evaluated; clarifying role of the Department of Health and Rehabilitative Services in the certificate of need review process; authorizing the department to revoke certificates and to issue, revoke and deny exemptions; removing redundant language; providing for monitoring of project accomplishment; amending s. 381.495, Florida Statutes, removing obsolete language; deleting the penalty for operation of certain facilities without a certificate of need; prohibiting the undertaking of projects subject to review without a certificate of need; providing a penalty; providing for fines; providing for exemptions from certificate of need review under certain conditions; creating s. 381.499, Florida Statutes, providing for injunctive authority; creating s. 395.512(3), Florida Statutes, exempting certain state hospitals from assessments to fund the cost containment program; providing effective dates.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

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 1312 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Batchelor—

CS for HB 1312—A bill to be entitled An act relating to Medicaid; creating s. 11.55, Florida Statutes, authorizing the Auditor General to conduct a statewide Medicaid fraud control program; providing specific powers; granting inspection and

certain judicial powers to the Auditor General; providing an appropriation; amending s. 287.057(1), Florida Statutes; providing a limited exception for medical practitioners who provide Medicaid services; requiring credits to be taken as a result of Medicaid benefits received be subject to the provisions of s. 409.266(3)(a), Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committees on Rules and Calendar and Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1865 and HB 1867 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 1865—A bill to be entitled An act relating to appropriations; creating s. 1.05, Florida Statutes, providing for construction of qualifying or restricting language in appropriations acts; amending s. 216.351, Florida Statutes, conforming to the act provisions relating to planning and budgeting; providing an effective date.

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

By Representative Sheldon—

HB 1867—A bill to be entitled An act relating to motor carriers; creating chapter 323, Florida Statutes, providing definitions; providing authority of the Florida Public Service Commission to regulate motor carriers with respect to safety of operations; providing for the collection of certain fines and fees; requiring the commission to adopt safety rules; providing fines for violations; providing exemptions from such regulation; providing powers of commission investigators; providing for the registration and identification of vehicles of motor carriers; authorizing the injunction of unlawful operations; repealing the existing chapter 323, Florida Statutes, which regulates motor carriers; providing for repeal and legislative review; providing severability; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1751 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulated Industries & Licensing and Representative Richmond—

HB 1751—A bill to be entitled An act relating to alcoholic beverage licenses; adding subsections (12) and (13) to s. 561.01, Florida Statutes, defining the terms "special airport license" and "airport terminal"; adding subsection (4) to s. 561.15, Florida Statutes, prohibiting the issuance of a special alcoholic beverage license with respect to certain restaurants; amending s. 561.17(2), Florida Statutes, and adding subsection (3) thereto, requiring compliance with sanitary and safety standards for applications for certain alcoholic beverage licenses; providing for license application fees; amending s. 561.18, Florida Statutes, providing that applicants for certain alcoholic beverage licenses shall be fully investigated if selected in a public drawing; amending s. 561.19(2), Florida Statutes, and adding new subsections (3), (4) and (5) thereto; providing a drawing selection process for alcoholic beverage license applicants with respect to licenses made available by population increases; providing an initial license fee; amending s. 561.20(1), (2), (3), (6), and (7)(b) and (c), Florida Statutes, providing for use of state population estimates to determine number of allotted licenses; establishing a formula to stagger the issuance of newly allotted licenses in counties; providing qualifications and restrictions for special restaurant licenses; providing qualifications for and eliminating transferability restriction for bowling alley licenses; exempting certain alcoholic beverage vendors

operating in publicly owned or leased airports from the quota alcoholic beverage license limitations; providing for the issuance of special airport licenses; permitting current licensees to apply for one additional allotted license; providing for maximum number of licenses that may be held within a county; providing a grandfather clause; providing qualifications for golf club licenses; providing qualifications for tennis and racquetball club licenses; amending s. 561.26, Florida Statutes, providing for an annual license term on a staggered schedule as fixed by the Division of Alcoholic Beverages and Tobacco; amending s. 561.27, Florida Statutes, providing for alcoholic beverage license renewal; amending s. 561.29(1)(d), Florida Statutes, and adding paragraphs (f) and (g) thereto, requiring compliance with sanitary standards for alcoholic beverage license premises; providing for the revocation of special restaurant licenses upon entry of the third violation of special restaurant laws and rules and providing for the application of the act to existing licenses; requiring minimum utilization of allotted licenses and exceptions; amending s. 561.32, Florida Statutes; providing restrictions on transferring of newly allotted licenses for 5 years; establishing license tax transfer fee; amending s. 561.33(1), Florida Statutes, and adding subsection (3) thereto, providing for change of locations with respect to alcoholic beverage licensees; amending s. 561.351, Florida Statutes, providing annual terms of certain licenses; amending s. 561.58, Florida Statutes, providing for license renewal of previously revoked licenses; adding subsections (4), (5) and (6) to s. 561.65, Florida Statutes, providing a procedure for foreclosure by lenders against alcoholic beverage license holders; providing for notification to the Division of Alcoholic Beverages and Tobacco of any lien against an alcoholic beverage license before such lien can be enforced; amending s. 565.02(1)(g), (3)(a) and (4), Florida Statutes, providing license tax fee for vendors operating more than three permanent rooms and locations; providing for the sale of alcoholic beverages in certain airline passenger waiting lounges; providing exemptions for tennis and racquetball club licensees with respect to certain rules governing clubs; providing for severability; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and 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 821 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Barrett—

HB 821—A bill to be entitled An act relating to the Board of Real Estate; amending s. 475.011(2) and (3), Florida Statutes, providing for a licensing exemption for certain persons selling their own real estate; amending s. 475.182(1), Florida Statutes, relating to license renewal; amending s. 475.482, Florida Statutes, providing for certain disbursement of The Real Estate Recovery Fund; amending s. 475.484, Florida Statutes, to conform to the act; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

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 1180 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative L. J. Smith and others—

CS for HB 1180—A bill to be entitled An act relating to public records; adding paragraph (c) to s. 119.07(1), Florida Statutes, providing for fees with respect to lists of names and addresses compiled by certain agencies; adding paragraphs (l) and (m) to s. 119.07(3), Florida Statutes, providing an exemption to the public records law with respect to documents or materials made or received with current or pending litigation that involves a public agency by an attorney representing the

agency in certain civil or criminal actions; providing for the length of time of such exemption; providing for the application of exemptions to rules of discovery; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 30 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives L. J. Smith and Lippman—

HB 30—A bill to be entitled An act relating to state uniform traffic control; creating s. 316.1996, Florida Statutes; requiring use of right lane or lanes on multi-laned roadways except under certain circumstances; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1127 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gardner—

HB 1127—A bill to be entitled An act relating to theft; amending ss. 812.049(3) and 812.051(1) and (3), Florida Statutes, and adding subsection (5) thereto including gold and silver among those metals with respect to which, when purchased by certain dealers and other persons, certain records are required to be kept and forwarded to the county sheriff; providing an exception; creating s. 812.062, Florida Statutes, requiring notification to certain persons upon recovery of a stolen motor vehicle; providing an effective date.

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

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—40:

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

Excused: Periodically, Senators Hair, Gordon, Johnston, W. D. Childers, Vogt, Peterson, Scott, Maxwell, Myers, MacKay, Jenne, Tobiassen and Frank, conferees and alternates on SB 1362, CS for CS for HB 1769 and CS for SB 505

Prayer by Senator Trask:

MY PRAYER

O Father above, One of true love,
Guide us we pray throughout this new day.
Help us stand tall, lest we should fall.
Show us Thy way in all that we say.

Our problems are growing! The numbers are showing
That man on his own is standing alone
And using his mind he cannot find
Solutions for the strife that comes with this life.

Help us to see the futility
Of depending on man's inadequate plans.
Only wisdom from you will bring us to
Real solutions for life's contusions.

We must urge others to purge
Themselves from wrong and sing a new song.
With you as our drummer life is no bummer,
But victory is ours through darkest of hours.

Schedules we're meeting, Minutes are fleeting.
Judging from antics we look rather frantic.
Our tempers are short and we often exhort
With words that blurt and sometimes hurt.

Forgive us we pray as you show us your way.
Give us a calm. Love is the balm.
We pray for the Senate. We need you in it.
These things we pray to the One Who Is The Way.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the special order calendar for Thursday, June 5, 1980:

HB 1004	SB 378
SB 593	SB 889
SB 892	SB 509
SB 364	CS for SB 735
SB 956	SB 605
SB 772	CS for SB 1256
SB 270	SB 964
SB 872	CS for SB 814
HB 1315	CS for SB 1096
SB 257	SB 841
SB 1077	CS for SB 701
SB 1274	SB 1202
HB 1428	SB 1209
CS for SB 284	SB 327
SB 619	CS for SB 337
SB 1303	SB 419
SB 193	SB 487
SJR 574	CS for SB 666
SB 867	SB 702
SJR 575	SB 864
CS for SB 706	SB 911
CS for SB 1207	SB 1174
SB 863	HM 641
CS for SB 744	The following claims bills will
SB 1212	be considered at 11:00 a.m.:
SB 616	SB 3 HB 45
CS for SB 1161	SB 9 HB 457
CS for HB 859	SB 160 HB 794
HB 1758	SB 392 HB 1595
HB 536	SB 239 HB 115
HB 191	SB 358 HB 584
HB 35	SB 870

The Consent Calendar will be considered at 2:00 P.M.

Respectfully submitted,
Dempsy J. Barron, Chairman

The Committee on Natural Resources and Conservation recommends the following pass: SB 1382

The bill was placed on the calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Neal, by two-thirds vote HB 842 was placed at the end of the consent calendar.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 884, 1121, 769 and HB 1451 were withdrawn from the Committee on Ways and Means.

On motion by Senator Johnston, by two-thirds vote SB 771 was removed from the calendar and indefinitely postponed.

On motion by Senator Trask, the rules were waived and the Committees on Agriculture and Executive Business were granted permission to meet jointly at 5:00 p.m. or immediately following adjournment this day.

On motion by Senator Johnston, by two-thirds vote HB 347 and SB 1382 were set as a special order for 10:30 a.m. this day.

On motions by Senator Thomas, by two-thirds vote Senate Bills 1326 and 1270 were placed at the end of the special order calendar.

On motion by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to consider House Bills 432 and 1127 at 1:30 p.m. this day.

On motion by Senator W. D. Childers, 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

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

By Senators W. D. Childers, Tobiassen, Maxwell and Vogt—

SR 1395—A resolution commending the Pine Forest High School Eagles football team for its 1979 football season.

—which was read the first time by title. On motion by Senator W. D. Childers, SR 1395 was read the second time in full and adopted.

The vote on adoption was:

Yeas—35

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

Nays—None

Votes after roll call:

Yea—MacKay, Scott

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote HCR 1806 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator W. D. Childers—

HCR 1806—A concurrent resolution recognizing the exemplary services performed and accomplishments attained by Floyd E. Lay upon the occasion of his retirement.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Beard, MacKay, Scott

On motion by Senator Skinner, the rules were waived and by two-thirds vote HCR 1601 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Skinner—

HCR 1601—A concurrent resolution recognizing the achievements of the late Frank Edward Maloney, former Dean of the University of Florida Law School.

—was taken up out of order by unanimous consent and read the second time.

Senators Skinner and Vogt offered the following amendments which were moved by Senator Skinner and adopted:

Amendment 1—On page 1, line 22, strike all of line 22 and insert: Florida Center of Competence in Eastern Water Law, and

Amendment 2—On page 2, strike all of lines 4-6 and insert: That the Legislature of the State of Florida expresses its deepest regret at the passing of Dean Frank Edward Maloney, one of Florida's distinguished citizens.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the Speaker of the House of Representatives and the President of the Senate, with the great seal of the State of Florida attached, be presented to Mrs. Lucille Maloney as a lasting symbol of the respect and appreciation of the people of the State of Florida for the accomplishments of Dean Maloney.

HCR 1601 as amended was read in full, adopted and certified to the House. The vote on adoption was:

Yeas—35

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

Nays—None

Votes after roll call:

Yea—Beard, MacKay, Scott

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 151 CS for SB 572 SB 663
SB 770

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 SB 138 SB 679 SB 555
CS for SB 625 SB 1304

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

SB 415 SB 472 SB 1352

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 SB 533 CS for SB 1024 SB 1041
CS for CS for SB 80 SB 130

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

SB 1366 SB 1370 SB 1330
SB 1336 SB 497 SB 1334
SB 1337 SB 1351 SB 1358
SB 1364 SB 1367 SB 1372

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 1277.

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 amendments and passed as amended HB 1165 and CS for HB 97.

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 the Committee on Education and Senator Maxwell—

CS for SB 1284—A bill to be entitled An act relating to education; creating s. 231.087, Florida Statutes; creating the Florida Council on Educational Management; providing for council membership; providing duties of the council; creating the Florida Academy of School Leaders; providing duties of the academy; requiring the Commissioner of Education to make recommendations to the Legislature on certain salary programs; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 1-5, strike everything after the enacting clause and insert:

Section 1. Section 231.087, Florida Statutes, is created to read:

231.087 Florida Council on Educational Management.—

(1) INTENT.—The Legislature recognizes that quality education in the public schools of Florida requires excellence in its principals and other managers. Efficient and effective management of schools to meet the needs of students in today's society requires a unique blend of skills, experience and academic background which are rarely provided through typical baccalaureate or graduate programs in education. The purpose of this act is to encourage career development, in-service training, and skills enhancement for present and potential education managers; however, the initial responsibility of the council shall be to carry out this purpose with respect to principals as prescribed in subsection (3) herein.

(2) FLORIDA COUNCIL ON EDUCATIONAL MANAGEMENT.—

(a) There is created the Florida Council on Educational Management, to consist of 17 members appointed by the Governor, President of the Senate and Speaker of the House

of Representatives after consultation with the appropriate professional associations, including representatives of the private sector management community.

1. The Governor, President of the Senate, and Speaker of the House of Representatives shall each appoint two members from the principals of the state's district school system.

2. The Governor, President of the Senate and Speaker of the House of Representatives shall appoint one member each from the faculties of the institutions of higher learning in the state which offer programs in business administration, educational management or social sciences.

3. The Governor, President of the Senate and Speaker of the House of Representatives shall appoint one member each from the private sector management community

4. The Governor shall appoint one member each from the following categories:

- a. Elected school superintendent.
- b. Appointed school superintendent.
- c. District school board member.
- d. District school personnel engaged in management training.
- e. Department of Education personnel with system-wide management responsibilities.

5. The Governor shall appoint the initial chairman and vice-chairman of the council.

(b) Members shall serve for a term of 3 years. Terms shall be staggered and each member shall be entitled to receive per diem and expenses for travel as provided in s. 112.061 while carrying out official business of the council. After the first year, the members shall elect annually a chairman and such other officers as may be necessary. Vacancies shall be filled in the same manner as original appointments and shall be filled for the remainder of the term.

(3) DUTIES OF COUNCIL.—The council shall report to the commissioner, the Governor, and the presiding officers of the Senate and the House of Representatives, and shall have the following duties:

1. To identify those competencies which characterize high-performing principals and other managers in the public schools of Florida.
2. To validate through scientific research the identified competencies.
3. To identify standards and procedures for measuring and evaluating performance of the identified competencies.
4. To identify the training process required for principals and other managers to acquire the identified competencies and to develop training materials which can not be obtained from existing sources.
5. To develop the policies and procedures necessary to adopt and implement a compensation program for principals and other managers which is based on successful performance of the identified competencies.
6. To identify criteria for the screening, selection and appointment of principals and other managers.
7. To perform such additional studies and activities as are necessary to achieve the purpose of this act.

(4) SALARY INCENTIVES.—The commissioner shall, no later than January 1, 1982, transmit to the members of the State Board of Education, the President of the Senate, the Speaker of the House of Representatives, and the chairman of the Senate and House committees on public school education, recommendations on the development, implementation, and funding of compensation plans for those educational managers who have satisfied the competency criteria established by the council on educational management. Such criteria shall be based on successful performance of competencies rather than completion of traditional course work.

Section 2. There is hereby appropriated from the General Revenue Fund of the State of Florida to the Department of

Education the sum of \$400,000 to carry out the purposes of the Florida Council on Educational Management. The Office of the Deputy Commissioner for Educational Management shall serve as the fiscal agent for the council and shall provide such administrative support as required for the council to carry out its duties.

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

Amendment 2—On page 1, lines 2-10 in title, strike all of said lines and insert: An act relating to education; creating s. 231.087, Florida Statutes; stating legislative intent; creating the Florida Council on Educational Management; providing duties of the council; providing a fiscal agent; providing an appropriation; providing an effective date.

On motions by Senator Maxwell, the Senate concurred in the House amendments.

CS for SB 1284 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—MacKay, Scott

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 4 amendments—

By Senator Myers (by request)—

SB 565—A bill to be entitled An act relating to state revenue laws; creating s. 213.053, Florida Statutes; providing uniform requirements for confidentiality and information sharing; specifying applicability; amending s. 125.0104(3)(g), Florida Statutes; conforming language; repealing ss. 199.222(1), 206.95, 211.33(6), 213.072, Florida Statutes, and ss. 198.09, 214.21, Florida Statutes, as amended, relating to confidentiality; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 22, after the period (.) insert:

Section 3. Section 220.242, Florida Statutes, is amended to read:

220.242 Declaration as return.—All of the provisions of this part and of s. ~~213.053~~ ~~214.21~~, relating to confidentiality, shall be applicable with respect to declarations of estimated tax unless manifestly inconsistent therewith. However, the declaration required of a preparer other than the taxpayer under subsection (3) of s. 220.22 shall not be required with respect to declarations of estimated tax.

(Renumber subsequent sections accordingly.)

Amendment 2—On page 1, line 7 in title after the semicolon (;) insert: amending s. 220.242, Florida Statutes; conforming cross references to the act;

Amendment 3—On page 2, line 3, strike “and” and insert: or

Amendment 4—On page 2, line 8, strike “administrator or executor” and insert: personal representative

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

SB 565 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Scott

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 amended Senate Amendments 1 and 2, concurred in same as amended and passed HB 715 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation—

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.

House Amendment 1 to Senate Amendment 1—On page 3, lines 17-30; on page 4, lines 1-11 strike all of said lines and insert: (5) The Board of Trustees of the Internal Improvement Trust Fund shall determine what lands whose title is vested in the Board, and what Murphy Act Lands and lands held for road and canal right-of-way, or spoil areas or borrow pits whose title is held by the state, are of no benefit to the public and the owner of said lands shall dispose of said lands, pursuant to law, as surplus. 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, state agencies shall indicate to the Board those lands the agency owns or manages and which the agency believes are surplus. The proceeds from the disposal of such lands shall be placed in the Conservation and Recreation Lands Trust Fund.

(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.

House Amendment 2 to Senate Amendment 1—On page 5, line 6 strike all of said line and insert: Section 5. This act shall take effect July 1, 1980 and if it does not become a law on or before July 1, 1980, it shall operate retroactively thereto.

House Amendment 3 to Senate Amendment 1—On page 1, line 1, before “section 1” insert: *Section 1. Subsection (3) of section 95.031, Florida Statutes, is amended to read:*

95.031 Computation of time.—Except as provided in subsection 95.051(2) and elsewhere in these statutes, the time within which an action shall be begun under any statute of limitations runs from the time the cause of action accrues.

(3) No cause of action on behalf of the state for conversion of property severed from, for trespass upon, or for other unauthorized use or invasion of state-owned lands, including sovereignty lands, shall be barred by any provision of this chapter. This subsection will expire on July 1, 1980, 1983.

(and renumber the subsequent sections.)

House Amendment 1 to Senate Amendment 2—On page 1, lines 8-14, strike all of said lines and insert: management; directing the Board of Trustees to determine certain facts about state lands and providing for the disposal of such lands under certain circumstances; providing for the periodic review of surplus lands; requiring each

House Amendment 2 to Senate Amendment 2—On page 1, line 2, after the semi-colon “;” insert: amending s. 95.031(3), Florida Statutes, delaying the expiration date with respect to certain causes of action subject to a described statute of limitations;

On motions by Senator Trask, the Senate concurred in the House Amendments to Senate Amendments 1 and 2.

HB 715 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Scott

On motion by Senator Scarborough, SB 1221 was recalled from engrossing and enrolling.

The Honorable Philip D. Lewis, President

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

By Senator Maxwell—

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 for award of a special certificate of completion to certain exceptional students; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 9, after the colon “:” insert:

Section 1. Section 231.15, Florida Statutes, is amended to read:

231.15 Positions for which certificates required.—The State Board of Education shall have authority to classify school services and to prescribe regulations in accordance with which the regular, temporary, part-time, and substitute certificates shall be issued by the Department of Education to school employees who meet the standards prescribed by such regulations for their class of service. Each person employed or occupying a position as school supervisor, helping teacher, principal, teacher, school librarian or other position in which the employee serves in an instructional capacity in any public school of any district of this state shall hold the certificate required by law and by regulations of the state board in fulfilling the requirements

of the law for the type of service rendered. However, the state board shall adopt regulations authorizing school boards to employ selected noncertificated personnel to provide instructional services in the individual's field of speciality or to assist instructional staff members as teacher aides. Each person employed as a school nurse shall hold a license to practice nursing in the state, and each person employed as a school physician shall hold a license to practice medicine in the state.

Section 2. Subsections (2) and (7) of section 231.17, Florida Statutes, are amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(2)(a) Beginning July 1, 1980, each certificate issued shall be valid for a period not to exceed 5 years, and each applicant for initial regular certification shall demonstrate, on a comprehensive written examination or and through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the following:

1. The ability to write in a logical and understandable style with appropriate grammar and sentence structure;

2. The ability to comprehend and interpret a message after listening;

3. The ability to read, comprehend, and interpret orally and in writing, professional and other written material;

4. The ability to comprehend and work with fundamental mathematical concepts; and

5. The ability to comprehend patterns of physical, social, and academic development in students and to counsel students concerning their needs in these areas.

(b) The state board shall adopt rules which specify the minimum essential generic competencies to be demonstrated by means of the written examination and those to be demonstrated by other means.

(c) Said examination shall be developed by the commissioner.

(d)(b) The commissioner may, with the approval of the state board, assign to a university in the state system the responsibility for printing, administering, scoring, and providing appropriate analysis of the written tests required.

(e) The state board shall adopt as a rule a score the achievement of which shall be required for the issuance of a regular certificate.

(f) Provision shall be made for a person who does not achieve the score necessary for certification to review his completed examination and bring to the attention of the department any errors which would result in a passing score.

(g) The department and the board shall maintain confidentiality of the examination, developmental materials, and work papers pursuant to s. 119.07. The board shall adopt such rules as may be necessary to accomplish this purpose.

(7) All rules which are adopted to implement the testing program required by subsection (2) shall be effective immediately. Other new rules adopted by the state board in regard to certification at any time shall not become effective to the exclusion of prior rules for a period of 1 year.

Section 3. Subsection (1) of section 240.529, Florida Statutes, is amended to read:

240.529 Approved teacher education programs.—

(1) Each teacher education program of an institution of higher learning within the state which has been approved by the Department of Education, as provided for by rules of the State Board of Education, shall require, as a prerequisite for admission into the teacher education program, that a student receive a passing score at the 40th percentile or above, to be established by state board rule, on a nationally normed standardized college entrance examination. However, the State Board of Education shall provide by rule for a waiver of this requirement for up to 10 percent of those admitted to teacher education programs the applicants on an institutional basis or on a system-wide basis in the case of

the State University System. *Said rule shall be effective upon adoption by the state board pursuant to chapter 120.*

Renumber subsequent sections.

Senator Maxwell moved the following amendments to House Amendment 1 which were adopted:

Amendment 1—On page 4, lines 10-16, strike all of lines 10 through 16 and insert: standardized college entrance examination. However, the State Board of Education shall provide by rule for a waiver of this requirement. *The rule when adopted shall require that 90 percent of those admitted to teacher education programs shall meet the 40th percentile requirement for up to 10 percent of the applicants on an institutional basis or on a systemwide basis in the case of the State University System. Said rule shall be effective upon adoption by the state board pursuant to chapter 120.*

Section 4. Paragraph (b) of subsection (3) of section 231.36, Florida Statutes, is amended to read:

231.36 Contracts with instructional staff.—

(3)

(b) The continuing contract shall be effective at the beginning of the school fiscal year following the completion of all requirements or, starting on July 1, 1968, at the beginning of the school fiscal year in which all requirements are completed on or before September 1 or before January 1, 1981, for persons who have had no opportunity to meet the teacher examination requirements for regular certification.

Section 5. If chapter 231, 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 sections 1, 2, and 3 of this act shall also be repealed on the same date as is therein provided.

Section 6. This act shall take effect July 1, 1980.

Amendment 2—On page 4, line 17, insert: Section 4. Section 231.481, Florida Statutes, is created to read:

231.481 Terminal pay for accrued vacation leave.—A district school board may establish policies to provide for a lump sum payment for accrued vacation leave to an employee of the school board upon termination of employment or upon retirement, or to the employee's beneficiary if service is terminated by death.

And renumber subsequent sections.

Senators MacKay and Maxwell offered the following amendment to House Amendment 1 which was moved by Senator MacKay and adopted:

Amendment 3—On page 4, between lines 16-17, insert: Section 10. Section 240.376, Florida Statutes, is created to read:

240.376 Provisions for the protection of property by district boards of trustees.—The district boards of trustees shall be responsible for managing and protecting real and personal property acquired or held in trust for use by and for the benefit of such college, and to that end any board is authorized to be self-insured, to enter into risk management programs, or to purchase insurance for whatever coverage it may choose, or to have any combination thereof, in anticipation of any loss, damage or destruction.

[and renumber subsequent sections.]

House Amendment 2—On page 2, line 2, after the period “.” insert: Section 2. Subsection (3) is added to section 283.10, Florida Statutes, to read:

283.10 Bids required on class B printing.—

(3) A contract let for the development of tests and related materials by the Department of Education pursuant to s. 231.17, s. 229.57, or s. 232.246 may include the printing of such tests in order to preserve test security.

(and renumber the subsequent section.)

House Amendment 3—On page 2, line 3, insert a new paragraph (e) to read as follows and renumber the remaining paragraphs: (e) The State Board of Education shall establish by rule examination fees which shall be sufficient to pay the cost annually of administering the certification examination required herein.

House Amendment 4—On page 1, line 2 in title, insert: amending ss. 231.15, 231.17, 240.529, Florida Statutes; providing for the issuing of teaching certificates, adding s. 283.10 authorizing the inclusion of the printing of certain test in contracts for test developments, authorizing the State Board of Education to establish fees for teacher certification examinations;

House Amendment 5—On page 1, line 9, after the colon “:” insert:

Section 1. It is the intent of the Legislature to insure that all elementary and secondary classroom teachers in Florida are capable of identifying, assessing, and prescribing instruction for exceptional children and to insure that all children in the schools in the state have the opportunity to have their exceptionalities detected at an early age.

Section 2. Paragraph (a) of subsection (2) of section 231.17, Florida Statutes, is amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(2)(a) Beginning July 1, 1980, each certificate issued shall be valid for a period not to exceed 5 years, and each applicant for initial certification shall demonstrate, on a comprehensive written examination and through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the following:

1. The ability to write in a logical and understandable style with appropriate grammar and sentence structure;

2. The ability to comprehend and interpret a message after listening;

3. The ability to read, comprehend, and interpret orally and in writing, professional and other written material;

4. The ability to comprehend and work with fundamental mathematical concepts; and

5. The ability to comprehend patterns of physical, social and academic development in students, including exceptional students [in the regular classroom,] and to counsel the same students concerning their needs in these areas; and 6. Beginning July 1, 1982, the ability to recognize and be aware of the instructional needs of exceptional students.

Section 3. Subsection (2) of section 236.0811, Florida Statutes, is amended to read:

236.0811 Educational training.—

(2) Pursuant to rules of the State Board of Education, each district shall develop and submit to the commissioner for approval a 5-year master plan for inservice educational training. The plan shall be based on an assessment of the district's inservice educational training needs conducted by a committee which shall include parents, classroom teachers, and other educational personnel. The plan shall include a component consisting of competencies in the identification, assessment, and prescription of instruction for exceptional students. The plan shall be updated annually by July 1 and shall include inservice activities for all district employees, from all fund sources.

Section 4. If chapter 231, 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 section 2 of this act shall also be repealed on the same date as is therein provided.

Renumber subsequent sections.

House Amendment 6—On page 1, line 2 in the title, after the semi-colon “;” insert: providing legislative intent; amending s. 231.17(2)(a), Florida Statutes, to require awareness of the in-

structional needs of exceptional students ~~competency in the identification, assessment, and prescription of instruction for exceptional students~~ for teacher certification beginning July 1, 1982; amending s. 236.0811(2), Florida Statutes, to require each school district plan for inservice training to include provision for such competencies; providing for conditional repeal;

Senator Maxwell moved the following amendment to House Amendment 6 which was adopted:

Amendment 1—On page 1 in title, line 15, after the semicolon (;) insert: creating s. 231.481, Florida Statutes, authorizing district school boards to provide terminal pay for accrued vacation leave;

Senators MacKay and Maxwell offered the following amendment to House Amendment 6 which was moved by Senator Maxwell and adopted:

Amendment 2—On page 1, in title, line 15, after the semicolon (;) insert: creating s. 240.376, Florida Statutes; authorizing a community college district board of trustees to be self insured, to enter into risk management programs or to purchase insurance to pay the costs of civil actions against board employees and agents and to protect real and personal property owned or used by the board, as provided in s. 111.072, Florida Statutes;

On motions by Senator Maxwell, the Senate concurred in House Amendments 2, 3, 4, and 5, House Amendments 1 and 6 as amended, and the House was requested to concur in Senate Amendments to House Amendments 1 and 6.

SB 687 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Holloway

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1687 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 1687—A bill to be entitled An act relating to the tax on severance and production of minerals; adding paragraphs (d) and (e) to s. 211.33(3), Florida Statutes, providing penalties for delinquent payment of the tax; providing an effective date.

—was read the first time by title. On motion by Senator Myers, the rules were waived and by two-thirds vote the bill was placed on the calendar.

On motions by Senator Myers by unanimous consent, HB 1687 was taken up out of order and by two-thirds vote 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

Mr. President	Carlucci	Fechtel	Grizzle
Anderson	Chamberlin	Frank	Hair
Barron	Childers, W. D.	Gordon	Henderson
Beard	Dunn	Gorman	Hill

Jenne	Peterson	Steinberg	Vogt
McClain	Scott	Tobiassen	Williamson
Myers	Skinner	Trask	Winn

Nays—None

Vote after roll call:

Yea—MacKay

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1-A, 1-B, 1-C and 2; has amended Senate Amendment 1, concurred in same as amended and passed CS for CS for HB 311 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Finance & Taxation and Natural Resources and Representative J. W. Lewis and others—

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)-(33), 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 programs; creating ss. 403.7041-403.733, 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 nonhazardous 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 Sun-down 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.

House Amendment 1 to Senate Amendment 1—On pages 31 and 32, strike Sections 10, 11, 12 and 13 and renumber subsequent sections.

On motion by Senator Vogt, the Senate concurred in the House amendment to Senate Amendment 1.

CS for CS for HB 311 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Anderson	Grizzle	McKnight	Steinberg
Beard	Hair	Myers	Stuart
Carlucci	Henderson	Peterson	Trask
Childers, W. D.	Hill	Poole	Vogt
Dunn	Holloway	Scarborough	Williamson
Fechtel	Jenne	Scott	Winn
Gorman	MacKay	Skinner	

Nays—None

Vote after roll call:

Yea—Mr. President

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

SB 1221—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.

—as amended passed.

On motion by Senator Scarborough, the Senate reconsidered the vote by which the Senate concurred in House Amendments 1 and 2 to SB 1221.

On motion by Senator Scarborough, the Senate refused to concur in House Amendments 1 and 2 to SB 1221 and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 7, concurred in same as amended and passed HB 914 as further amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs—

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.

House Amendment 1 to Senate Amendment 1—On page 11, lines 29-30, strike "before the effective date of this act"

House Amendment 2 to Senate Amendment 1—On page 14, line 27, strike all of said lines and insert: Section 13. Section 75.04, Florida Statutes, is amended to read:

75.04 Complaint.—

(1) The complaint shall set out the plaintiff's authority for incurring the bonded debt or issuing certificates of debt, the holding of an election and the result when an election is required, the ordinance, resolution, or other proceeding authorizing the issue and its adoption, all other essential proceedings had or taken in connection therewith, the amount of the bonds or certificates to be issued and the interest they are to bear; and, in case of a drainage, conservation or reclamation district, the authority for the creation of such district, for the issuance of bonds, for the levy and assessment of taxes and all other pertinent matters.

(2) In the case of independent special districts as defined in 218.31(7), Florida Statutes, the complaint shall allege the creation of a trust indenture established by the petitioner for a bonded trustee acceptable to the court who shall certify the proper expenditure of the proceeds of the bonds.

Section 14. This act shall take effect July 1, 1980.

House Amendment 3 to Senate Amendment 1—On page 5, line 10, between "include" and "only", insert: the total amount of the current and prior year operating budget of the district and

House Amendment 1 to Senate Amendment 7—On page 3, line 16, after the semi-colon (;) insert: amending s. 75.04, Florida Statutes, requiring that the complaint establishing an independent special district as defined in s. 218.31 (7), Florida Statutes, shall include the appointment of a trustee to certify the proper expenditure of the proceeds of the bonds; providing an effective date.

On motion by Senator Thomas, the Senate concurred in the House Amendments to Senate Amendments 1 and 7.

HB 914 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SPECIAL ORDER

HB 1004—A bill to be entitled An act relating to public officers and employees; amending s. 112.312, Florida Statutes; providing definitions with respect to the code of ethics for public officers and employees; creating s. 112.3144, Florida Statutes; providing requirements for full and public disclosure of financial interests; requiring annual filing of such disclosure by specified persons; providing that the appropriate governing body may allow certain persons to file limited rather than full disclosure; requiring reports of clients represented before governmental agencies; providing duties of Commission on Ethics and agency heads; amending s. 112.3145, Florida Statutes; providing requirements for limited statement of financial disclosure; specifying who shall file such disclosure; providing for reports of clients represented before agencies; amending s. 112.326, Florida Statutes; specifying that political

subdivisions may impose additional disclosure or standards of conduct requirements on local officers or employees; amending s. 112.3146, Florida Statutes; providing that specified required statements are public records; amending s. 112.3147, Florida Statutes; providing for forms; amending s. 99.012(6), Florida Statutes; requiring filing of disclosure by candidates for elected constitutional office; amending s. 106.021(1)(a), Florida Statutes; providing for filing at the time of designation of campaign depository; repealing s. 111.011, Florida Statutes, relating to statement of contributions received by elected public officers; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Hair:

Amendment 1—On page 2, line 9, strike everything after the enacting clause and insert: Section 1. Section 112.312, Florida Statutes, is amended to read:

112.312 Definitions.—As used in this part, unless the context otherwise requires:

(1) "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

(2) "Agency" means any state, ~~regional~~, county, local or municipal government entity, or political subdivision of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, or authority, or political subdivision of this state therein; or any public school, community college, or state university.

(3) "Appointed state officer" means any appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body, unless otherwise provided by law.

(4) "Asset" means any item of value which may be converted into a negotiable form including real property and tangible or intangible personal property. Intangible property means property as defined in s. 192.001(11)(b).

(5) "Breach of public trust" means a willful act by an elected constitutional officer, an elected local officer, a local officer, an appointed state officer, a specified state employee, or other employee for private gain with the intent to defraud the public through the use of the power, rights, or privileges of his public office or employment position.

(6)(9) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(7) "Business entity granted a privilege to operate" includes state or federally chartered banks, state or federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities regulated by the Public Service Commission or granted a franchise to operate by either a municipal or county government.

(8)(4) "Candidate" means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process;

(b) Any person who receives contributions or makes expenditures, or gives his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination, election, or retention to public office;

(c) Any person who appoints a treasurer and designates a primary depository; or

(d) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition shall not include any candidate for a political party executive committee, who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman regulated by chapter 132 and persons seeking any other office or position in a political party.

(9)(5) "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.

(10)(6) "Conflict" or "Conflict of interest" means a conflict between the private interests and the official responsibilities of an elected constitutional officer, an elected local officer, a local officer, a specified state employee, or a public employee situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

(7) "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his public duties.

(11)(8) "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the full or limited public financial disclosure of financial interests statement required by this part is required to be filed.

(12) "Elected constitutional officer" means each person elected to a constitutional office in this state, including justices of the supreme court and judges of the district courts of appeal, and each person appointed to such office.

(13) "Elected local officer" means each person who is elected to office in any political subdivision of this state other than to a constitutional office, each appointed officer in a charter county, and each person who is appointed to such office, unless otherwise provided by law, except for an officer or member of a political party executive committee.

(14) "Fair market value" means the amount a purchaser, who is willing but not obliged to buy, would pay to a seller who is willing but not obliged to sell, provided both parties have equal knowledge.

(15)(9)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means real property or tangible or intangible personal property, of material value to the recipient, which is transferred to a donee directly or in trust for his benefit or by any other means, except gifts from a relative, bequests and other forms of inheritance, and mementos not exceeding \$100 in value given to the reporting person at a function honoring him.

(b) For the purposes of subsection (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(16)(10) "Indirect" or "Indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

(17) "Liability" means any monetary debt or obligation owed by the reporting person to another person, except for credit card and retail installment accounts, taxes owed, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities or accrued income taxes on net unrealized appreciation.

(18) "Local officer" means:

(a) Each appointed member of a board, commission, authority, community college district board of trustees, or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.

(b) Any person holding one or more of the following positions, by whatever title, including persons appointed to act directly in such capacity, but excluding assistants and deputies unless specifically named herein; county or city manager; political subdivision chief; county or city administrator; county or city attorney; chief county or city building inspector; county or city water resources coordinator; county or city pollution

control director; county or city environmental control director; county or city administrator, with power to grant or deny a land development permit; chief of police; fire chief; city or town clerk; community college presidents; or a purchasing agent for any political subdivision of the state or any entity thereof.

(19) "Malicious intent to injure the reputation" means that the complainant intended to bring discredit upon the name or character of the person against whom he filed a complaint by filing such complaint with knowledge that the complaint contained one or more false allegations or with reckless disregard for whether the complaint contained false allegations of fact material to a violation of the Code of Ethics for Public Officers and Employees. Such reckless disregard exists where the complainant entertained serious doubts as to the truth or falsity of the allegations, where the complainant imagined or fabricated the allegation, or where the complainant filed an unverified anonymous tip or where there are obvious reasons to doubt the veracity of the information or that of the source of the information.

(20)(11) "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act indirect ownership shall not include ownership by a spouse or minor child.

(21)(12) "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, a source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

(22)(13) "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

(14) "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.

(23) "Primary source of income" means the name and address of any person, firm, partnership, association, proprietorship, corporation, other business entity or employer providing payment in the form of a wage, salary, fee, commission, interest, dividends, shares of stock, or any other form of payment or consideration for goods, realty, or services rendered, or as gain from investment of capital. Income received from a client, customer, tenant or patient of the reporting person shall be disclosed as secondary sources of income only.

(24) "Purchasing agent" means a person officially designated by an agency head to sign purchase orders committing a government agency to make purchases exceeding \$2,500 during the disclosure period.

(25) "Relative" means a person who is a spouse, child, mother, father, grandmother, grandfather, brother, sister, aunt, uncle, first cousin, nephew, niece, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepchild, stepbrother, stepsister, half-brother, or half-sister.

(26)(15) "Represent" or "Representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client; except representation before a judicial tribunal or a quasi-judicial body, including any commissioner or deputy commissioner of industrial claims, representations on behalf of one's agency in his official capacity, or representations made at or in conjunction with a Chapter 120 administrative hearing.

(27) "Secondary source of income" means all sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he received an amount which was in excess of 10 percent of his gross income during the disclosure period and which exceeds \$1,500.

(28)(16) "Source" means the name, address, and description of the principal business activity of a person or business entity.

(29) "Specified state employee" means:

(a) Public counsel created by chapter 350; an assistant state attorney; an assistant public defender; a full-time state employee who serves as counsel or assistant counsel to any state agency; a deputy commissioner; or a hearing examiner.

(b) Any person employed in the office of the Governor or in the office of any member of the Cabinet, if that person is exempt from the career service system, except persons employed in clerical, secretarial, or similar positions.

(c) Each assistant secretary, deputy secretary, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

(d) The superintendent or institute director of a mental health institute established for training and research in the mental health field; the superintendent or director of any major state institution or facility established for training, treatment, or rehabilitation; or any person having the power normally conferred on such persons by whatever title.

(e) Business managers, purchasing agents, finance and accounting directors, personnel officers, and grants coordinators for any state agency, or persons having the power normally conferred upon such persons, by whatever title.

(f) The Auditor General; the Sergeant-at-Arms and Secretary of the Senate; the Sergeant-at-Arms and Clerk of the House of Representatives; the Executive Director of the Joint Legislative Management Committee; the Director of Statutory Revision; and the staff director of each committee of the Legislature.

(g) Each employee of the Commission on Ethics.

(h) Any full-time state employee who, in addition to his regular duties, accepts compensation which in the aggregate exceeds \$250 for consultations with other state agencies or with other government or business entities.

(30) "Total income" means that income designated as such on United States Internal Revenue tax returns for the business entity or individual involved.

(31) "Value":

(a)(17) With respect to "value of real property" means the most recently assessed value for ad valorem tax purposes in lieu of a more current appraisal.

(b) With respect to intangible personal property means the reporting person's good faith estimate of fair market value.

(c) With respect to tangible personal property means the reporting person's good faith estimate of fair market value.

Section 2. Section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers and employees of agencies.—

(1) DEFINITION.—As used in this section, unless the context otherwise requires, the term "public officer" shall include any elected constitutional officer, any elected local officer, any appointed state officer, any local officer, any person elected or appointed to hold office in any agency, and including any person serving on an advisory body.

(2) SOLICITATION OR ACCEPTANCE OF GIFTS.—No public officer or employee of an agency or candidate for

nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service.

(a) That would cause a reasonably prudent person to be influenced in the discharge of the official duties.

(b) that is based upon any understanding that the vote, official action, or judgment of the public officer, employee, or candidate would be influenced thereby.

(3) **DOING BUSINESS WITH ONE'S AGENCY.**—No employee of an agency acting in his official capacity as a purchasing agent, or public officer acting in his official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his own agency from any business entity of which he or his spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest. Nor shall an a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to his own agency, if he is an a state officer or employee of a state agency, or to any political subdivision or any agency thereof, if he is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**—No public officer or employee of an agency or his spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer or employee knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his official capacity.

(5) **SALARY AND EXPENSES.**—No public officer shall be prohibited from voting on a matter affecting his salary, expenses, or other compensation as an a public officer, as provided by law.

(6) **MISUSE OF PUBLIC POSITION.**—No public officer or employee of an agency shall corruptly use or attempt to use his official position or any property or resource which may be within his trust, or perform his official duties, to secure a special privilege, benefit, or exemption for himself or others. This section shall not be construed to conflict with s. 104.31.

(7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict of interest between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by an a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is pro-

hibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by an a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict of interest.

(b) This subsection shall not prohibit an a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) **DISCLOSURE OR USE OF CERTAIN INFORMATION.**—No public officer or employee of an agency shall disclose or use information not available to members of the general public and gained by reason of his official position for his personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) **DISCLOSURE OF SPECIFIED INTERESTS.**—

(a) If an a public officer or employee of an agency is an official officer, director, partner, proprietor, associate, or general agent (other than a resident agent solely for service of process) of, or owns a material interest in, any business entity which is granted a privilege to operate in this state, he shall file a statement disclosing such facts no later than 90 45 days after becoming an officer or employee or after the acquisition of such position or material interest. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of said interest. Any newly appointed officer New appointees to public office or new employee public employees shall file the statement required herein, if applicable, no later than 45 30 days after his their appointment or after the date his their employment begins.

(b) Elected officers and candidates shall file their statements with the officer before whom they qualify. Employees of state agencies shall file with the Department of State. Other officers and employees shall file with the supervisor of elections of the county in which they are residents. A person seeking to qualify as a candidate for nomination or election to any office shall file a like statement along with, and as a part of, the required qualification papers. The statement shall be filed with the Department of State if the individual is seeking a state office or is a state officer or employee. Persons seeking to qualify as a candidate for nomination or election to office within a political subdivision of the state, the duties and jurisdiction of which are limited to said political subdivision, and officers and employees of such subdivisions, shall file their statements with the Clerk of the Circuit Court of the county in which they are principally employed or are residents.

(10) **EMPLOYEES HOLDING OFFICE.**—

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on October 1, 1975 the effective date of this act. However, such a person shall surrender his conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) **PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.**—No official officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) **EXEMPTION.**—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the body having the authority to grant the waiver. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within said city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The *officer or employee official* or his spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The *officer or employee official* or his spouse or child has in no way used or attempted to use his influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The *officer or employee official*, prior to or at the time of the submission of the bid, has filed a statement with the Department of State, if he is an *state officer or an employee of a state agency*, or with the *supervisor of elections Clerk of the Circuit Court* of the county in which the agency has its principal office, if he is an officer or employee of a political subdivision, disclosing his, or his spouse's or child's interest and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee, and there is full disclosure of the officer's or employee's interest in the business entity to the governing body of the political subdivision.

(f) The total amount of the subject transaction does not exceed \$500.

Section 3. Subsection (1) of section 112.3141, Florida Statutes, is amended to read:

112.3141 Additional standards of conduct for ~~public~~ officers.—

(1) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being ~~public~~ officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives ~~which are not in conflict herewith~~.

Section 4. Section 112.3143, Florida Statutes, is amended to read:

112.3143 Voting conflicts.—

(a) No ~~public~~ officer shall be prohibited from voting in his official capacity on any matter. However, any ~~public~~ officer voting in his official capacity upon any measure in which he has a personal, private, or professional interest and which inures to his special private gain or the special *private* gain of any principal by whom he is retained shall, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) *No more than a single memorandum shall be filed to disclose a particular measure when multiple votes concerning the measure occur at a single meeting.*

Section 5. Section 112.3144, Florida Statutes, is created to read:

112.3144 Full and public disclosure of financial interests and clients represented before agencies.—

(1) The following persons shall file full and public disclosure of financial interest:

(a) Each person seeking nomination or election to an elected constitutional office or to an elected local office shall file a full and public disclosure of his financial interests when he becomes a candidate, except that if he has filed such disclosure, as provided by law, for the prescribed disclosure period he may file a duplicate copy of such disclosure.

(b) Each elected constitutional officer.

(c) Each elected local officer, unless otherwise provided by law.

(d) Each member of the Public Service Commission.

(e) Each member of the Florida Pari-Mutuel Commission.

(f) Each member of the Environmental Regulation Commission.

(g) Each member of the Parole and Probation Commission.

(h) Each member of the Public Employees Relations Commission.

(i) Each appointed secretary or executive director of a state agency.

(2) The sworn statement of full and public disclosure of financial interest shall include the following:

(a) Sources of income.—

1. Identification of each primary source of income which exceeded \$1,000 during the disclosure period received by the person in his own name or by any other person for his use or benefit and the category of amount of such income. This shall not be construed to require disclosure of a business partner's or associate's sources of income.

2. The reporting person's income may be disclosed by filing a copy of his most recent federal income tax return, W-2 forms, schedules, and other attachments thereto excluding that portion which specifically identifies medical expenses and charitable or religious contributions and the name and address of all secondary sources of income.

3. The name and address of each secondary source of income and the category of amount of such income.

4. The period for computing the total income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

(b) Assets.—

1. A brief description of each asset, owned directly or indirectly by the reporting person, which exceeded \$1,000 in value during the disclosure period, and the appropriate category of value. Residences, vacation homes, jewelry, silver, art objects, coin, stamp and gun collections, household equipment and furnishings, clothing and other household items not held for investment purposes need not be reported. For the purposes of this subsection, indirect ownership shall not include ownership by a spouse or minor child.

2. The description of any real property reported under this section shall include the street address and municipality in which the property is located or the legal description or property appraiser's tax item number. If the property is not located in a municipality, the street address and name of the county in which the property is located shall be reported unless the legal description or property appraiser's tax item number is reported.

3. The value of any asset jointly owned by the reporting person with one or more persons or entities shall be the value of the reporting person's share, and shall be reported in the appropriate category amount.

4. A list of all persons, business entities, or other organizations, and the address and a description of the principal business

activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. Gifts received from relatives; gifts received by bequest or devise; gifts disclosed pursuant to s. 111.011; or campaign contributions which were reported as required by law need not be listed.

(c) Liabilities.—The identity and category of value of each liability which exceeds \$1,000. The amount of a liability owed jointly by the reporting person with one or more persons or entities shall be the amount of the reporting person's share of the liability.

(d) Categories.—The categories for reporting income, assets and liabilities are as follows:

1. Over \$1,000 but not exceeding \$5,000
2. Over \$5,000 but not exceeding \$20,000
3. Over \$20,000 but not exceeding \$50,000
4. Over \$50,000 but not exceeding \$100,000
5. Over \$100,000 but not exceeding \$500,000
6. Over \$500,000 but not exceeding \$1,000,000
7. Over \$1,000,000.

(3) REPRESENTATION ON BEHALF OF A CLIENT IN AN AGENCY PROCEEDING.—Each person required to file full and public disclosure, when applicable, shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his level of government. The report shall be filed with the Department of State. For the purposes of this part, agencies of government shall be classified as state level agencies or agencies below state level. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than 15 days after the last day of the quarter. Representation before any agency shall be deemed to include representation by the reporting person or by any partner or associate of the professional firm of which he is a member and of which he has actual knowledge. It shall not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(4) FILING OF FULL AND PUBLIC DISCLOSURE.—Each person required to file full and public disclosure shall file a sworn statement of financial interests no later than July 15 of each year, including the July 15 following the last year he is in office. Each person who is appointed shall file a statement of financial interests within 30 days from the date of appointment, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days after the date of appointment, whichever comes first.

(a) Each person required to file full and public disclosure of his financial interests who has filed a disclosure for any calendar or fiscal year shall not be required to file a second disclosure for the same year or any part thereof, notwithstanding any requirement of this part, except that a candidate shall file a copy of his disclosure with the officer before whom he qualifies.

(b) Each person required to file full and public disclosure of his financial interest shall file such disclosure with the Department of State, except for a candidate who shall file with the officer before whom he qualifies.

(c) The Secretary of State shall distribute annually a copy of the forms required to be filed by this part to each person required to file full and public disclosure of financial interests, together with a notice of the filing deadline no later than 60 days prior to the filing deadline. The requirements of this subsection shall not apply to candidates, or to the first filing of full and public disclosure as provided by law.

(d) The Commission on Ethics may grant reasonable extensions of time, for good cause, for filing any report required in this part, except that each candidate shall file his sworn

statement of full and public disclosure when he becomes a candidate.

(e) The sworn statement of full and public disclosure shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable."

(5) MUNICIPAL OPTION.—

(a) The city commission, city council, or other governing body of a municipality may adopt an ordinance, by majority vote, providing for the filing of limited disclosure as set forth in s. 112.3145 in lieu of the full and public disclosure required in this section. Such ordinance must be adopted within 60 days after the organizational meeting of the city commission, city council, or other governing body of the municipality, and shall remain in effect for no more than 4 years from the date of adoption.

(b) The city commission, city council, or other governing body of a municipality exercising the municipal option shall notify the Commission on Ethics of its action and provide the Commission with a certified copy of the ordinance within 30 days after it is adopted. The ordinance shall provide the effective date of the option.

Section 6. Section 112.3145, Florida Statutes, is amended to read:

112.3145 *Limited disclosure of financial interests and clients represented before agencies.—*

(1) *The following persons shall file limited disclosure of financial interests and clients represented before agencies:*

- (a) *Local officers.*
- (b) *Specified state employees.*
- (c) *Appointed state officers.*

(2) *The sworn statement of limited disclosure of financial interests shall include the following:*

(1) *For purposes of this section, unless the context otherwise requires:*

(a) *"Local officer" means:*

1. *Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.*

2. *Any appointed member of a board, commission, authority, community college district board of trustees, or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land planning, zoning, or natural resources responsibilities shall not be considered an advisory body.*

3. *Any person holding one or more of the following positions, by whatever title, including persons appointed to act directly in such capacity, but excluding assistants and deputies unless specifically named herein: clerk of the circuit court; clerk of the county court; county or city manager; political subdivision chief; county or city administrator; county or city attorney; chief county or city building inspector; county or city water resources coordinator; county or city pollution control director; county or city environmental control director; county or city administrator, with power to grant or deny a land development permit; chief of police; firm chief; city or town clerk; district school superintendent; community college presidents; or a purchasing agent having the authority to make any purchase exceeding \$100 for any political subdivision of the state or any entity thereof.*

(b) *"Specified employee" means:*

1. *Public counsel created by chapter 350; or assistant state attorney; an assistant public defender; a full time state employee who serves as counsel or assistant counsel to any state agency; a deputy commissioner; and a hearing examiner.*

2. *Any person employed in the office of the Governor or in the office of any member of the cabinet, if that person is exempt from the career service system, except persons employed in clerical, secretarial, or similar positions.*

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a mental health institute established for training and research in the mental health field; the superintendent or director of any major state institution or facility established for training, treatment, or rehabilitation; or any person having the power normally conferred on such persons by whatever title.

5. Business managers, purchasing agents, finance and accounting directors, personnel officers, and grants coordinators for any state agency, or persons having the power normally conferred upon such persons, by whatever title.

6. The Auditor General; the Sergeant at Arms and Secretary of the Senate; the Sergeant at Arms and Clerk of the House of Representatives; the Executive Director of the Joint Legislative Management Committee; the Director of Statutory Revision; and the staff director of each committee of the Legislature.

7. Each employee of the Commission on Ethics.

8. Any full time state employee who, in addition to his regular duties, accepts compensation which in the aggregate exceeds \$250 for consultations with other state agencies or with other government or business entities.

(c) "State officer" means:

1. All elected public officers, to include those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents; the Chancellor and Vice Chancellor of the State University System; and the president of a state university.

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he files, his qualifying papers.

(b) Each state or local officer and each specified employee shall file a statement of financial interests no later than 12 o'clock noon of July 15 of each year, including the July 15th following the last year he is in office. Each state or local officer who is appointed and each specified employee who is employed shall file a statement of financial interests within 30 days from the date of appointment or, in the case of specified employees, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(c) State officers and specified employees shall file their statements of financial interests with the Secretary of State. Local officers shall file their statements of financial interests with the Clerk of the Circuit Court of the county in which they are principally employed or are residents. Persons seeking to qualify as candidates for public office shall file their statements of financial interests with the officer before whom they qualify.

(3) The statement of financial interests for state officers, specified employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include:

(a) All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his own name or by any other person for his use or bene-

fit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first.

(b) All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he received an amount which was in excess of 10 percent of his gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

(c) The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and the general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph indirect ownership shall not include ownership by a spouse or minor child.

(d) A list of all persons, business entities, or other organizations, and the address and a description of the principal business activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. The person reporting shall list such benefactors in descending order of value with the largest listed first. Gifts received from a relative parent, grandparent, sibling child, or spouse of the person reporting, or from a spouse of any of the foregoing; gifts received by bequest or devise; gifts disclosed pursuant to s. 111.011; or campaign contributions which were reported as required by law need not be listed. For purposes of this paragraph a debt on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances is charged shall be deemed a gift of an amount equal to the amount represented by the difference between the preferential and customary rate charged on the debt.

(e) Every debt which in sum equals more than the reporting person's net worth.

(3)(4) REPRESENTATION ON BEHALF OF A CLIENT IN AN AGENCY PROCEEDING.—Each person required to file limited disclosure of financial interests, when applicable, state officer, local officer, and specified employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his level of government. The report shall be filed with the agency with which the disclosure of financial interests is filed. For the purposes of this part, agencies of government shall be classified as state level agencies or agencies below state level. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than 15 days after the last day of the quarter. Representation before any agency shall be deemed to include representation by the reporting person such officer or specified employee or by any partner or associate of the professional firm of which he is a member and of which he has actual knowledge. For the purposes of this subsection, "representation before any agency" shall not include appearances before any court or commissioners or deputy commissioners of industrial claims or representations on behalf of one's agency in his official capacity. Such term it shall not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(4) FILING OF LIMITED DISCLOSURE.—Each person required to file limited disclosure shall file such disclosure no later than July 15 of each year. Each local officer shall file limited disclosure within 30 days from the date of appointment, and each specified employee shall file limited disclosure within 30 days from the date on which his employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(5) The Secretary of State shall by mail send a copy of the forms required to be filed by this part, together with a notice of the filing deadlines, to each state officer and specified employee no later than 30 days prior to the filing deadlines. The agency head shall send said forms and notice to each local officer no later than 30 days prior to the filing deadlines. However, the requirements of this subsection shall not apply to candidates or to the first filing required of any state officer, specified employee, or local officer.

(5)(6) Each person required to file limited disclosure a public officer who has filed a limited disclosure for any calendar or fiscal year shall not be required to file a second limited disclosure for the same year or any part thereof, notwithstanding any requirement of this act, except that any public officer who qualifies as a candidate for public office shall file a copy of his disclosure with the officer before whom he qualifies as a candidate at the time he qualifies.

(6) Each local officer shall file his limited disclosure with the supervisor of elections in the county in which he is a resident. Each appointed state officer and each specified state employee shall file with the Department of State.

(7) The Commission on Ethics shall distribute annually to each appointed state officer, local officer and specified state employee a copy of the limited disclosure forms required to be filed by this part, together with a notice of the filing deadlines, no later than 60 days prior to the filing deadline. The requirements of this subsection shall not apply to the first filing of limited disclosure as provided by law.

(8) The Commission on Ethics may grant extensions of time, for good cause, for filing any report required by this part.

(9) Limited disclosure shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable."

Section 7. Section 112.3147, Florida Statutes, is amended to read:

112.3147 Forms.—

(1) All information required to be furnished by ss. 112.313, 112.3141, 112.3144, and 112.3145(4) shall be on forms prescribed by the Commission on Ethics.

(2) The Commission on Ethics shall prescribe a form for the disclosure of information pursuant to s. 112.3144 and s. 112.3145(3) for use by persons not required to file a statement of contributions pursuant to s. 111.011.

(3) The Commission on Ethics and the Department of State shall jointly prescribe a form for use by elected public officers, on which form both the information required to be furnished by s. 111.011 and the information required to be furnished by s. 112.3145(2) ~~112.3145(3)~~ shall be disclosed. The Commission on Ethics shall prescribe the forms on which information required to be furnished by s. 112.3144 and 112.3145 shall be disclosed.

Section 8. Section 112.317, Florida Statutes, is amended to read:

112.317 Penalties.—

(1) Violation of any provision of this part, including, but not limited to, a breach of public trust, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, in addition to any criminal penalty involved, shall, pursuant to applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of an elected constitutional officer, elected local officer or any other a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.

6. A civil penalty not to exceed \$5,000.

7. Restitution of any pecuniary benefits received because of the violation committed.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.

6. A civil penalty not to exceed \$5,000.

7. Restitution of any pecuniary benefits received because of the violation committed.

8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of s. 112.3144 or s. 112.3145:

1. Disqualification from being on the ballot,
2. Public censure and reprimand, or
3. A civil penalty not to exceed \$5,000.

(2) In any case in which the commission finds a violation of this part and recommends a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the District Court of Appeal.

(3)(a) The penalties prescribed in this part shall not be construed to limit or to conflict with:

1(a) The power of the House of Representatives either house of the Legislature to discipline its own members or impeach a public officer or the power of the Senate to try a public officer for an impeachable offense.

2(b) The power of agencies to discipline officers or employees.

(b) Each house of the Legislature shall be the sole judge of the qualifications of its members and shall have the sole power of disciplining and prescribing penalties for violations by its members.

(4) Any violation of this part by an a public officer shall constitute malfeasance, misfeasance, or neglect of duty in office within the meaning of s. 7, Art. IV of the State Constitution.

(5) By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates any provision of this part may be suspended from office and the office filled by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its president or by a majority of its membership.

(6) Any person who willfully discloses, or permits to be disclosed, his intention to file a complaint, the existence or contents of a complaint which has been filed with the commission, or any document, action, or proceeding in connection with a confidential preliminary investigation of the commission, before such complaint, document, action, or proceeding becomes a public record as provided herein shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given be-

fore, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(8) In any case in which the commission determines that a person has filed a complaint against a *person subject to the provisions of this part public officer or employee* with a malicious intent to injure the reputation of such *person or officer or employee* and in which such complaint is found to be frivolous and without basis in law or fact, the complainant shall be liable for costs plus reasonable attorney's fees incurred by the person complained against. If the complainant fails to pay such costs voluntarily within 30 days following such finding and dismissal of the complaint by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action to recover such costs.

Section 9. Section 112.321, Florida Statutes, is amended to read:

112.321 Membership, terms, etc.—

(1) The commission shall be composed of nine members. ~~Five~~ ~~Four~~ of these members shall be appointed by the Governor, no more than two of whom shall be from the same political party, subject to confirmation by the Senate. One member appointed by the Governor shall be a former city or county official. Two members shall be appointed by the Speaker of the House and two members shall be appointed by the President of the Senate. Neither the Speaker of the House nor President of the Senate shall appoint more than one member from the same political party. No member may hold any public employment. All members shall serve 2-year terms, ~~except that four of the initial members appointed by the Governor shall serve 1 year terms. All succeeding appointments shall be for 2 years.~~ Members of the commission shall receive no salary, but shall receive travel and per diem as provided in s. 112.061. The members of the commission shall elect a chairman from their number, who shall serve as chairman for a 1-year term and may not succeed himself as chairman. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, and the Speaker of the House of Representatives, ~~and the Chief Justice of the Supreme Court.~~

(2) The commission shall employ, and set the compensation of, an executive director, and he shall be provided with the necessary office space, assistants, and secretaries as required.

Section 10. Section 112.322, Florida Statutes, is amended to read:

112.322 Duties and powers of commission.—

(1) It is the duty of the Commission on Ethics to receive and investigate sworn complaints of violation of the code of ethics or a breach of the public trust as established in this part, including investigation of all facts and parties materially related to the complaint at issue.

(2)(a) Any public officer or employee may request a hearing before the Commission on Ethics to present oral or written testimony in response to allegations made against such person that he or she violated the code of ethics or breached the public trust established in this part, provided a majority of the commission members present and voting consider that the allegations are of such gravity as to affect the general welfare of the state and the ability of the subject public officer or employee effectively to discharge the duties of the office. If the allegations made against the subject public officer or employee are made under oath, then he or she shall also be required to testify under oath.

(b) Upon completion of any investigation initiated under this subsection, the commission shall make a ~~finding and~~ public report as to whether any provision of the code of ethics has been violated or the public trust has been breached by the subject official or employee. In the event that a violation or breach of the public trust is found to have been committed, the commission shall recommend appropriate action to the agency or official having power to impose any penalty provided by s. 112.317, ~~except in a case involving a member of the House of Representatives or a member of the Senate.~~

(c) All proceedings conducted pursuant to this subsection shall be public meetings within the meaning of chapter 286, and all documents made or received in connection with the

commission's investigation thereof shall be public records within the meaning of chapter 119.

(d) Any response to a request of a public official or employee shall be addressed in the first instance to the official or employee making the request.

(3)(a) ~~Every public officer, candidate for public office, or public employee, when in doubt about the applicability and interpretation of this part to himself in a particular context, may submit in writing the facts of the situation to the Commission on Ethics with a request for an advisory opinion to establish the standard of public duty. Any elected constitutional officer, elected local officer or local public officer or employee who has the power to hire or terminate employees may likewise seek an advisory opinion from the commission as to the application of the provisions of this part to any such employee or applicant for employment. An advisory opinion shall be rendered by the commission, and all of said opinions shall be numbered, dated, and published without naming the person making the request, unless such person consents to the use of his name.~~

(b) Said opinion, until amended or revoked, shall be binding on the conduct of the officer, employee, or candidate who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

(4) The commission has the power to subpoena, audit, and investigate. The commission may subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the commission's duties or exercise of its powers and may issue subpoenas for discovery purposes in any proceeding. In the case of a refusal to obey a subpoena issued to any person, the commission may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the commission, a hearing officer, a commission investigator, or a court reporter, and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Failure to obey the order may be punished by the court as contempt. Witnesses shall be paid mileage and witnesses fees as authorized for witnesses in civil cases.

(5) The commission may recommend that the Governor initiate judicial proceedings in the name of the state against any executive or administrative state, county, or municipal officer to enforce compliance with any provision of this part or to restrain violations of this part, pursuant to s. 1(b), Art. IV of the State Constitution, and the Governor may without further action initiate such judicial proceedings.

(6) The commission is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties. The Department of Legal Affairs shall, upon request, provide legal and investigative assistance to the commission.

(7) ~~The commission may authorize members of its staff to make purchases, provided that expenditures exceeding \$250 shall first be approved by the commission.~~

(8) ~~The commission may authorize one or more of its members or staff to conduct, participate in, and attend seminars, workshops, and conferences for the purpose of informing officers, employees, and candidates for public office of the standards of conduct and financial disclosure requirements of this part. The expenses incurred in carrying out the responsibilities authorized in this subsection shall be paid from the general appropriation of the Commission on Ethics.~~

(9) ~~The commission may prepare materials designed to assist persons in complying with the provisions of this part and with s. 8, Article II of the State Constitution.~~

(10)~~(7)~~ It shall be the further duty of the commission to submit to the Legislature from time to time a report of its work and recommendations for legislation deemed necessary to improve the code of ethics and its enforcement.

(11) ~~The commission, upon receipt of any information or complaint indicating that a financial disclosure statement as required in this part or by the State Constitution has not been filed, may investigate and, if a violation is found, recom-~~

mend appropriate action, except that the commission shall make no recommendation concerning a member of the state legislature.

Section 11. Section 112.324, Florida Statutes, is amended to read:

112.324 Procedures on complaints of violations.—

(1)(a) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, the commission shall investigate any alleged violation of this part in accordance with procedures set forth herein. Such complaint shall include but not be limited to:

1. The name and mailing address of the party filing the complaint.

2. The name, mailing address if known, and position or title of the officer or employee alleged to have committed the violation.

3. A citation to the specific law alleged to have been violated, if known.

4. A statement of the specific acts of the officer or employee which acts are alleged to give rise to the violation.

(b) Within 5 days after receipt of the a complaint by the commission, a copy shall be transmitted to the person who is the subject of the complaint alleged violator. Such person shall be entitled to file a motion to dismiss, answer, or any other response to a complaint filed with the commission at any stage in the commission's proceeding.

(c) All proceedings, the complaint, response, and other records relating to the preliminary investigation as provided herein, including a dismissal of the complaint, shall be confidential either until the respondent alleged violator requests in writing that such investigation and records be made public records or the preliminary investigation is completed, notwithstanding any provision of chapters 119, 120 or 286. In no event shall a complaint under this part against a candidate in any general, special, or primary election be filed or any intention of filing such a complaint be disclosed on the day of any such election or within the 5 days immediately preceding the date of the election.

(2) A preliminary investigation shall first be undertaken by the commission to determine if the facts alleged in the complaint constitute probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated, the commission shall dismiss the complaint, and the complaint, unless prohibited by subsection (3), shall become a matter of public record, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the respondent alleged violator.

If the commission finds from the preliminary investigation probable cause to believe that this part has been violated, it shall so notify the complainant and the respondent alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon written request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part shall be entitled to a public hearing. Such person shall be deemed to have waived the right to public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(3) If, upon completion of its preliminary investigation of a complaint against an impeachable officer or member of the Legislature, the commission finds insufficient evidence to establish probable cause to believe a violation of this part has occurred, it shall dismiss the complaint. All evidence and material shall be kept in strict confidentiality by the commission after a complaint is dismissed. The information may be disclosed only upon written request by an appropriate legislative committee. Upon finding sufficient evidence to establish probable cause to believe a violation by such officer has occurred, the commission shall forward the complaint by certified mail to the President of the Senate or the Speaker of the House, whichever is applicable, who shall refer the complaint to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. The commission shall also forward the response together with a re-

port specifying the violations and describing in detail the facts and circumstances upon which such violations are based, and a true copy of the complete file of the commission relating to the matter. The complaint and all records relating to the preliminary investigation shall become public records upon referral by the Speaker or President to an the appropriate committee. It shall be the duty of the committee to report its final action upon the complaint to the commission within 90 days of the date of transmittal to the respective house. If, for any reason the committee to which the complaint is referred feels that it cannot or should not investigate the complaint, it may return the complaint to the commission which shall conduct a full investigation and report its findings to the committee for appropriate action. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed.

(4) If, in cases pertaining to complaints other than complaints against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part:

(a) The Governor, in any case concerning officers who can be removed or suspended by the Governor.

(b) The head of the agency, in any case concerning a state officer not subject to the Judicial Qualifications Commission, or employee not covered in paragraph (a).

(c) The governing body or appointing official of an officer or employee of a county, city, or other political subdivision of the state not otherwise covered in paragraph (a).

(d) The Secretary of State, in any case concerning a candidate whose name is placed on the ballot by certification of the Secretary of State only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3144 or s. 112.3145.

(e) The city commission or city council, in any case concerning a candidate for municipal office only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3144 or s. 112.3145.

(f) The county commission, in any case concerning a candidate for county office only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3144 or s. 112.3145.

(5) In addition to reporting its findings to the proper disciplinary body or official, the commission shall report these findings to the State Attorney or any other appropriate official or agency having authority to initiate prosecution when violation of criminal law is indicated.

(6) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The members shall elect a chairman from among their number. The committee shall conduct an initial review of the complaint to determine whether the alleged facts and circumstances, if proved, would constitute a violation of this part and whether the complaint is otherwise legally sufficient. If the facts and circumstances contained in the complaint do not constitute a violation of this part or are otherwise not legally sufficient, the committee may dismiss the complaint. If the complaint is not dismissed, the committee may conduct a preliminary investigation. If, upon completion of its investigation, the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chairman thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the Chief

Justice of the Supreme Court, the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

Section 12. Section 112.3242, Florida Statutes, is created to read:

112.3242 Limitations upon filing complaint.—

(1) Complaints filed with the Commission on Ethics are subject to the following limitation periods:

(a) A complaint against an elected or appointed officer may be filed with the commission at any time while the respondent is holding the office or not later than two years from the time he leaves such office.

(b) A complaint against an employee may be filed with the commission at any time while the respondent is employed by such agency or not later than two years from the time such employment terminates.

(2) The period of limitation does not run during any time when the respondent is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

Section 13. This act shall take effect on October 1, 1980.

Senator Hair moved the following amendments to Amendment 1 which were adopted:

Amendment 1A—On page 3, lines 27 and 28, strike the words “a specified state employee, or a public” and insert: *an appointed state officer, a specified state employee, or other officer, or*

Amendment 1B—On page 3, strike line 31 and on page 4, strike lines 1-4 and insert: (11)(7) “Corruptly” means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his public duties.

(Renumber subsequent subsections.)

Amendment 1C—On page 12, line 11, strike the word “special” and insert: *special*

Amendment 1D—On page 14, lines 19-21, strike said lines and insert: (b) *Candidates shall file their statements with the officer before whom they qualify. Elected officers and employees of state agencies shall file with the Department of*

Amendment 1E—On page 23, line 31, before the period insert: *, unless such officer is required to file full and public disclosure subject to s. 112.3144*

Amendment 1F—On page 30, line 7, after the word “Each” insert: *appointed state officer and each*

Amendment 1G—On page 35, line 21, strike the word “two” and insert: *three* ~~two~~

Amendment 1H—On page 31, lines 6-12, strike all of said lines and insert: (7) *The Department of State shall distribute annually to each appointed state officer and specified state employee a copy of the limited disclosure forms required to be filed by this section, together with a notice of the filing deadlines, no later than 60 days prior to the filing deadline. The agency head shall notify and distribute said forms and notice to each local officer within the agency required to file limited disclosure under this section. The requirements of this subsection shall not apply to candidates or to the first filing of limited disclosure by any person.*

Amendment 1I—On page 23, under line 31, insert: (d) *Each appointed secretary or executive director of a state agency.*

Amendment 1J—On page 18, lines 30 and 31, strike all of said lines

Senator Trask presiding

Senator Dunn moved the following amendment to Amendment 1 which failed:

Amendment 1K—On page 2 of amendment, strike lines 11 through 16 and insert: (5) *“Breach of public trust” means an act committed by a public officer or employee willfully and with intent to deprive the public or the public agency for which he acts or in which he is employed of the right to receive the faithful performance of his duty as a public officer or employee, as a result of which act the public officer or employee realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his public office or employment position.*

Senator Johnston moved that HB 347 and SB 1382 be taken up immediately following final disposition of HB 1004. The motion was adopted by two-thirds vote.

Senator Dunn moved the following amendments to Amendment 1 which failed:

Amendment 1L—On page 12, line 7, strike all of lines 7-12 and insert: (6) **MISUSE OF PUBLIC POSITION.**—

(a) No public officer or employee of an agency shall with a wrongful intent ~~corruptly~~ use or attempt to use his official position or any property or resource which may be within his trust, or perform his official duties, to secure a special gain or privilege, benefit, ~~exemption~~ for himself or others.

(b) For purposes of this subsection “special gain or benefit” means a particular and peculiar advantage beyond the common advantages, rights or entitlements of persons or entities generally, unless the gain or benefit is otherwise authorized by law, ordinance, rule, regulation, established practice, or custom; or it means anything of value to the recipient that ordinarily would not inure to the recipient as a result of the proper and lawful performance of the duties of public office or employment. Unless otherwise authorized by law, ordinance, rule, regulation, established practice, or custom, special gain or benefit shall include:

1. Use of a public officer, employee, or independent contractor of an agency to perform personal services or favors, at public expense, which are beyond the scope, authority, or time of the respective duties of office, employment or contract.

2. The granting of a license, permit, certification, franchise or the like or the taking of any other government action when the requirements therefor have not been met or waived in accordance with applicable state or local laws, ordinances, rules, or regulations.

3. Use of public property, at public expense, for an unauthorized, private purpose except that any such use having an aggregate value of less than \$100 per year shall be deemed an emolument of public office or employment.

(c) This section shall not be construed to conflict with s. 104.31.

Amendment 1M—On page 10, strike all of lines 29 and 30 and insert: recipient, including a gift, *gratuity, discount, loan, reward, promise of further employment, favor, or service:*

(a) *That influences a decision of the recipient in the discharge of his official duties so that such decision is more favorable or beneficial to the donor or his designee or more detrimental to a designee of the donor;*

(b) *That is solicited by the recipient with the intent that the discharge of his official duties will be influenced so as to be more favorable or beneficial to the donor or his designee, or that is accepted by the recipient or his designee with the intent by both the donor and recipient that the recipient's discharge of official duties will be influenced so as to be more favorable or beneficial to the donor or his designee; or*

(c) *That exceeds an aggregate value of \$500 in any one calendar year, if the gift is received from a person or business entity which is subject to the regulation of the agency in which such officer or employee is serving in any manner other than through the enactment of laws or ordinances or if the gift is received from a person or entity doing business with*

the agency in which such officer or employee is serving in any manner other than through the enactment of laws or ordinances.

Amendment 1N—On page 8, lines 8-17, strike all of said lines and insert: (26) ~~(15)~~ ~~“Represent”~~ or ~~“Representation”~~ for purposes of this part and of Article 11, Section 8(e), Florida Constitution, means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client, excluding “ministerial matters,” as defined in this section. Representation shall not include representation before a judicial tribunal or a quasi-judicial body, including any commissioner or deputy commissioner of industrial claims, or representation on behalf of one’s agency in one’s official capacity, or representation made at or in conjunction with a chapter 120 administrative hearing.

Senator Carlucci moved the following amendment to Amendment 1 which failed:

Amendment 1O—On page 23, line 7, after “municipality” insert: , other than a consolidated government providing both county and municipal services under section 9 of Article VIII of the State Constitution of 1885,

Senator McKnight moved the following amendment to Amendment 1 which failed:

Amendment 1P—On page 23, line 5-21, strike all of said lines

Amendment 1 as amended was adopted.

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

Amendment 2—On pages 1 and 2, strike on page 1, all of lines 2 through and including line 31, and on page 2, all of lines 1 through and including line 6 and insert: An act relating to the code of ethics for governmental officers and employees; amending s. 112.312, Florida Statutes; providing definitions; amending s. 112.313, Florida Statutes; providing standards of conduct for officers and employees of agencies; amending s. 112.314(1), Florida Statutes; providing additional standards of conduct for officers; amending s. 112.3143, Florida Statutes; requiring disclosure of certain conflicts of interest; creating s. 112.3144, Florida Statutes; requiring certain officers to file full and public disclosure of financial interests and clients represented before agencies; prescribing procedure and contents of such disclosure; providing a municipal option with respect to disclosure requirements; amending s. 112.3145, Florida Statutes; requiring certain officers and employees to file limited disclosure of financial interests and clients represented before agencies; prescribing procedure and contents of such disclosure; amending s. 112.3147, Florida Statutes; providing for forms prescribed by the Commission on Ethics and the Department of State; amending s. 112.317, Florida Statutes; providing penalties; amending s. 112.321, Florida Statutes; prescribing appointment procedure for selection of members of the Commission on Ethics; amending s. 112.322, Florida Statutes; authorizing the Commission on Ethics to investigate sworn complaints of a breach of public trust or of a violation of the code of ethics; prescribing duties and powers of the Commission on Ethics; amending s. 112.324, Florida Statutes; prescribing information to be included in a written complaint; prescribing procedures on complaints of violations; creating s. 112.3242, Florida Statutes; providing a limitation period for filing complaints; providing an effective date.

On motion by Senator Hair, by two-thirds vote HB 1004 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Grizzle	Myers	Tobiassen
Barron	Hair	Peterson	Trask
Beard	Henderson	Poole	Vogt
Childers, D.	Hill	Scarborough	Ware
Childers, W. D.	Holloway	Scott	Williamson
Frank	Jenne	Skinner	Winn
Gordon	Maxwell	Steinberg	
Gorman	McClain	Thomas	

Nays—8

Mr. President	Chamberlin	Johnston	McKnight
Carlucci	Dunn	MacKay	Stuart

Vote after roll call:

Yea—Fechtel
Yea to Nay—Myers

Senator Scarborough presiding

On motion by Senator Peterson, by two-thirds vote, SB 769 was placed next on the special order calendar.

SB 769—A bill to be entitled An act relating to education; creating s. 236.255, Florida Statutes; authorizing school boards to levy specified additional millage for limited purposes; amending s. 235.435(1)(l), (2)(a), (c), Florida Statutes; providing criteria for determining allocations from the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 236.081(1)(d), (e), (6), Florida Statutes; providing for cost differentials; deleting authorization of the Department of Education to increase the base student allocation under certain circumstances; deleting minimum net annual state allocation guarantees; amending s. 237.071(3), Florida Statutes; correcting a cross-reference; amending s. 237.091(1), Florida Statutes; deleting reference to approval of school board budgets by the Department of Education; amending s. 237.101, Florida Statutes; deleting requirement that the department be made a party to lawsuits seeking changes in such budgets; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendment:

Amendment 1—On page 11, strike lines 9 and 10 and insert:

Section 7. Section 235.149, Florida Statutes, is amended to read:

235.149 Survey for instructional space when needed.—*Prior to whenever any board requesting funds for branch campuses, off-campus instructional space, or off-campus centers, including the Board of Regents, in the state has insufficient instructional space to meet existing needs, such board shall conduct an in-house survey to determine whether space suitable for instructional use is available in any public or private facility which may be leased or otherwise acquired to meet the instructional needs of the board. Each board which conducts a survey shall prepare a report evaluating the adequacy of any such available space with respect to sanitation, safety, and any other factors which have a bearing on its suitability for use as instructional space, and shall include in the report the estimated cost of using the available space to meet the instructional needs of the board as well as a utilization study, demonstrating the need for additional space. The board shall submit a copy of the report to the office and the associate deputy commissioner Department of Education. Each board shall also present evidence relating to the evaluation of space utilization on the basis of the use of an extended school day and the use of an extended school week.*

Section 8. Section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey required.—At least every 5 years, each participating agency board, including the Board of Regents, shall arrange for, or conduct, a survey to aid in formulating plans for housing the educational program, and student population, and faculty and administrative and auxiliary services of the agency district or campus. Each survey shall be conducted by the participating agency and reviewed and approved by the office Department of Education or an agency approved by the commissioner. Surveys may be conducted by agencies other than the participating agency, when such agency has been Department of Education shall be reviewed and approved by the Commissioner. The survey report shall include at least a validation of the an inventory of existing educational facilities; a validation of existing facility maintenance standards, as provided in s. 235.065(1); utilization studies for existing educational facilities; determination of the district housing index; plants; recommendations for existing educational facilities plants; recommendations for new edu-

cational facilities plants, including the general location of each; and such other information as may be required by the rules of the State Board of Education. An official copy of each survey report shall be filed by the participating agency board with the office. This report may be amended, if conditions warrant, at the request of the board or commissioner.

Section 9. Section 203.01, Florida Statutes, is amended to read:

203.01 Tax on gross receipts for utility services.—Every person, including municipal corporations, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones, and for the sending of telegrams and telegraph messages, shall report ~~quarterly semiannually~~ to the Department of Revenue, not later than January 31 for the ~~3 6~~ months ending December 31, ~~and not later than April 30 July 31~~ for the ~~3 months ending~~ March 31, ~~not later than July 31 for the 3 months ending June 30, and not later than October 31 for the 3 months ending September 30 6 months ending June 30,~~ under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from business done within this state, or between points within this state, for the preceding ~~3 6~~ months and, at the same time, shall pay into the state treasury the sum of \$1.50 upon each \$100 of such gross receipts, and such collections shall be certified by the comptroller upon request of the State Board of Education. The term "gross receipts" as used herein shall not include gross receipts of any person derived from the sale of natural gas to a public or private utility, including municipal corporations and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity. If any person fails to make such report to the department and pay the tax as herein provided, the department shall, after having given at least 5 days' notice to such person or some official or representative thereof within this state, estimate the amount of such gross receipts from such information as it may be able to obtain and shall add 18 10 percent of the amount of such taxes as a penalty, for the failure of such person to make report, and shall proceed to collect such tax, together with all costs and the penalty, the same as other delinquent taxes are collected; provided, no penalty shall be added as aforesaid if a return is made and the amount due is paid to the State Treasurer before the expiration of the time stated in the department's notice aforesaid.

Section 10. Subsection (1) and paragraph (b) of subsection (3) of section 237.151, Florida Statutes, are amended, and subsection (4) is added to said section, to read:

237.151 Current loans authorized under certain conditions.—At any time the current school funds on hand are insufficient to pay obligations created by the school board of any district, in accordance with the official budget of the district, the school board is authorized to negotiate a current loan to pay these obligations, providing for the repayment of that loan from the proceeds of revenues reasonably to be anticipated during the fiscal year in which the loan is made as prescribed below; provided, that the school board shall, whenever possible, so arrange its expenditures as to make the incurring of current loans unnecessary; provided further, that when it is deemed necessary, for the benefit of the schools of the district, for a current loan to be negotiated, the school board shall arrange for a loan only in the amount actually needed and for the repayment of the loan at the earliest date practicable.

(1) CURRENT LOANS AGAINST DISTRICT FUND; AND DISTRICT INTEREST AND SINKING FUNDS.—The school boards of the several districts in the state are hereby authorized and empowered to borrow money, to be retired from the district tax receipts anticipated in the operating budget, and the debt service budget, at a rate of interest not to exceed the rate of 7.5 percent ~~authorized in s. 236.68~~, for the purpose of paying all outstanding obligations and for the further purpose of paying any and all lawful expenses incurred in operating the schools of said district; providing, however, that it shall be unlawful for any school board to borrow any sum of money in any 1 year in excess of 80 percent of the amount as estimated by them in the official budget for the current fiscal year for the district to be available from the district tax. The said sum so borrowed shall be paid in full before the school board shall be authorized to borrow money in any succeeding year.

(3) EVENTUALITY OF TAX LITIGATION; FINANCING OF OUTSTANDING BONDS.—In the event that the county tax roll is subjected to litigation and the tax collector

is prevented from collecting taxes on that roll, the following shall apply:

(b) The school boards of the several districts of the state are authorized and empowered to borrow money, to be repaid from the district school fund for operating purposes and the district interest and sinking fund, at a rate not to exceed 7.5 6 percent per annum, for the purposes of paying any and all lawful operating expense and required debt service necessary for the outstanding bond issues of such districts at the times that the funds are needed to prevent the bonds or interest payments from being in default. However, the amount of money so borrowed shall be limited to the amount of the district school fund and district interest and sinking fund tax receipts included in the official school budget for that year or the amount necessary to be borrowed to meet such obligations, whichever amount is the lesser. Any funds borrowed pursuant to the authority of this subsection shall, insofar as possible, be repaid during the fiscal year in which the loan was made. However, any such loan unpaid at the end of the fiscal year shall be repaid from the first available revenue in the next succeeding year.

(4) There is created in the Office of the State Treasurer a trust fund to be entitled the "State of Florida Public School District Revolving Loan Trust Fund," hereinafter referred to as the state revolving loan fund.

(a) The purpose of the state revolving loan fund is to provide a source for short-term or current loans authorized in this section when district school boards are unable to secure short-term loans from other sources at an annual rate of interest not in excess of 7.5 percent.

(b) District school boards desiring to borrow funds on a short-term loan basis from the state revolving loan fund shall make formal application to the Commissioner of Education. The commissioner shall, prior to approving the requested loan or any amount thereof, require the applying district to present a fiscal analysis setting forth at least the following:

1. Actual cash on hand, including investments;
2. Anticipated revenue to be received each month;
3. A schedule of expenditures, by amounts and purpose, for the period of the loan;
4. The amount of loan requested; and
5. The date by which the loan is to be paid. The commissioner may approve the loan as requested, or any part thereof, and authorize the preparation of a state warrant, payable to the applying school district in the amount of the approved loan, from the state revolving loan fund.

(c) A district school board that has received a loan shall pay the principal amount of the loan from the first funds received by the district from the collections of local tax revenue that are in excess of 1 month's required expenditure needs from that fund source. Upon receipt of the repayment of the loan, the commissioner shall have the amount of money received deposited into the state revolving loan fund.

(d) The commissioner is authorized to evaluate each loan request and, in lieu of approving the requested loan, may adjust upward the district's monthly allocation from the Florida Education Finance Program to accomplish the same purpose; however, the commissioner shall not allocate to any district an amount that is in excess of that district's estimated annual allocation from the Florida Education Finance Program for that year.

Section 11. The Legislature hereby authorizes the use of the state's Working Capital Fund as the source of funds from which the loans may be authorized. District school boards may request the Commissioner to reduce that district's monthly allocation of Florida Education Finance Program Funds in an amount sufficient to repay the loan, or the district may repay the loan when local taxes are collected. All loans authorized pursuant to this authority shall bear an interest rate of 7.5 percent for the period of the loan.

Section 14. Subsections 7, 11 and 13 of section 235.42 are repealed effective July 1, 1980, and sections 235.012, 235.014,

235.015, 235.016, 235.018, and the remainder of 235.42, Florida Statutes, are repealed effective July 1, 1981.

Section 15. This act shall take effect July 1, 1980.

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

Amendment 1A—On page 7, line 20, insert:

Section 12. Section 235.017, Florida Statutes, is created to read:

235.017 Duties and responsibilities of the associate deputy commissioner of education.—The duties and responsibilities of the associate deputy commissioner shall include, but not be limited to, the following:

(1) To develop and recommend, for budgeting purposes, space-size and utilization standards for all space categories for participating agencies, for approval by the State Board of Education. Public education capital outlay funds appropriated by the Legislature shall not be distributed until such standards have been approved.

(2) To coordinate with the Executive Office of the Governor, pursuant to the provisions of chapter 216, the submission of 5-year educational fixed capital outlay budget requests from all participating agencies.

(3) To prepare and recommend a 5-year integrated, comprehensive educational fixed capital outlay budget request and suggested level of funding for each fiscal year, to the State Board of Education for submission to the Executive Office of the Governor, pursuant to chapter 216.

(4) To prepare and issue, in cooperation with the office and participating agencies, definitions, formats, and policies concerning the maintenance of accurate educational facility inventory records; and to require that all participating agencies maintain such records.

Section 13. Section 235.212, Florida Statutes, is amended to read:

235.212 New construction; window placement; solar energy systems.—

(1) In the design and construction of new permanent educational facilities, a *participating agency district school board* shall consider the placement of adequate windows sufficient to utilize the natural Florida climate for both light and ventilation in case of power shortages. A *participating agency district school board* shall also install solar energy systems in educational facilities unless the agency can provide evidence to the office that the use of such systems would not be the public schools whenever feasible.

(2) The Legislature shall give funding priority to those projects incorporating energy saving design and construction as approved by the office.

(Renumber subsequent sections.)

Amendment 1 as amended was adopted.

Senator Vogt moved the following amendment which was adopted:

Amendment 2—On page 2, lines 20 and 21, strike "from the Consultants Competitive Negotiations Act,"

Senator Peterson moved the following amendment which was adopted:

Amendment 3—On page 1, line 23, in title, after the "," insert: amending ss. 235.149, 235.15, Florida Statutes; providing for survey for instructional space and educational plant survey; amending s. 203.01, Florida Statutes; providing for the collection and certification of tax on gross receipts for utilities; amending s. 237.151(1), (3)(b), Florida Statutes, and adding subsection (4) to said section; increasing the rate of interest which school boards may pay on borrowed funds; creating the State of Florida Public School District Revolving Loan Trust Fund; providing for loans from the fund to district school boards; authorizing the use of the working capital fund; creat-

ing s. 235.017, Florida Statutes; specifying duties of the associate deputy commissioner; amending s. 235.212, Florida Statutes; specifying design and construction criteria;

On motion by Senator Peterson, by two-thirds vote SB 769 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Fechtcl

Vote after roll call:

Yea—Chamberlin

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Winn, by two-thirds vote HB 30 was withdrawn from the Committee on Transportation.

On motion by Senator Myers, the House was requested to return HB 1623.

The hour of 10:30 a. m. having arrived, pursuant to the motion by Senator Johnston, the Senate took up—

SPECIAL ORDER, continued

CS for HB 347—A bill to be entitled An act relating to energy efficiency; amending s. 553.87, Florida Statutes; requiring that buildings for which a building permit is issued after October 1, 1980, shall be constructed with plumbing designed to facilitate the future installation of solar and waste heat recovery equipment for water heating; amending ss. 553.901, 553.903, 553.904, 553.905, and 553.906, Florida Statutes; repealing s. 553.902-(1)(f), (6), (7) and (8), Florida Statutes; providing that the Florida Thermal Efficiency Code shall constitute a statewide uniform code; providing that new residential and nonresidential and renovated buildings shall not be required to meet standards more stringent than the provisions of the Florida Model Energy Efficiency Code for Building Construction; providing an exemption; requiring that said code and amendments thereto be adopted by the Department of Community Affairs in accordance with chapter 120, Florida Statutes; deleting references to certain alternative energy codes and standards; deleting the exemption from the Florida Thermal Efficiency Code for any building with a heated or cooled area of less than 1500 square feet; providing an effective date.

—which was read the second time by title.

Senator Anderson moved the following amendment:

Amendment 1—On page 1, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 553.73, Florida Statutes, is amended, and subsection (8) is added to said section to read:

553.73 State Minimum Building Codes.—

(1) By January 1, 1978, local governments and state agencies with building construction regulation responsibilities shall adopt a building code which shall cover all types of construction. Such code shall include the provisions of part V relating to accessibility by handicapped persons and shall be in addition to the requirements set forth in chapter 527, which pertains to liquefied petroleum gas, and parts I, II, and III of this chapter which pertain to plumbing, electrical, and glass construction standards, respectively. *Such code shall include standards which*

meet or exceed the performance standards established pursuant to section 304 of the Energy Conservation Standards for New Building Act of 1976, Public Law 94-385.

(8) No building permit shall be issued for any new residential swimming pool after January 1, 1981 unless the swimming pool, if heated, is to be heated by waste heat recovery systems, heat pumps, dedicated heat pump water heaters or by primary renewable energy sources such as solar energy, geothermal energy, or wind energy.

Section 2. Section 553.9065, Florida Statutes, is created to read:

553.9065 After January 1, 1985, no building permit shall be issued for any structure of two stories or less in which heated water is to be used if the water is to be heated by any system which utilizes electric resistance elements as the primary heat source. The Board of Building Codes and Standards shall hold a hearing to determine whether alternative water heating systems, equipment and installation services are readily available on the open market and that the life cycle cost of such water heating systems is no more than 100 percent above the average life cycle cost of water heating systems of identical capacity which do utilize electric resistance elements as the primary heat source. The findings and conclusions of the board shall be certified to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 1984. If water heaters which do not utilize electric resistance elements as the primary heat source are not available in any major market area at a life cycle cost no higher than 100 percent above the average life cycle cost of electric resistance water heaters of identical capacity, as determined by the board, then the provisions of this section shall not apply to that major market area until such time as such water heaters are available, as determined by the board.

Section 3. Section 514.09, Florida Statutes, is created to read:

514.09 Swimming pool heating.—No permit shall be issued for any public swimming pool or bathing place pursuant to s. 514.03 after July 1, 1981, unless the swimming pool or bathing place, if heated, is to be heated primarily by waste heat recovery systems, heat pumps, dedicated heat pump water heaters or by renewable energy sources such as solar energy, geothermal energy, or wind energy. This section does not apply to water therapy facilities operated under the auspices of physicians licensed pursuant to chapter 458, physical therapists licensed pursuant to chapter 486, or hospitals.

Section 4. Section 553.87, Florida Statutes, is amended to read:

553.87 ~~New buildings~~ ~~Single-family residences~~; solar water heating and waste heat recovery requirement.—Notwithstanding the provisions of ss. 553.12 and 553.13, ~~a building for which a building permit is obtained after January 1, 1984~~ ~~no single family residence~~ shall be constructed ~~with within the state unless the plumbing therein is designed to facilitate the future installation of solar and waste heat recovery water heating equipment for water heating.~~ The words "facilitate the future installation" as used in this section ~~means shall mean~~ the provision of readily accessible piping and pipe fittings to permit ~~to allow for pipe fittings that will allow easy future connection into the system of solar and waste heat recovery water heating equipment for water heating.~~ The phrase "waste heat recovery equipment" means equipment designed to recover otherwise wasted heat from air conditioning systems, or to use the unused capacity of a heat pump to heat water. It is the intent of the Legislature to minimize cost of rearranging plumbing should solar or waste heat recovery equipment for heating water heaters be added to buildings after completion.

Section 5. Section 553.9035, Florida Statutes, is created to read:

553.9035 Model Energy Efficiency Code.—The Department of Community Affairs, shall, in accordance with chapter 120, adopt a Florida Model Energy Efficiency Code for Building Construction to implement the provisions of the thermal efficiency code. Amendments to the Florida Model Energy Efficiency Code for Building Construction shall be adopted in accordance with the provisions of chapter 120.

Section 6. Section 553.903, Florida Statutes, is amended to read:

553.903 Applicability.—This part shall apply to all new and renovated buildings in the state, except exempted buildings, for which building permits are obtained after March 15, 1979. The provisions of this part shall constitute a statewide uniform code. The criteria for compliance shall include the provision that the performance level of a building built to such thermal performance standards shall not vary more than 5 percent as a result of choice of energy source. ~~be in addition to any minimum standard in any building code adopted by a county under authority of s. 126.56 or by any municipality.~~

Section 7. Section 553.904, Florida Statutes, is amended to read:

553.904 Thermal efficiency standards for new nonresidential buildings.—Thermal design and operations for new nonresidential buildings for which building permits are obtained after March 15, 1979, shall take into account exterior envelope physical characteristics, HVAC system selection and configuration, HVAC equipment performance, and service water heating design and equipment performance, ~~but and shall not be required to meet standards more no less stringent than the provisions of chapters 4-9 of ASHRAE Standard 90-75 or, in the alternative, either appendix (j) of the Standard Building Code or the Florida Model Energy Efficiency Code for Building Construction.~~

Section 8. Section 553.905, Florida Statutes, is amended to read:

553.905 Thermal efficiency standards for new residential buildings.—Thermal design and operations for new residential buildings for which building permits are obtained after March 15, 1979, shall take into account exterior envelope physical characteristics, HVAC system selection and configuration, HVAC equipment performance, and service water heating design and equipment selection, ~~but and shall not be required to meet standards more no less stringent than the provisions of the HUD Minimum Property Standards or, in the alternative, either appendix (j) of the Standard Building Code or the Florida Model Energy Efficiency Code for Building Construction.~~ The provisions of this section shall not apply to a building of less than 1,000 square feet, the primary use of which is not as a principal residence, which is constructed and owned by a natural person for hunting or similar recreational purposes; however, this exemption does not apply to more than one building built by such person in any 12-month period.

Section 9. Section 553.906, Florida Statutes, is amended to read:

553.906 Thermal efficiency standards for renovated buildings.—Thermal designs and operations for renovated buildings for which building permits are obtained after March 15, 1979, shall take into account insulation, windows, HVAC systems and performance, and service water heating designs and equipment selection, ~~but and shall not be required to meet standards more no less stringent than the provisions of chapters 4-9 of ASHRAE Standard 90-75 or, in the alternative, either appendix (j) of the Standard Building Code or the Florida Model Energy Efficiency Code for Building Construction.~~ These standards shall apply only to the portions of the structure which are actually renovated.

Section 10. Paragraph (f) of subsection (1) and subsections (6), (7), and (8) of section 553.902, Florida Statutes, are hereby repealed.

Section 11. A financial institution making a secured loan to the purchaser of a residential dwelling may include in the amount of the loan the full cost of the purchase and installation of waste heat recovery systems, heat pumps, dedicated heat pump water heaters or by solar hot water heaters installed to meet the requirements of s. 553.9065, Florida Statutes.

Section 12. This act shall take effect January 1, 1981.

Senator Neal moved the following amendments to Amendment 1 which were adopted:

Amendment 1A—On page 3, lines 3 and 4, strike "no more than 100 percent" and insert: not more than 50 percent

Amendment 1B—On page 3, line 29, after the period insert: However, this requirement shall not be construed to apply to hydrotherapy units prescribed by or used under the direction of a physician, or connected with a hospital, physician's office or a licensed physical therapy establishment and those pools with a capacity of 1,000 gallons or less.

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

Amendment 1C—On page 5, line 19, strike the words “*The provisions of this section*” and insert: *Thermal efficiency standards*

Senator Don Childers moved the following amendment to Amendment 1 which failed:

Amendment 1D—On page 6, between lines 16 and 17, insert:

Section 3. Section 163.166, Florida Statutes, is created to read:

163.166 Energy devices based on renewable resources.—Notwithstanding any provision of this chapter or other provision of general or special law, the adoption of an ordinance by a governing body, as those terms are defined in this chapter, which prohibits or has the effect of prohibiting the installation of solar collectors, clotheslines or other energy devices based on renewable resources is expressly prohibited. No plat or subdivision plan shall be approved or renewed, nor shall the dedication of any street or other ground be accepted, if the deed restrictions, covenants or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting solar collectors, clotheslines or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision. In any litigation arising under the provisions of this subsection, the prevailing party shall be entitled to costs and reasonable attorney fees. The legislative intent in enacting these provisions is to protect the public health, safety and welfare by encouraging the development and use of renewable resources in order to conserve and protect the value of land, buildings and resources by preventing the adoption of measures which will have the ultimate effect, however unintended, of driving the costs of owning and operating commercial or residential property beyond the capacity of private owners to maintain.

(Renumber subsequent sections.)

Senator Tobiassen moved the following amendment which failed:

Amendment 1E—On page 6, between lines 16 and 17 insert:

Section 12. Section 553.875, Florida Statutes, is created to read:

553.875 Minimum standards for water heaters.—Water heaters sold or installed for residential use after October 1, 1980, shall have the thermostat set at 125° F., or at whatever minimum temperature the unit is capable of if the minimum temperature for the unit exceeds 125° F.

(Renumber subsequent sections.)

Amendment 1 as amended failed.

Senator Anderson moved that the Senate reconsider the vote by which Amendment 1 as amended failed. The Senate refused to reconsider. The vote was:

Yeas—13

Anderson	Henderson	Myers	Trask
Beard	Jenne	Skinner	
Childers, D.	Johnston	Steinberg	
Gordon	McKnight	Stuart	

Nays—21

Barron	Grizzle	Peterson	Ware
Chamberlin	Hill	Poole	Williamson
Childers, W. D.	Holloway	Scarborough	Winn
Fechtcl	Maxwell	Scott	
Frank	McClain	Thomas	
Gorman	Neal	Tobiassen	

Senator Thomas moved the following amendment which was adopted:

Amendment 2—On page 4, line 5, strike the words “*The provisions of this section*” and insert: *Thermal efficiency standards*

On motion by Senator Thomas, by two-thirds vote CS for HB 347 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair

On motion by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to consider SB 1049 this day.

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.

—was read the second time by title. On motion by Senator Anderson, by two-thirds vote SB 1382 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Frank	McKnight	Skinner
Barron	Gorman	Myers	Steinberg
Beard	Henderson	Neal	Stuart
Carlucci	Holloway	Peterson	Thomas
Childers, D.	Jenne	Poole	Tobiassen
Childers, W. D.	Johnston	Scarborough	Vogt
Fechtcl	McClain	Scott	Williamson

Nays—4

Grizzle	Maxwell	Trask	Ware
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Votes after roll call:

Yea—Hair

Nay—Dunn

CLAIM BILLS

SB 3 was taken up and on motions by Senator Steinberg, the rules were waived and by two-thirds vote HB 153 was withdrawn from the Special Master-Claims, Ways and Means Subcommittee D and the Committee on Ways and Means and placed on the calendar. On motion by Senator Steinberg—

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.

—a companion measure, was substituted for SB 3 and read the second time by title.

Senator Steinberg moved the following amendments which were adopted:

Amendment 1—On page 2, lines 19-21, strike all of said lines and insert: Geraldine E. Jenkins—\$67,500 Kelson McKinney—\$7,500

Amendment 2—On page 2, lines 10-12, strike all of said lines, and insert: Geraldine E. Jenkins—\$67,500 Kelson McKinney—\$7,500

On motion by Senator Steinberg, by two-thirds vote HB 153 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Gordon	McKnight	Tobiassen
Beard	Gorman	Myers	Trask
Carlucci	Grizzle	Peterson	Vogt
Chamberlin	Henderson	Scarborough	Ware
Childers, D.	Hill	Scott	Williamson
Childers, W. D.	Holloway	Skinner	Winn
Dunn	Jenne	Steinberg	
Fechtel	Johnston	Stuart	
Frank	McClain	Thomas	

Nays—None

Vote after roll call:

Yea—Hair

SB 3 was laid on the table.

SB 9—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 second time by title.

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

Amendment 1—On page 2, line 30, strike "Department of Highway Safety and Motor Vehicle funds" and insert: General Revenue Fund

Amendment 2—On page 3, lines 4 and 5, strike "funds of the Department of Highway Safety and Motor Vehicles" and insert: the General Revenue Fund

Pending further consideration of SB 9 as amended, on motions by Senator Myers, the rules were waived and by two-thirds vote HB 69 was withdrawn from the Special Master-Claims, Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Myers—

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.

—a companion measure, was substituted for SB 9 and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 69 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Hair, Holloway

SB 9 was laid on the table.

SB 160—A bill to be entitled An act relating to the District School Board of DeSoto County; providing relief for Stephen Franklin McAllister for damages; resulting from an accident which occurred while he was a student attending Arcadia High School; providing for payment of compensation by the district school board in installments; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 160 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Frank	McKnight	Thomas
Barron	Gordon	Myers	Tobiassen
Beard	Gorman	Neal	Trask
Carlucci	Henderson	Peterson	Vogt
Childers, D.	Hill	Scott	Ware
Childers, W. D.	Jenne	Skinner	Williamson
Dunn	Johnston	Steinberg	Winn
Fechtel	McClain	Stuart	

Nays—None

Votes after roll call:

Yea—Hair, Holloway

On motions by Senator Myers, the rules were waived and by two-thirds vote HB 301 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means and by two-thirds vote placed at the end of the claim bills calendar.

SB 392—A bill to be entitled An act for the relief of Dennis Dube; providing an appropriation to compensate him for injuries received due to the negligence of the Department of Health and Rehabilitative Services; 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 Myers and adopted:

Amendment 1—On page 2, lines 14-16, strike all of said lines and insert: the General Revenue Fund to be paid to Dennis Dube as relief for injuries

Amendment 2—On page 2, lines 20-21, strike all of said lines and insert: funds in the General Revenue Fund and the State

The President presiding

Pending further consideration of SB 392 as amended, on motion by Senator Myers—

HB 7—A bill to be entitled An act for the relief of Dennis Dube; providing an appropriation to compensate him for injuries received due to the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—a companion measure, was substituted for SB 392 and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 7 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair

SB 392 was laid on the table.

SB 239—A bill to be entitled An act relating to the relief of William M. Barr, Esquire; providing an appropriation to compensate him for defending Mrs. Ohse E. Davis in a civil action challenging her right to hold office as a member of the Volusia County School Board in and for District 5; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 239 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Steinberg

Vote after roll call:

Yea—Hair

SB 358—A bill to be entitled An act for the relief of Fay Gay; providing an appropriation to compensate her for the loss of her husband, Agricultural Inspector Austin Gay, resulting from his being kidnapped and murdered, while performing his official duties, by unknown persons; 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 Myers and adopted:

Amendment 1—On page 2, lines 5 and 9, strike "\$150,000" and insert: \$50,000

On motion by Senator Myers, by two-thirds vote SB 358 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

SB 870 was taken up and on motion by Senator Myers—

HB 10—A bill to be entitled An act for the relief of Cynthia Leigh Gamble, a minor; providing an appropriation to compensate her for personal injuries due to the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—a companion measure, was substituted therefor and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 10 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair

SB 870 was laid on the table.

On motion by Senator Winn, 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 requests the return of SB 472.

Allen Morris, Clerk

On motion by Senator Hill, SB 472 was returned to the House as requested.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives requests the return of SB 415.

Allen Morris, Clerk

On motion by Senator Tobiassen, SB 415 was returned to the House as requested.

CLAIM BILLS, continued

HB 45—A bill to be entitled An act for the relief of Susan L. Spuck and John P. Spuck; providing an appropriation to compensate them for injuries sustained by Susan L. Spuck and damages and expenses incurred as a result of the negligence of the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 45 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	Hair	Myers	Tobiassen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Dunn	Holloway	Poole	Ware
Fechtcl	Jenne	Scott	Winn
Frank	Johnston	Skinner	
Gordon	MacKay	Steinberg	

Nays—None

HB 457—A bill to be entitled An act for the relief of Richard K. Mealy and Marion T. Mealy; providing an appropriation to compensate them for personal injuries they sustained as a result of the negligence of the Department of Transportation; directing payment thereof; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 457 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 794—A bill to be entitled An act relating to Pasco County; authorizing and directing the Pasco County tax collector to compensate Mr. and Mrs. William R. Lee, Jr. for losses incurred due to the negligent tax sale of their property; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 794 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 1595—A bill to be entitled An act relating to Clay County; providing for the relief of W. H. Graham, Jr.; authorizing and directing Clay County to compensate Mr. Graham out of funds of the property appraiser for losses incurred due to the issuance of a duplicate tax certificate by the property appraiser; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1595 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 115—A bill to be entitled An act for the relief of William Joseph Tucker and his minor daughter Tina; providing an appropriation to compensate them for the death of Brenda Tucker as a result of the negligence of the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 115 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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 second time by title. On motion by Senator Myers, by two-thirds vote HB 584 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hair

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 second time by title. On motion by Senator Myers, by two-thirds vote HB 301 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Carlucci

Vote after roll call:

Yea—Hair

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:08 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

Mr. President	Chamberlin	Frank	Henderson
Anderson	Childers, D.	Gordon	Hill
Barron	Childers, W. D.	Gorman	Holloway
Beard	Dunn	Grizzle	Jenne
Carlucci	Fechtcl	Hair	Johnston

MacKay	Neal	Skinner	Trask
Maxwell	Peterson	Steinberg	Vogt
McClain	Poole	Stuart	Ware
McKnight	Scarborough	Thomas	Williamson
Myers	Scott	Tobiassen	Winn

By permission, the following message was received:

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointments Subject to Confirmation by the Senate

The Secretary of State on June 5, 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:

James A. Crocker, Plant City, Member of the Florida Citrus Commission, District One, for term ending May 31, 1983

Walter W. Woolfolk, Lake Wales, Member of the Florida Citrus Commission, District Seven, for term ending May 31, 1983

David O. Hamrick, Bradenton, Member of the Florida Citrus Commission, State at Large, for term ending May 31, 1983

J. Richard Graves, Jr., Vero Beach, Member of the Florida Citrus Commission, District Five, for term ending May 31, 1983

[Referred to the Committees on Executive Business and Agriculture]

On motion by Senator Thomas, the rules were waived and SB 1268 was placed on the consent calendar in lieu of HB 1615.

SPECIAL ORDER, resumed

SB 593—A bill to be entitled An act relating to the sales and use tax; amending s. 212.04(2)(b), Florida Statutes, exempting admissions to the National Football League championship game from the sales tax; providing an effective date.

—was read the second time by title.

Senator Chamberlin moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 2 and 3, insert: new Section 2. Subsection (1) of section 212.11, Florida Statutes, is amended to read:

212.11 Tax returns and regulations.—

(1) The taxes levied hereunder upon rentals, admissions, and sales of tangible personal property shall be due and payable monthly on the first day of each month, and for the purpose of ascertaining the amount of tax payable under this chapter, it shall be the duty of all dealers to make a return, on or before the 20th day of the month, to the department, upon forms prepared and furnished by it, showing the rentals, admissions, gross sales or purchases as the case may be, arising from all leases, rentals, admissions, sales or purchases taxable under this chapter during the preceding calendar month; however, the department may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed \$600 ~~\$100~~ and may authorize a semi-annual return and payment when the tax remitted by the dealer for the preceding 6 months did not exceed \$300 ~~\$200~~. The department shall accept returns if postmarked on or before the 20th day of the month; if the 20th day falls on a Saturday, Sunday, or federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding workday. Any dealer who operates two or more places of business for which returns are required to be filed with the department, and who maintains records for such places of business in a central office or place, shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business; however, such consolidated returns must clearly indicate the amounts collected within each county of the state.

(and renumber subsequent sections.)

Amendment 2—On page 1 in title, line 5, after the semi-colon insert: increasing the maximum amount of tax used by the Department of Revenue for the purpose of authorizing quarterly or semiannual returns and payment;

Pending further consideration of SB 593 as amended, on motions by Senator Anderson, the rules were waived and by two-thirds vote HB 19 was withdrawn from the Committees on Commerce and Ways and Means.

On motion by Senator Anderson—

HB 19—A bill to be entitled An act relating to the sales and use tax; amending s. 212.04(2)(b), Florida Statutes, 1978 Supplement, exempting admissions to the National Football League championship game from the sales tax; providing an effective date.

—a companion measure, was substituted for SB 593 and read the second time by title.

Senator Gordon moved the following amendment which was adopted:

Amendment 1—On page 2, between lines 2 and 3, insert: a new section 2 and 3 and renumber subsequent sections. Section 2. Subsection 212.02(2), Florida Statutes, is amended by adding a new paragraph (f) to read:

212.02 Definitions.—The following terms and phrases when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(2) "Sale" means and includes:

(a) Any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.

(b) The rental of living quarters, sleeping or housekeeping accommodations in hotels, apartment houses or roominghouses, tourist or trailer camps, as hereinafter defined in this chapter.

(c) The producing, fabricating, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing or imprinting.

(d) The furnishing, preparing, or serving for a consideration of any tangible personal property for consumption on or off the premises of the person furnishing, preparing, or serving such tangible personal property which includes the sale of meals or prepared food by an employer to his employees.

(f) The sale of space by newspapers and the sale of broadcast time on radio and television.

Section 3. Subsection 212.05(5), Florida Statutes, is amended to read: 212.05 Sales, Storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state. For the exercise of said privilege a tax is levied on each taxable transaction or incident and shall be due and payable, according to the brackets set forth in s. 212.12(10) as follows:

(5) At the rate of 4 percent on charges for all telegraph messages and long distance telephone calls beginning and terminating in this state; on recurring charges to regular subscribers for local telephone service and for wired television service; on all charges for the installation of telephonic, wired television and telegraphic equipment; at the same rate, on all charges for the sale of space by newspapers and the sale of time on radio and television; and at the same rate, on all charges for electrical power or energy. Telephone and telegraph services originating within this state and completed outside this state or originating outside this state and completed within this state are not taxable. The provisions of s. 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, shall be equally applicable to any tax paid under the provisions of this section on charges for telephone and

telegraph services, the sale of space by newspapers and the sale of time on radio and television, and electric power subsequently found to be uncollectible. The word "charges" in this subsection shall not include any excise or similar tax levied by the federal government, any political subdivision of the state, or any municipality upon the purchase or sale of telephone, wired television or telegraph service, the sale of space by newspapers and the sale of time on radio and television, or electric power, which tax is collected by the seller from the purchaser.

Senators Gorman, Henderson and McClain were recorded as voting nay on Amendment 1.

Senator Chamberlin moved the following amendment which was adopted:

Amendment 2—On page 2, between lines 2 and 3, insert new Section 2:

Subsection (1) of section 212.11, Florida Statutes, is amended to read:

212.11 Tax returns and regulations.—

(1) The taxes levied hereunder upon rentals, admissions, and sales of tangible personal property shall be due and payable monthly on the first day of each month, and for the purpose of ascertaining the amount of tax payable under this chapter, it shall be the duty of all dealers to make a return, on or before the 20th day of the month, to the department, upon forms prepared and furnished by it, showing the rentals, admissions, gross sales or purchases as the case may be, arising from all leases, rentals, admissions, sales or purchases taxable under this chapter during the preceding calendar month; however, the department may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed \$600 \$100 and may authorize a semiannual return and payment when the tax remitted by the dealer for the preceding 6 months did not exceed \$300 \$200. The department shall accept returns if postmarked on or before the 20th day of the month; if the 20th day falls on a Saturday, Sunday, or federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding workday. Any dealer who operates two or more places of business for which returns are required to be filed with the department, and who maintains records for such places of business in a central office or place, shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such places of business; however, such consolidated returns must clearly indicate the amounts collected within each county of the state.

and renumber subsequent sections.

Senator Gordon moved the following amendment which was adopted:

Amendment 3—On page 1 in title, line 6, after the semicolon insert: adding a new paragraph (f) to s. 212.02(2), Florida Statutes; defining the sale of space and time by newspapers and on radio and television; amending s. 212.05(5), Florida Statutes; providing a 4 percent sales tax on the sale of said space and time;

Senator Chamberlin moved the following amendment which was adopted:

Amendment 4—On page 1, line 5, after the semi-colon insert: increasing the maximum amount of tax used by the Department of Revenue for the purpose of authorizing quarterly or semi-annual returns and payment;

On motion by Senator Anderson, by two-thirds vote HB 19 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Fechtler	Johnston	Thomas
Anderson	Frank	Myers	Tobiassen
Barron	Gordon	Peterson	Trask
Beard	Hair	Poole	Winn
Carlucci	Hill	Scott	
Childers, D.	Holloway	Steinberg	
Childers, W. D.	Jenne	Stuart	

Nays—8

Chamberlin	Grizzle	McClain	Vogt
Gorman	Henderson	Skinner	Williamson

Vote after roll call:

Nay—MacKay

SB 593 was laid on the table.

SB 892—A bill to be entitled An act relating to derelict vessels; amending s. 376.15(2)(a), Florida Statutes, designating the Department of Natural Resources as the state agency authorized to remove derelict vessels from public waters; providing an appropriation; 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 Anderson:

Amendment 1—On page 2, strike all of lines 3 through 6 and insert: Section 2. The sum of \$911,890 shall be appropriated from interest earned on the Florida Coastal Protection Trust Fund, after the fund reaches \$35 million, to the Department of Natural Resources for the purpose of removing derelict vessels from public waters.

Senator Anderson moved the following substitute amendment which was adopted:

Amendment 2—On page 2, lines 3-6, strike all of said lines and renumber subsequent sections

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

Amendment 3—On page 1, insert between lines 10 and 11 new Sections 1 through 5 to read:

Section 1. Subsection (14) of section 376.031, Florida Statutes, is amended to read:

376.031 Definitions.—When used in this chapter, unless the context clearly requires otherwise:

(14) "Discharge cleanup organization" means any group, incorporated or unincorporated, of owners or operators of waterfront terminal facilities in any port or harbor of the state, and any other person who may elect to join, organized for the purpose of containing and cleaning up discharges of pollutants through cooperative efforts and shared equipment and facilities. For the purposes of this chapter, any third-party cleanup contractor or any local government shall be recognized as a discharge cleanup organization, provided such contractor or local government is properly certified by the department.

Section 2. Subsection (5) of section 376.09, Florida Statutes, is amended and new subsection (6) is added to said section to read:

376.09 Removal of prohibited discharges.—

(5) Nothing in this chapter shall affect in any way the right of any person to render ~~who renders~~ assistance in containing or removing any pollutant ~~pollutants to reimbursement for the costs of the containment or removal under the applicable provisions of this law or the Federal Water Pollution Control Act, as amended,~~ or any rights which that person may have against any third party whose acts or omissions in any way have caused or contributed to the discharge of the pollutants.

(6) Any person who renders assistance in containing or removing any pollutant may be eligible for reimbursement of the cost of containment or removal, provided prior approval for such reimbursement is granted by the department. The department may, upon petition and for good cause shown, waive the prior approval prerequisite.

Section 3. Paragraph (c) of subsection (4) of section 376.11, Florida Statutes, is amended, and paragraphs (d), (e), (f) and (g) are added to said subsection to read:

376.11 Florida Coastal Protection Trust Fund.—

(4)

(c) The excise tax provided for in this section shall be collected monthly by the Department of Revenue on the basis of records certified to the Department of Revenue and Department of Natural Resources and shall be credited to the Florida Coastal Protection Trust Fund. However, for the purposes of this section, the excise tax on each barrel of the pollutant shall be imposed only once, at the first transfer of the specific pollutant. Each tax barrel of the specific pollutant shall only be considered once for the purpose of this excise tax. This excise tax shall be in addition to all other taxes imposed upon or paid by the registrant. *However, any terminal facility with a storage capacity of 250 barrels or less shall report and pay the excise tax semiannually.*

(d) *Except for the 3 percent collection allowance, the same duties and privileges imposed by chapter 212 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 registrants who are subject to this section; except for the provisions of chapter 212.12(1).*

(e) *The Department of Revenue shall maintain records indicating the amount of taxes collected. These records shall be confidential, as provided in s. 213.072.*

(f) *The Department of Revenue shall promulgate rules, establish audit procedures for the audit of registrants under this section, assess for delinquencies, and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section.*

(g) *The Department of Revenue, according to 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.*

Section 4. Subsection (2) of section 376.12, Florida Statutes, is amended to read:

376.12 Liabilities and defenses of terminal facilities and vessels.—

(2) Any person claiming to have suffered damages as a result of a discharge of pollutants prohibited by s. 376.041 may, ~~within 180 days 12 months~~ after the date of such discharge ~~cause of action arises~~, apply to the department for reimbursement from the Florida Coastal Protection Trust Fund ~~to the fund, stating the amount of damage suffered as a result of the discharge. It shall be the responsibility of the claimant to provide the department with the required documentation concerning the damages suffered as a direct result of the discharge.~~ The department shall prescribe appropriate forms and details for such application, which application shall include a provision requiring the applicant to make a sworn verification of the damage claim to the best of his knowledge. The director of the department may, upon petition and for good cause shown, waive the ~~180-day 12-month~~ limitation for filing damage claims.

(a) *The executive director shall establish the amount of damage award and shall certify the amount of the award and the name of the claimant to the treasurer who shall pay the reward from the fund, subject to the provisions of subsection (5). If the claimant agrees with the established amount of damage, the settlement shall be binding upon both parties as to all issues and cannot be further attacked, collaterally or by separate action, in the future. If the total amount of such awards exceeds the amount available to any claimant or claimants from the fund, such claimant or claimants shall have the right to a prorata share of all funds available in the fund until the total amount of awards is paid to the claimant or claimants. If the claimant, the person determined by the executive director to be responsible for the discharge, and the executive director or his designee can agree to the damage claim, the department shall certify the amount of the award and the name of the claimant to the treasurer who shall pay the award from the fund, subject to the provisions of subsection (5). The settlement mutually arrived at shall be binding upon all parties as to all issues and cannot be further attacked, collaterally or by separate action, in the future.*

(b) *If either the claimant or the person determined by the director to be responsible for the discharge disagrees with the amount of the damage award, such person may request a hearing pursuant to s. 120.57. If a hearing is requested, the final order shall be issued by the Governor and Cabinet as head of the department. If the claimant, the person determined by the executive director to be responsible for the discharge, and the executive director or his designee cannot agree to the amount of the damage award, the claim shall forthwith be transmitted for action to the board of arbitration as provided herein. A claimant's submission of his claim to arbitration and payment resulting therefrom shall be a waiver of all other remedies. However, when the amount of proven damages exceeds the amounts available to any claimant or claimants from the fund, such claimant or claimants shall have the right to a prorata share of all funds received by the fund until the total amount of the proven damages is paid to the claimant or claimants. The department shall be a necessary party to all arbitration and court proceedings under this section.*

(c) Each person's damage claims arising from a single occurrence shall be stated in one application. Damages omitted from any claim at the time the award is made shall be deemed waived.

(d) If a person damaged by a discharge of pollutant chooses to make a claim against the fund and accepts payment from, or a judgment against, the fund, then the department shall be subrogated to any cause of action that the claimant may have had, to the extent of such payment or judgment, and shall diligently pursue recovery on that cause of action pursuant to subsection (4) and s. 376.11(6). In any such action, the amount of damages shall be proved by the department by submitting to the court a written report of the amounts paid or owed from the fund to claimants. Such written report shall be admissible in evidence, and the amounts paid from or owed by the fund to the claimants stated therein shall be irrebuttably presumed to be the amount of damages.

(e) The fund is absolutely liable for all claims proven damages against the fund as provided for in this section.

(f) *The department shall be a necessary party to all administrative hearings and court proceedings under this section.*

Section 5. Subsection (3) of section 376.12, Florida Statutes, is hereby repealed.

and renumber subsequent sections.

Senator McClain moved the following amendments which were adopted:

Amendment 4—On page 2, between lines 6 and 7, insert: Section 2. Subsection (4) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

(4) ACTS PROHIBITED.—It is unlawful for any person to throw, discard, place, or deposit litter in any manner or amount:

(a) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor; in any case where any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;

(b) In or on any freshwater lake, river, or stream or tidal or coastal water of the state; in any case where any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section; or

(c) In or on any private property, unless prior consent of the owner has been given and unless said litter will not cause a public nuisance or be in violation of any other state or local law, rule, or regulation.

(Renumber subsequent section.)

Amendment 5—On page 1 in title, line 7, after the semicolon “,” insert: amending s. 403.413(4), Florida Statutes; providing

that if any litter is thrown or discarded from a motor vehicle or boat, the operator or owner thereof, or both, shall be deemed in violation of law; providing penalties;

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

Amendment 6—On page 1, in title, line 2, strike "An act relating to derelict vessels;" and insert: An act relating to the Pollutant Spill Prevention and Control Act; amending s. 376.031(14), Florida Statutes; providing definitions; amending s. 376.09(5), Florida Statutes, and adding subsection (6) to said section; providing certain rights; providing for reimbursement of costs; amending s. 376.11(4), Florida Statutes; requiring certain facilities to pay the liquid pollutant excise tax semi-annually; requiring compliance with applicable provisions of chapter 212 and Department of Revenue rules; requiring the Department of Revenue to promulgate rules, establish audit procedures, assess damages, and prescribe forms applicable to this section; amending s. 376.12(2), Florida Statutes; providing a limitation on the time within which to apply for certain reimbursements; providing for waiver of such limitation; providing for determination of damages; specifying how claims shall be paid; providing for administrative hearings; providing for absolute liability of the fund for certain damages; providing that the department shall be a necessary party; repealing s. 376.12(3), Florida Statutes, relating to arbitration;

Senator Anderson moved the following amendment which was adopted:

Amendment 7—On page 1 in title, lines 6-7, strike "providing an appropriation;"

On motion by Senator Anderson, by two-thirds vote SB 892 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	Steinberg
Anderson	Grizzle	Myers	Thomas
Barron	Henderson	Neal	Tobiassen
Beard	Hill	Peterson	Trask
Chamberlin	Holloway	Poole	Vogt
Childers, D.	Jenne	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Winn
Frank	McClain	Skinner	

Nays—None

SB 364—A bill to be entitled An act relating to public records; amending s. 28.24(9)(a), Florida Statutes; reducing the service charge by clerks of the circuit courts for the duplication of public records of a particular size; 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 Fechtcl and adopted:

Amendment 1—On page 1, line 27, strike all of said line and insert: (b) For making copies by photographic process of any instrument in the public records, *except for copies of final judgment or opinions by county or state courts, or the Supreme Court*, of more than 14 inches by 8 1/2 inches per page . . .5.00

(c) *Copies by photographic process of final judgments or opinions by county or, state courts, or the Supreme Court, shall be at a cost not to exceed 25 cents per page, with a minimum charge of \$1.*

Section 2. This act shall take effect July 1, 1980.

Amendment 2—On page 1, line 22, after "public records," insert: *except for copies of final judgments or opinions by county or state courts, or the Supreme Court*

Amendment 3—On page 1 in title, line 6, strike all of said line and insert: particular size; providing certain exceptions; specifying costs for copies by photographic process of final

judgments or opinions by certain courts; providing an effective date.

On motion by Senator Fechtcl, by two-thirds vote SB 364 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	Frank	MacKay	Steinberg
Barron	Gorman	McClain	Stuart
Beard	Grizzle	McKnight	Thomas
Carlucci	Henderson	Peterson	Tobiassen
Chamberlin	Hill	Poole	Trask
Childers, D.	Holloway	Scarborough	Vogt
Childers, W. D.	Jenne	Scott	Williamson
Fechtcl	Johnston	Skinner	Winn

Nays—None

SB 956—A bill to be entitled An act relating to motor vehicle liability insurance; amending s. 627.7286, Florida Statutes, prohibiting an insurer from canceling the motor vehicle liability insurance of a person operating a motor vehicle which is operating under a certificate issued by the Interstate Commerce Commission or Florida Public Service Commission, under certain circumstances; reducing the burden of proving the assessment of points against certain drivers exempted from such cancellation; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 7, strike "outside the state of Florida"

Amendment 2—On page 2, line 14, strike "July 1, 1980" and insert: January 1, 1981

Amendment 3—On page 1 in title, lines 10-12, strike "reducing the burden of proving the assessment of points against certain drivers exempted from such cancellation;"

On motion by Senator Thomas, by two-thirds vote SB 956 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	Gorman	McClain	Steinberg
Anderson	Grizzle	McKnight	Stuart
Beard	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Dunn	Jenne	Scarborough	Williamson
Fechtcl	Johnston	Scott	Winn
Frank	Maxwell	Skinner	

Nays—None

SB 772—A bill to be entitled An act relating to publicly owned buildings; amending s. 255.25(4), Florida Statutes; providing for lease of space in publicly owned buildings by state agencies; directing state agencies to cooperate with local governmental units by using suitable existing publicly owned facilities; authorizing uses for unexpended funds appropriated for lease payments; creating the Public Facilities Conversion Revolving Trust Fund; providing for transfer of appropriations for renovating publicly owned buildings to the fund; providing for use of funds by agencies; 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 Vogt and adopted:

Amendment 1—On page 2, after line 25, insert: *(d) The division shall adopt rules to carry out its duties and responsibilities as provided in this section.*

Senator Vogt moved the following amendment which was adopted:

Amendment 2—On page 2, strike all of lines 3-25 and insert: *(b) State agencies shall cooperate with local governmental units by using suitable existing publicly owned facilities. Agencies may utilize funds appropriated for this purpose to:*

1. *Pay their proportion of operating costs.*
2. *Renovate applicable spaces.*

Senator Scott moved the following amendments which were adopted:

Amendment 3—On page 1, between lines 17 and 18, insert: Section 1. Subsection (4) is added to section 255.248, Florida Statutes, to read:

255.249 Division responsibility; department rules.—

(4) The division shall have responsibility and authority for the preparation of a comprehensive space inventory of all state-owned office buildings. This inventory shall be updated annually.

(Renumber subsequent sections)

Amendment 4—On page 1 in title, at the end of line 2, add: adding s. 255.249(4), Florida Statutes; requiring the Division of Building Construction and Property Management of the Department of General Services to prepare and update annually a comprehensive space inventory of all state-owned office buildings;

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

Amendment 5—On page 1, in title, line 14, after the semicolon insert: providing rule making authority;

Senator Vogt moved the following amendment which was adopted:

Amendment 6—On page 1 in title, line 8, strike after the word "facilities" all of lines 8-14 and insert: authorizing uses for funds appropriated for this purpose;

On motion by Senator Vogt, by two-thirds vote SB 772 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Fechtcl

SB 270—A bill to be entitled An act relating to unemployment compensation; amending s. 443.08(3)(a), Florida Statutes; providing that under specified circumstances the account of an employer will not be charged benefit payments if the employee is discharged for unsatisfactory performance during an initial probationary period; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Carlucci and failed:

Amendment 1—On page 1, strike line 13 and insert: Section 1. Paragraph (b) of subsection (2) of section 443.06, Florida Statutes, is amended to read:

443.06 Disqualification for benefits.—An individual shall be disqualified for benefits:

(2) If the division finds that the individual has failed without good cause either to apply for available suitable work when so directed by the division or employment office, or to accept suitable work when offered to him, or to return to his customary self-employment when so directed by the division, such disqualification shall continue for the week in which such failure occurred and for not more than 5 weeks immediately following such week, or a reduction by not more than 3 weeks from the duration of benefits, as determined by the division in each case. However, disqualification under this subsection shall continue for the full period of unemployment next ensuing after he has failed without good cause either to apply for available suitable work, or to accept suitable work, or to return to his customary self-employment, pursuant to this subsection, and until such individual has become reemployed and has earned wages equal to or in excess of 17 times his weekly benefit amount. The division shall by rule provide criteria for determining the suitability of work, as used in this section. The division in developing such rules shall consider the duration of a claimant's unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work shall be a job which pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing.

(b) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

2. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; *however, in those instances where the work is seasonal no benefits shall be payable to those persons refusing to accept work at a lesser wage provided the wage is prevailing for in the area and when the prospects of securing his customary work in his locality is minimal.*

3. If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

Section 2. Paragraph (a) of subsection (3) of section

(Renumber subsequent section.)

Amendment 2—On page 1 in title, line 2, after "compensation;" insert: amending s. 443.06(2)(b), Florida Statutes, relating to the qualification for benefits of persons who refuse to accept certain seasonal employment.

On motion by Senator Carlucci, by two-thirds vote SB 270 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

HB 1315—A bill to be entitled An act relating to insurance; amending s. 627.4132, Florida Statutes, eliminating the prohibition against the stacking of coverages with respect to uninsured motorist insurance coverage; providing an effective date.

—was read the second time by title. On motion by Senator Williamson, by two-thirds vote HB 1315 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Grizzle	Peterson	Thomas
Barron	Henderson	Poole	Tobiassen
Chamberlin	Hill	Scarborough	Trask
Childers, D.	Holloway	Scott	Ware
Dunn	Jenne	Skinner	Williamson
Frank	Johnston	Steinberg	Winn
Gorman	McKnight	Stuart	

Nays—7

Anderson	Carlucci	Hair	Vogt
Beard	Fechtel	Neal	

On motion by Senator Tobiassen, by unanimous consent—

SB 257—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02(16), Florida Statutes; exempting from the term “admissions” for purposes of the tax thereon charges made for entering upon a vessel for the privilege of participating in any sport or recreation; providing an effective date.

—was taken up and read the second time by title.

Ways and Means Subcommittee D offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 1—On page 2, line 5, strike “participating in any sport or recreation, including”

Senator Fechtel moved the following amendment which was adopted:

Amendment 2—On page 2, line 15, insert: Section 2. Paragraph (r) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, storage, use tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following tangible personal property are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(r) *Items used in printing or lithography.*—Also exempt are the sales of typography, artwork, photoengravings, mats, stereotypes, hand or machine compositions, lithographic plates or negatives, or electrotypes to a person engaged in printing if such products are to be used by him in producing for sale printed, imprinted, overprinted, lithographic, multilithic, blue-printed, photostatic, or other productions or reproductions of written or graphic matter.

(Renumber subsequent sections)

Senator Stuart moved the following amendment which failed:

Amendment 3—On page 2, line 15, strike all of said line and insert: Section 2. Subsection (6) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, storage, use tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following tangible personal property are hereby specifically exempt from the tax imposed by this chapter.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS, COMMUNICATIONS.—

(a) *Political subdivisions.*—

1. There shall also be exempt from the tax imposed by this chapter sales made to the United States Government, the

state, or any county, municipality or political subdivision in of this state; provided this exemption shall not include sales of tangible personal property made to private contractors employed either directly or as agents of the federal or state ~~any such government or political subdivision thereof~~ when such tangible personal property goes into and ~~or~~ becomes a part of public works owned by the federal or state ~~such government or political subdivision thereof~~, except public works in progress or for which bonds or revenue certificates have been validated on or before August 1, 1959; and ~~further~~ provided this exemption shall not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state except sales, rental, use, consumption or storage for which bonds or revenue certificates are validated on or before January 1, 1973, for transmission or distribution expansion.

2. *The exemption provided by this paragraph shall include sales of tangible personal property made to private contractors employed either directly or as agents of any county, municipality, or political subdivision in this state when such tangible personal property goes into and becomes a part of public works owned by such county, municipality, or political subdivision, except public works for which bids have been received or contracts awarded on or before July 1, 1981. Each contractor and subcontractor employed on an exempt public works project shall apply directly to the Department of Revenue for a temporary sales tax exemption certificate. When issued, each such exemption certificate shall only be valid for the specific project, time period, and contractor or subcontractor, for which it was issued. Furthermore, each such exemption certificate shall have an expiration date clearly indicated on its face, along with the name of the public works project, and the contractor or subcontractor, for which it is issued. Any contractor or subcontractor executing a false application claiming such exemption for the purpose of evading payment of the tax imposed under this chapter shall be subject to the penalties prescribed in s. 212.12 and as otherwise provided by law. Furthermore, any private contractor who is found guilty of fraudulently claiming exemption on materials purchased according to this paragraph by diverting such materials to a nonexempt use shall be prevented from bidding on, or being awarded a contract for, any public works project of the state or its political subdivisions and municipalities for a period of 5 years.*

(b) *Communications.*—Likewise exempt are newspapers, film rentals, when an admission is charged for viewing such film, and charges for services rendered by radio and television stations, including line charges, talent fees or license fees and charges for films, video tapes, and transcriptions used in producing radio or television broadcasts.

Section 3. This section and section 1 of this act shall take effect July 1, 1980, and section 2 of this act shall take effect July 1, 1981.

Senator Fechtel moved the following amendment which was adopted:

Amendment 4—On page 1 in title, line 8, after (;) insert: adding s. 212.08(7)(r), Florida Statutes; exempting from the tax articles of typography, artwork, photoengravings, mats, stereotypes, compositions, lithographs, or electrotypes sold to a person engaged in printing if such products are to be used in producing certain materials for resale;

Ways and Means Subcommittee D offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 5—On page 1, lines 7-8, strike “any sport or recreation” and insert: fishing

On motion by Senator Tobiassen, by two-thirds vote SB 257 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	Barron	Carlucci	Childers, D.
Anderson	Beard	Chamberlin	Childers, W. D.

Dunn	Hill	Neal	Thomas
Fechtcl	Holloway	Poole	Tobiassen
Frank	Jenne	Scarborough	Trask
Gorman	Johnston	Scott	Vogt
Grizzle	McClain	Skinner	Williamson
Hair	McKnight	Steinberg	Winn
Henderson	Myers	Stuart	

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, the rules were waived and by two-thirds vote HB 1514 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Williamson, the rules were waived and by two-thirds vote SB 785 was withdrawn from the Committee on Commerce.

On motions by Senator Barron, the rules were waived and by two-thirds vote Senate Joint Resolutions 670 and 824 were withdrawn from the Committee on Rules and Calendar.

SPECIAL ORDER, continued

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

HB 7—A bill to be entitled An act for the relief of Dennis Dube; providing an appropriation to compensate him for injuries received due to the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—passed this day.

The Committee on Ways and Means offered the following amendments which were moved by Senator Myers and adopted by two-thirds vote:

Amendment 1—On page 2, lines 14-16, strike all of said lines and insert: The General Revenue Fund to be paid to Dennis Dube as relief for injuries

Amendment 2—On page 2, strike lines 20-21, and insert: funds in the General Revenue Fund and the State

HB 7 as amended was read by title, passed and certified to the House.

The vote on passage was:

Yeas—34

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

Nays—None

SB 872—A bill to be entitled An act relating to enucleation of eyes; amending s. 732.919, Florida Statutes, to include a licensed funeral director who has completed a course in eye enucleation from the University of South Florida School of Medicine; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 872 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	McClain	Stuart
Anderson	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
Fechtcl	Johnston	Skinner	
Frank	Maxwell	Steinberg	

Nays—None

By the Committee on Governmental Operations and Senator Henderson—

CS for SB 1077—A bill to be entitled An act relating to parking within the Capitol Center; amending s. 272.16(1), Florida Statutes, and adding a subsection thereto; authorizing the Department of General Services to assign parking spaces in the Capitol Center area to state agencies; providing an exception; deleting the requirement that the total number of reserved spaces in such area be no more than 60 percent of the spaces available; requiring the adoption of rules; amending s. 272.161, Florida Statutes; authorizing the department to rent parking spaces to providers of certain services and to state agencies; deleting the requirement that parking spaces for which a request for reserved parking has not been made continue to be made available to state employees; providing for payment of parking fees through agencies other than the department; deleting the requirement that the collection of parking fees be prorated in certain circumstances; requiring the deposit of parking fees in the Supervision Trust Fund of the department; requiring a separate accounting for parking revenues and expenditures; limiting the use of parking fees; requiring the department to establish parking fees on all state-owned reserved parking spaces under its jurisdiction; deleting the requirement that such fees be uniformly applicable; deleting the requirement that the total number of reserved spaces under the jurisdiction of the department not exceed 60 percent of the spaces available; abolishing the Capitol Center Parking Trust Fund; transferring the balance and obligations of such fund to the Supervision Trust Fund of the department; providing effective dates.

—was read the first time by title and SB 1077 was laid on the table.

On motion by Senator Henderson, by two-thirds vote CS for SB 1077 was read the second time by title.

Senator Henderson moved the following amendment which was adopted:

Amendment 1—On page 3, line 17, strike "60" and insert: 7

On motion by Senator Henderson, by two-thirds vote CS for SB 1077 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	Grizzle	Myers	Tobiassen
Anderson	Hair	Peterson	Trask
Beard	Henderson	Poole	Vogt
Carlucci	Hill	Scarborough	Ware
Chamberlin	Holloway	Scott	Williamson
Childers, D.	Jenne	Skinner	Winn
Childers, W. D.	Johnston	Steinberg	
Dunn	Maxwell	Stuart	
Gorman	McKnight	Thomas	

Nays—None

Vote after roll call:

Yea—Fechtcl

CS for SB 1274, by the Committee on Ways and Means and Senator Johnston, was read the first time by title and SB 1274 was laid on the table.

On motions by Senator Johnston, the rules were waived and by two-thirds vote HB 1754 was withdrawn from the Committee on Governmental Operations, Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Johnston—

HB 1754—A bill to be entitled An act relating to state employment; creating a new part IV of chapter 110, Florida Statutes; providing for a senior management service as a separate system of personnel administration for certain executive branch positions; providing for a senior management advisory committee and providing duties thereof; providing for a senior management policy committee; providing for repeal and legislative review of the committees in accordance with the Sundown Act; providing powers and duties of the Department of Administration with respect to the senior management service; providing for review of certain department actions by the Administration Commission; amending s. 110.205(2), Florida Statutes; revising provisions which specify those positions which are exempt from the career service; including therein positions within the senior management service and providing for establishment of salaries for such positions; amending s. 216.251(2)(a), Florida Statutes, relating to payment of salaries, to conform; providing an effective date.

—a companion measure was substituted for CS for SB 1274 and read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 1, line 29, strike everything after the enacting clause and insert: Section 1. Part V of chapter 110, Florida Statutes, consisting of sections 110.601, 110.602, 110.603 and 110.604, Florida Statutes, is created to read:

PART V

SENIOR MANAGEMENT SERVICE

110.601 Declaration of policy.—It is the intent of this part to create a system for attracting, retaining, and developing highly competent senior-level managers in order for the highly complex programs and agencies of state government to function effectively, efficiently and productively.

110.602 Senior Management Advisory Committee.—

(1) There is created a senior management advisory committee consisting of 7 members, to be appointed prior to September 1, 1980 as follows:

(a) The Speaker of the House of Representatives shall appoint two members.

(b) The President of the Senate shall appoint two members.

(c) The Governor shall appoint three members and shall select a chairperson of the committee.

(2) The committee members shall be appointed for 2-year terms and shall serve without compensation but shall be entitled to receive reimbursement for traveling expenses as provided in s. 112.061.

(3) The Department of Administration shall provide staff and clerical assistance to the committee necessary to carry out its duties and make its reports.

(4) The committee shall be available to the Governor and the Legislature to assist in analyzing the effectiveness of the senior management service. On March 1 of each year the committee shall report to the Governor and the Legislature on the status and progress of the senior management service.

(5) The committee shall provide guidance to the department in the establishment or revision of programs and rules implementing the provisions of this part.

110.603 Senior management; creation, coverage.—

(1) The senior management service is created as a separate system of personnel administration for positions in the executive branch whose duties and responsibilities are primarily and essentially policy-making and managerial in nature.

(2) The senior management service shall be limited to those positions which are exempt from the Career Service System

by s. 110.205(2), which meet the foregoing criteria for senior management service, and the salaries for which are fixed by the classification and pay plan established and maintained by the department for the senior management service.

(3) There shall be a senior management policy committee composed of nine members of the senior management service designated by and serving at the pleasure of the Secretary of Administration. The senior management policy committee shall meet on call of the secretary and shall advise and consult with the secretary on matters of policy and administration of the senior management service.

110.604 Powers and duties of the Department of Administration.—

(1) In order to implement the purposes of this part, the Department of Administration, after approval by the Administration Commission, shall adopt and amend rules providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs.

(b) A performance appraisal system which shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

(c) A system which shall provide for an effective method of removing from the service those managers whose performance is inadequate while, at the same time, providing protection from political abuses of employment power.

(d) A salary and benefit plan that provides appropriate incentives for the recruitment and retention of outstanding management personnel.

(e) A system of rating duties and responsibilities of positions within the senior management service and the qualifications of candidates for those positions.

(f) The Department of Administration shall develop and implement by rule a program providing for periodic rotation of executive branch supervisory personnel into primary task or direct client contact positions within their unit of government. These assignments shall be of sufficient duration and variety so as to provide supervisors direct experience with actual performance of the duties of subordinates.

(g) Other procedures relating to personnel administration to carry out the purpose of this part.

(2) The powers, duties and functions of the department shall include responsibility for the policy administration of the senior management service; however, an action of the department relative to a position in a department headed by a cabinet officer, or a department headed by the Governor and Cabinet, may be reviewed by the Administration Commission, and the department's decision may be changed by a majority vote of the Administration Commission.

(3) The department shall have the following additional responsibilities:

(a) To establish and administer a professional development program which shall provide for the systematic development of managerial, executive, or administrative skills.

(b) To promote public understanding of the purposes, policies, and programs of the senior management service.

(4) All policies and procedures adopted by the department regarding the senior management service shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

Section 2. Subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) **EXEMPT POSITIONS.**—The exempt positions which are not covered by this part include the following, *provided, however, that no position shall be exempted if the position reports to a position in the career service:*

(a) Officers elected by popular vote and persons appointed to fill vacancies in such offices and the personal secretary of each such officer. However, the department shall set the salary for each of these secretarial positions unless the salary is otherwise fixed by law.

(b) Officers and employees of the Legislature.

(c) Members of boards and commissions ~~and the head of each state agency~~, however selected. ~~However~~, The department shall set the salary of these positions unless otherwise fixed by law.

(d) ~~Heads of each state agency. Unless otherwise fixed by law, the salaries of these positions shall be set by the department in accordance with the classification and pay plan established for the senior management service.~~

(e)~~(d)~~ Judges, referees, and receivers.

(f)~~(e)~~1. The Chancellor of the University System and the presidents of state colleges and universities. However, the salaries for such positions shall be set by the Board of Regents, any provisions of the Florida Statutes to the contrary notwithstanding.

2. Members of the teaching and research faculty of the State University System and comparable administrative and professional positions as determined by the Board of Regents.

3. *Those administrative and professional positions nominated by the Board of Regents and accepted by the department for inclusion within the senior management service. The salaries of these positions shall be set by the department in accordance with the classification and pay plan established for the senior management service.*

(g)~~(f)~~ Patients or inmates in state institutions.

(h)~~(g)~~ Any person paid from other-personal-services appropriations.

(i)~~(h)~~ A maximum of 10 policy-making positions, in addition to those specified in this subsection, in the offices of the Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Education, and the Commissioner of Agriculture, as designated by such officer, and 10 such policy-making positions, in addition to those specified in this subsection, in each of the other departments, as designated by the head of each such department, plus any additional positions which are established for a limited period of time for the purpose of conducting a special study, project, or investigation. However, the employing agency shall advise the department in writing of each position to be exempted, and each such exemption shall be subject to the approval of the department as being policy-making or being established for a limited period of time. The department shall set the salary unless otherwise fixed by law.

(j)~~(i)~~ All employees in the Governor's general and executive offices and at the Governor's mansion and the head of each separate budget entity, as defined in chapter 216, assigned to the Governor. *Unless otherwise fixed by law* ~~However~~, the department shall set the salary of these positions ~~unless otherwise fixed by law~~. *The salaries for the positions of the Chief of Staff, Deputy Chief of Staff, Executive Policy Staff Coordinator, State Federal Relations Director-Governor, Director of Communications, Administration and Management Systems Director, Citizens Assistance Director, Migrant Labor Director, Administration Director-Governor, Assistant Administration Director-Governor, State Energy Director, Assistant State Energy Director, Chief of Energy Operations, Chief of Energy Planning and Analysis, Planning and Budgeting Director, Deputy Director for Systems Development and Evaluation, Deputy Director for Policy Development and Budgeting, Inspector General, and Management Review and Improvement Director shall be set by the department in accordance with the classification and pay plan established for the senior management service.*

(k)~~(j)~~ All officers and employees of the judicial branch. ~~However~~, The department shall set the salary of these positions, unless otherwise fixed by law.

(l)~~(k)~~ The appointed secretaries, assistant secretaries, deputy secretaries, executive directors, assistant executive directors, and deputy executive directors of all departments ~~and the personal secretary of each such officer or employee~~; the chief administrative officer and the deputy administrative officer of each board or commission; and, unless otherwise provided by law, the directors, assistant directors, and deputy directors of all divisions, and all chiefs of all bureaus as determined by the department to be policy-making of all departments. In any department not using the classifications of division director,

assistant division director, deputy division director, or bureau chief as determined by the department to be policy-making, the department shall determine the comparable managerial positions and shall provide for their exemption. *Unless otherwise fixed by law* ~~However~~, the department shall set the salary of these positions in accordance with the classification and pay plan established for the senior management service ~~unless otherwise fixed by law~~.

(m) *The personal secretary to each appointed secretary, executive director, assistant executive director, and deputy executive director of each department. Unless otherwise fixed by law, the department shall set the salary of these positions.*

(n)~~(l)~~ The institute directors of the mental health institutes authorized for Tampa and Miami for training and research in the mental health field and all faculty-type employees chiefly concerned with training, research, and program evaluation. The salaries for these positions shall be similar to the salaries provided for faculty positions in the State University System and shall be subject to the approval of the department, unless otherwise fixed by law.

(o)~~(m)~~ The personal secretary and personal assistant of each member of the Florida Public Service Commission, the executive director and deputy executive director of the Florida Public Service Commission, the commission clerk, and the hearing examiners, official reporters, and directors of the departments within the commission. The Florida Public Service Commission shall, with the prior approval of the department, set the qualifications and salary of these positions unless otherwise fixed by law; *however, the Executive Director, Deputy Executive Directors, department directors, and those senior management positions nominated by the commission and accepted by the department shall be paid in accordance with the classification and pay plan established for the senior management service.*

(p)~~(n)~~ The deputy assistant secretaries, the staff directors, district administrators, assistant staff directors, Director of Management Systems, Director of Accounting Services, Director of Budget Services, Director of Revenue Management, Director of Personnel Management, Director of Training and Staff Development, Director of General Services, Director of Civil Rights Compliance, deputy district administrators, district program managers, district program coordinators, district sub-district administrators, district administrative services directors, district attorneys, Director of Central Operation Services, and Deputy Director of Central Operations Services of the Department of Health and Rehabilitative Services. *The department shall determine which of these positions shall be placed in the senior management service. Unless otherwise fixed by law, the department shall set the salary for these positions whether or not the position is included in the senior management service. However, the Department of Administration shall set the salary of these positions unless otherwise provided by law.*

(q)1.~~(e)~~ The academic and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for such positions shall be set by the Board of Trustees for the Florida School for the Deaf and the Blind, subject only to the approval of the State Board of Education.

2. *Those academic administrative positions recommended by the Board of Trustees for the Florida School for the Deaf and the Blind and accepted by the department for inclusion within the senior management service. The salaries of these positions shall be set by the department in accordance with the classification and pay plan established for the senior management service.*

(r)~~(p)~~ *All military personnel of the Department of Military Affairs Members of the senior management group created pursuant to s. 23, ch. 70-100, Laws of Florida.*

Section 3. Paragraph (a) of subsection (2) of section 216-251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans ~~plan~~ provided for in chapter 110.

2. Within the classification and pay plans ~~plan~~ established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the Board of Regents for those positions in the State University System which are determined by the Board of Regents of the Division of Universities of the Department of Education to be teaching and research faculty positions, and comparable administrative and professional positions.

4. Within the classification and pay plan approved by the Senate, the House of Representatives, the Joint Legislative Management Committee, or the Legislative Auditing Committee, as the case may be, for employees of the Legislature.

5. The salary of all positions not specifically included in this subsection shall be set by the commission.

Section 4. This act shall take effect September 1, 1980.

Amendment 2—On page 1 in title, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state personnel senior management; creating part V, of chapter 110, Florida Statutes, outlining policy; creating a senior management advisory committee; creating a senior management service and senior management policy committee; establishing the powers and duties of the Department of Administration; amending s. 110.205(2), Florida Statutes; providing exemptions of certain positions from the career service; providing for inclusion of certain exempt positions within the senior management service and for payment for such positions in accordance with the classification and pay plan established for the senior management service; amending s. 216-251(2)(a), Florida Statutes; providing for payment of salaries in accordance with the classification and pay plans provided for in chapter 110, Florida Statutes; providing an effective date.

On motion by Senator Johnston, by two-thirds vote HB 1754 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

CS for SB 1274 was laid on the table.

On motion by Senator Anderson, by unanimous consent—

HB 1428—A bill to be entitled An act relating to community colleges; amending s. 240.375, Florida Statutes, and creating s. 240.376, Florida Statutes; authorizing a community college district board of trustees to be self-insured, to enter into risk management programs, or to purchase insurance to pay the costs of civil actions against board employees and agents and to protect real and personal property owned or used by the board, as provided in s. 111.072, Florida Statutes; providing an effective date.

—was taken up and read the second time by title.

Senator Anderson moved the following amendments which were adopted:

Amendment 1—On page 2, line 15, strike line 15 and insert: Section 3. Subsection (5) is added to section 237.211, Florida Statutes, to read:

237.211 School depositories; payments into and withdrawals from depositories.—

(5) **EXEMPTION FOR SELF-INSURANCE PROGRAMS.**—The school board is authorized to contract with an

approved service organization to provide self-insurance services, including, but not limited to, the evaluation, settlement and payment of self-insurance claims on behalf of the school board. Pursuant to such contract, the school board may advance money to the service organization to be deposited in a special checking account for paying claims against the school board under its self-insurance program. The special checking account shall be maintained in a designated district school depository. The school board may replenish such account as often as necessary upon the presentation by the service organization of documentation for claims paid equal to the amount of the requested reimbursement. Such replenishment shall be made by a warrant signed by the chairman of the board and countersigned by the superintendent.

Section 4. Section 136.09, Florida Statutes, is created to read:

136.09 Exemption for county self-insurance programs.—A board of county commissioners is authorized to contract with an approved service organization to provide self-insurance services, including, but not limited to, the evaluation, settlement, and payment of self-insurance claims on behalf of the board. Pursuant to such contract, the board may advance money to the service organization to be deposited in a special checking account for paying claims against the board under its self-insurance program. The special checking account shall be maintained in a county depository pursuant to this chapter. The board may replenish such account as often as necessary upon the presentation by the service organization of documentation for claims paid equal to the amount of the requested reimbursement. Such replenishment shall be made by a warrant signed by the chairman of the board and attested by the clerk or secretary of said board.

Section 5. This act shall take effect July 1, 1980, except that sections 1 and 2 shall take effect October 1, 1980.

Amendment 2—On page 1 in title, line 2, strike said line and insert: An act relating to self-insurance for school districts and community colleges; adding subsection (5) to s. 237.211, Florida Statutes; authorizing district school boards to contract with an approved service organization to provide self-insurance services and to advance money to such service organization to be deposited in a special checking account for paying claims against the school board under its self-insurance program; providing that the special checking account may be maintained in a depository other than a district school depository; authorizing reimbursement of such advance upon the presentation of documentation for claims paid; creating section 136.09, Florida Statutes; authorizing counties to contract with an approved service organization to provide self-insurance services and to advance money to such service organization to be deposited in a special checking account for paying claims against the county under its self-insurance program; providing that the special checking account shall be maintained in a county depository; authorizing replenishment of such account upon the presentation of documentation for claims paid; amending

On motion by Senator Anderson, by two-thirds vote HB 1428 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Gorman	Maxwell	Skinner
Barron	Grizzle	McClain	Stuart
Beard	Hair	McKnight	Thomas
Childers, D.	Henderson	Myers	Tobiassen
Childers, W. D.	Hill	Neal	Trask
Dunn	Holloway	Peterson	Vogt
Fechtel	Jenne	Poole	Williamson
Frank	Johnston	Scarborough	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 motions by Senator W. D. Childers, the rules were waived and by two-thirds vote HB 1431 was withdrawn from the Committee on Commerce.

On motion by Senator Johnston, by two-thirds vote SB 884 was placed at the end of the special order calendar.

SPECIAL ORDER, resumed

By the Committee on Ways and Means and Senator Skinner—

CS for SB 284—A bill to be entitled An act relating to sexual battery; creating s. 794.07, Florida Statutes; requiring the state courts administrator to pay the medical expenses of initial physical examinations of victims of sexual battery under specified circumstances; limiting amount of payment; providing an appropriation; providing a retroactive effective date.

—was read the first time by title and SB 284 was laid on the table.

On motions by Senator Skinner, by two-thirds vote CS for SB 284 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

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

Nays—None

SB 619 was taken up and on motion by Senator Beard, the rules were waived and by two-thirds vote HB 1749 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Beard—

HB 1749—A bill to be entitled An act relating to bail pending appeal; creating s. 903.133, Florida Statutes; prohibiting the granting of bail on appeal to a person adjudged guilty of a first degree felony for a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act; repealing Rules 3.130(a) and 3.691(a), Florida Rules of Criminal Procedure, to the extent of their conflict with the act; providing an effective date.

—a companion measure, was substituted for SB 619 and read the second time by title. On motion by Senator Beard, by two-thirds vote HB 1749 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Dunn	Jenne	Scott
Barron	Fechtcl	Johnston	Skinner
Beard	Frank	MacKay	Stuart
Carlucci	Gorman	McClain	Trask
Chamberlin	Grizzle	Neal	Ware
Childers, D.	Hill	Peterson	Winn
Childers, W. D.	Holloway	Poole	

Nays—1

Scarborough

Vote after roll call:

Yea—Steinberg

SB 619 was laid on the table.

SB 1303 was taken up and on motion by Senator Hill, the rules were waived and by two-thirds vote CS for HB 273 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Hill—

CS for HB 273—A bill to be entitled An act relating to advanced life-support services; amending s. 401.46(1), Florida

Statutes, allowing ambulances operated by fire departments to retain their fire department identity through use of color schemes, insignia, names, monograms or as otherwise designated by the fire department; waiving any refresher course requirements with respect to volunteer emergency medical technicians for a period of one year following the effective date of the act; providing for compliance with certain federal regulations; providing an effective date.

—a companion measure, was substituted for SB 1303 and read the second time by title.

Senator Hill moved the following amendments which were adopted:

Amendment 1—On page 2, lines 11-18, strike entire Section 2 and renumber subsequent section

Amendment 2—On page 1 in title, lines 8-12, strike the words "waiving any refresher course requirements with respect to volunteer emergency medical technicians for a period of one year following the effective date of the act;"

On motion by Senator Hill, by two-thirds vote CS for HB 273 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Beard	Gorman	McClain	Thomas
Chamberlin	Grizzle	Neal	Tobiassen
Childers, D.	Hill	Peterson	Trask
Childers, W. D.	Holloway	Poole	Williamson
Dunn	Jenne	Scarborough	Winn
Fechtcl	Johnston	Skinner	
Frank	MacKay	Stuart	

Nays—None

Vote after roll call:

Yea—Steinberg

SB 1303 was laid on the table.

SB 193 was taken up and on motion by Senator Johnston, the rules were waived and by two-thirds vote HB 168 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Johnston—

HB 168—A bill to be entitled An act relating to civil liability; creating s. 768.135, Florida Statutes; providing that volunteer team physicians in attendance at elementary or secondary school athletic events who render emergency treatment to participants in such events shall be immune from civil liability in connection therewith; providing an effective date.

—a companion measure, was substituted for SB 193 and read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 168 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Steinberg

SB 193 was laid on the table.

SJR 574—A joint resolution proposing an amendment to Section 3, Article VII of the State Constitution, relating to ad

valorem taxation, to authorize the granting of economic development tax exemptions.

—was read the second time. On motion by Senator Thomas, by two-thirds vote SJR 574 was read the third time in full as follows:

A joint resolution proposing an amendment to Section 3, Article VII of the State Constitution, relating to ad valorem taxation, to authorize the granting of economic development tax exemptions.

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

That the following amendment to Section 3 of Article VII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held on November 4, 1980; and, if approved, such amendment shall take effect upon such approval and shall first apply to the taxes levied on the assessment rolls for the year 1981:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 3

Proposing an amendment to the State Constitution, effective upon approval, to allow counties and municipalities, after a referendum providing therefor, to grant ad valorem tax exemptions to new businesses and expansions of existing businesses, for certain improvements to real property and for certain tangible personal property, subject to definitions and limitations as provided by general law.

SJR 574 passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Grizzle	McClain	Thomas
Barron	Henderson	McKnight	Tobiasen
Beard	Hill	Neal	Trask
Chamberlin	Holloway	Peterson	Ware
Childers, D.	Jenne	Poole	Williamson
Childers, W. D.	Johnston	Scarborough	
Fechtel	MacKay	Skinner	
Frank	Maxwell	Stuart	

Nays—None

Votes after roll call:

Yea—Steinberg

Yea to Nay—Chamberlin

SB 867—A bill to be entitled An act relating to exemptions from ad valorem taxation; adding s. 196.012(13), (14), Florida Statutes; providing definitions; creating s. 196.1995, Florida Statutes; providing for referendum to authorize the governing board of a county or municipality to exempt from certain ad valorem taxation certain property of a new business or of an expansion of an existing business; providing for application for exemption; specifying duties of property appraisers; adding s. 193.085(5), Florida Statutes, as amended; providing for separate assessment of certain property; adding s. 195.073(4), Florida Statutes, as amended; providing for adoption of rules; renumbering s. 195.097(4) and adding a new subsection (4) to said section; specifying duties of the Department of Revenue; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1—On page 1, line 24, strike everything after the enacting clause and insert: Section 1. Subsections (13) and (14) are added to section 196.012, Florida Statutes, to read:

196.012 Definitions.—For the purpose of this chapter the following terms are defined as follows except where the context clearly indicates otherwise:

(13) "New business" means:

(a) A business establishing 10 or more jobs to employ 10 or more full-time employees in Florida, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or

(b) Any business establishing 25 or more jobs to employ 25 or more full-time employees in Florida, the sales factor of which, as defined by s. 214.71(3), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; or

(c) Any office space in Florida owned and used by a corporation newly domiciled in Florida; provided such office space houses 50 or more full-time employees of such corporation;

Provided that such business or office first begins operation on a site clearly separate from any other commercial or industrial operations owned by the same business.

(d) Any business located in an area designated a slum or blighted area pursuant to s. 163.355. For the purpose of this section, the terms slum area or blighted area shall have the same meaning as in s. 163.340(7) and (8).

(14) "Expansion of an existing business" means:

(a) A business establishing 10 or more jobs to employ 10 or more full-time employees in Florida, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or

(b) Any business establishing 25 or more jobs to employ 25 or more full-time employees in Florida, whose sales factor as defined by s. 214.71(3) for the facility with respect to which it requests an economic development ad valorem tax exemption

is less than 0.50 for each year the exemption is claimed;

Provided that such business increases operations on a site collocated with a commercial or industrial operation owned by the same business, resulting in a net increase in employment of not less than 10 percent or an increase in productive output of not less than 10 percent.

Section 2. Section 196.1995, Florida Statutes, is created to read:

196.1995 Economic development ad valorem tax exemption.—

(1) The board of county commissioners of any county or the governing authority of any municipality shall call a referendum within its total jurisdiction to determine whether its respective jurisdiction may grant economic development ad valorem tax exemptions under s. 3, Art. VII of the State Constitution if:

(a) The board of county commissioners of the county or the governing authority of any municipality votes to hold such referendum; or

(b) The board of county commissioners or governing authority of a municipality receives a petition signed by 10 percent of the registered electors of its respective jurisdiction, which petition calls for the holding of such referendum.

(2) The ballot question in such referendum shall be in substantially the following form:

Shall the board of county commissioners of this county (or the governing authority of this municipality, or both) be authorized to grant, pursuant to s. 3, Art. VII of the State Constitution, property tax exemptions to new businesses and expansions of existing businesses?

....Yes—For authority to grant exemptions.

....No—Against authority to grant exemptions.

(3) A referendum pursuant to this section may be called only once in any 12-month period.

(4) Upon a majority vote in favor of such authority, the board of county commissioners or the governing authority of any municipality may, at its discretion, by ordinance, exempt from ad valorem taxation 100 percent of the assessed value of all improvements to real property made by or for the use of a new business and all tangible personal property of such new business, or 100 percent of the assessed value of all added improvements to real property which additions are made to facilitate the expansion of an existing business and of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business. Property acquired to replace existing property shall not be considered to facilitate a business expansion. The exemption shall apply only to taxes levied by the respective unit of government granting the exemption. The exemption shall not apply, however, to taxes levied for payment of bonds or to taxes authorized by a vote of the electors pursuant to ss. 9(b) or 12, Art. VII of the State Constitution. Any such exemption shall remain in effect for 10 years with respect to any particular facility, regardless of any change in the authority of the county or municipality to grant such exemptions. The exemption shall not be prolonged or extended by granting exemptions from additional taxes or by virtue of any reorganization or sale of the business receiving the exemption.

(5) The authority to grant exemptions under this section shall expire 10 years after the date such authority was approved in an election, but such authority may be renewed for another 10-year period in a referendum called and held pursuant to this section.

(6) Any person, firm, or corporation which desires an economic development ad valorem tax exemption shall, in the year the exemption is desired to take effect, file a written application on a form prescribed by the department with the board of county commissioners, the governing authority of the municipality, or both. The application shall request the adoption of an ordinance granting the applicant an exemption pursuant to this section, and shall include the following information:

(a) The name and location of the new business or the expansion of an existing business;

(b) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;

(c) A description of the tangible personal property for which an exemption is requested and the dates when such property was or is to be purchased; and

(d) Proof, to the satisfaction of the board of county commissioners or the governing authority of the municipality, that the applicant is a new business or an expansion of an existing business, as defined in s. 196.012(13) or (14).

(e) Other information deemed necessary by the department.

(7) Before it takes action on the application, the board of county commissioners or the governing authority of the municipality shall deliver a copy of the application to the property appraiser of the county. The property appraiser shall, after careful consideration, report the following information to the board of county commissioners or the governing authority of the municipality:

(a) The total revenue available to the county or municipality for the current fiscal year from ad valorem tax sources;

(b) Any revenue lost to the county or municipality for the current fiscal year by virtue of exemptions previously granted under this section;

(c) An estimate of the revenue which would be lost to the county or municipality during the current fiscal year if the exemption applied for were granted had the property for which the exemption is requested otherwise been subject to taxation; and

(d) A determination as to whether the property for which an exemption is requested is to be incorporated into a new business or an expansion of an existing business, as defined in s. 196.012(13) or (14), or neither, which determination the property appraiser shall also affix to the face of the application. Upon request of the appraiser, the department shall provide to him such information as it may have available to assist in making said determination.

(8) An ordinance granting an exemption under this section shall be adopted in the same manner as any other ordinance of the county or municipality and shall include the following:

(a) The name and address of the new business or expansion of an existing business to which the exemption is granted;

(b) The total amount of revenue available to the county or municipality from ad valorem tax sources for the current fiscal year, the total amount of revenue lost to the county or municipality for the current fiscal year by virtue of economic development ad valorem tax exemptions currently in effect, and the estimated revenue loss to the county or municipality for the current fiscal year attributable to the exemption of the business named in the ordinance;

(c) The expiration date of the exemption; and

(d) A finding that the business named in the ordinance meets the requirements of s. 196.012(13) or (14).

Section 3. Subsection (4) is added to section 195.073, Florida Statutes, to read:

195.073 Classification of property.—All items required by law to be on the assessment rolls shall receive a classification based upon the use of the property. The department shall promulgate uniform definitions for all classifications. The department may designate other subclassifications of property. No assessment roll may be approved by the department which does not show proper classifications.

(4) Rules adopted pursuant to this section shall provide for the separate identification of property granted an economic development ad valorem tax exemption, in addition to classification according to use.

Section 4. Subsection (4) of section 195.097, Florida Statutes, is renumbered as subsection (5) and a new subsection (4) is added to said section to read:

195.097 Postaudit review of rolls; supervision by the department.—

(4) The department shall review the assessments of new and expanded businesses granted an exemption pursuant to s. 196.1995 to insure parity of level of assessment with other classifications of property.

Section 5. This act shall take effect upon approval by the electors of an amendment to s. 3, Art. VII of the State Constitution authorizing the ad valorem tax exemptions provided for in this act, and shall first apply to the 1981 assessment rolls.

Amendment 2—On page 1, in title, strike all of lines 12 through line 20 and insert: appraisers; adding s. 195.073(4), Florida Statutes; providing for adoption of rules relating to identification and classification of such property; adding a new subsection (4) to s. 195.097, Florida Statutes; specifying duties of the Department of Revenue; providing an effective date.

On motion by Senator Thomas, by two-thirds vote SB 867 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
Barron	Grizzle	McKnight	Stuart
Beard	Hair	Myers	Thomas
Carlucci	Hill	Neal	Tobiassen
Childers, D.	Holloway	Peterson	Trask
Childers, W. D.	Jenne	Poole	Ware
Dunn	Johnston	Scarborough	Williamson
Fechtel	MacKay	Scott	Winn

Nays—1

Chamberlin

SJR 575—A joint resolution proposing an amendment to Section 4, Article VII of the State Constitution, relating to ad valorem taxation, to authorize the classification or exemption of tangible personal property held for sale as stock in trade or livestock.

—was read the second time.

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

Amendment 1—On page 1, strike all of lines 26 and 27 and insert: (b) Pursuant to general law tangible personal property, including held for sale as stock in trade and livestock held for sale, may be valued

Amendment 2—On page 2, strike all of lines 8 and 9 and insert: of tangible personal property, including stock in trade and livestock held for sale.

On motion by Senator Thomas, by two-thirds vote SJR 575 as amended was read the third time in full as follows:

A joint resolution proposing an amendment to Section 4, Article VII of the State Constitution, relating to ad valorem taxation, to authorize the classification or exemption of tangible personal property held for sale as stock in trade or livestock.

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

That the following amendment to Section 4 of Article VII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held on November 4, 1980, and, if approved, such amendment shall take effect January 1, 1981:

ARTICLE VII

FINANCE AND TAXATION

Section 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land or land used exclusively for non-commercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property, including held for sale as stock in trade and livestock held for sale, may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

Proposing an amendment to the State Constitution, effective January 1, 1981, to allow pursuant to general law the classification for tax purposes or exemption from taxation of tangible personal property, including stock in trade and livestock held for sale.

—and as amended passed by the required constitutional three-fifths vote of the membership and was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Votes after roll call:

Yea—W. D. Childers, Dunn, Steinberg

By the Committee on Ways and Means and Senators Thomas, Henderson, Fechtel, Winn, W. D. Childers, Don Childers, Myers and Steinberg—

CS for SB 706—A bill to be entitled An act relating to the Department of Commerce; creating s. 288.011, Florida Statutes; requiring the department to adopt rules by which it may make advancements or reimbursements and direct payments for actual travel and entertainment expenses incurred with respect to duties of the department; requiring prior approval of such rules by the Comptroller; requiring a report to the Legislature; providing penalties for making false claims for such expenses; repealing ss. 288.03(21)-(23) and 288.34(1)(h), (k), and (l), Florida Statutes, relating to payments or advancements for such expenses; providing an effective date.

—was read the first time by title and SB 706 was laid on the table.

On motions by Senator Thomas, by two-thirds vote CS for SB 706 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	Gorman	MacKay	Skinner
Barron	Grizzle	Maxwell	Stuart
Beard	Hair	McKnight	Thomas
Chamberlin	Henderson	Myers	Tobiassen
Childers, D.	Hill	Neal	Trask
Childers, W. D.	Holloway	Poole	Williamson
Dunn	Jenne	Scarborough	Winn
Frank	Johnston	Scott	

Nays—1

McClain

Votes after roll call:

Yea—Fechtel, Steinberg

Senator Scarborough presiding

SB 1326 was taken up and on motions by Senator Jenne by two-thirds vote—

HB 1776—A bill to be entitled An act relating to community development; amending s. 125.01(5), Florida Statutes, which authorizes the establishment of special districts by the governing body of a county; providing that such districts shall include both incorporated and unincorporated areas subject to the approval of the governing body of the affected incorporated area; providing for composition of the governing body of such districts; creating Part II of Chapter 189, Florida Statutes; providing for creation, operation, management, and financing of community development districts; providing definitions; providing membership, terms, powers, and duties of the governing bodies of districts; providing a budget system; providing for disclosure of financing; specifying powers over public improvements and community facilities; providing for issuance of bond anticipation notes; providing for short-term borrowing; requiring trust agreements; providing for general obligation bonds and revenue bonds; authorizing ad valorem taxes, benefit taxes, and maintenance taxes; providing for enforcement of taxes; providing for special assessments; providing for issuance of certificates of indebtedness; providing for liens and foreclosure of liens; authorizing redemption of tax liens; providing for mandatory use of certain district facilities and services; requiring bids; providing for adoption and collection of fees, rentals, and other charges; authorizing discontinuation of service; providing legal and equitable remedies; providing for attorney's fees; exempting district property from execution; providing procedure for termination, contraction, merger, or expansion of districts; prohibiting certain special acts; repealing ss. 163.601-163.633, Florida Statutes, relating to new communities; providing an effective date.

—a companion measure was withdrawn from the Committee on Economic, Community and Consumer Affairs, substituted for SB 1326 and read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 43, line 7-23, strike all of said lines and insert: (6) TAX EXEMPTION.—All bonds issued hereunder and interest paid thereon, and all fees, charges and other revenues derived by the district from the projects provided by this act shall be exempt from all taxes by the state or by any political subdivision, agency, or instrumentality thereof; provided, however, that any interest, income, or profits on debt obligations issued hereunder shall not be exempt from the tax imposed by chapter 220, further provided that districts shall not be exempt from the provisions of chapter 212.

Amendment 2—On page 26, line 31, strike the period (.) and insert: , *except for the specifications relating to elevated curves, clearing of right-of-way, width of right-of-way for any district road defined as a "collector road" or "local road" under Ch. 334 of the Florida Transportation Code.*

Senator Stuart moved the following amendment which was adopted:

Amendment 3—On page 18, line 11, strike the period and insert: ; *however, for new community districts exceeding 5,000 acres, such election shall commence ten (10) years after the initial election.*

On motion by Senator Jenne, by two-thirds vote HB 1776 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 1326 was laid on the table.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1111 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Crotty—

HB 1111—A bill to be entitled An act relating to education; allowing district school boards and community college boards of trustees to develop educational centers for gifted junior high school students; providing for funding; providing an effective date.

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

On motions by Senator Don Childers, by two-thirds vote HB 1111 was withdrawn from the Committee on Education and by two-thirds vote placed at the end of the special order calendar.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1698 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Tourism & Economic Development and Representative Carlton—

HB 1698—A bill to be entitled An act relating to tourism and economic development; creating s. 288.012, Florida Statutes, authorizing the department to establish and operate offices in foreign countries; providing exemptions from general law relating to leasing and purchasing; requiring approval by the Governor to exercise such exemptions; requiring a report to the Legislature; providing an effective date.

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

SPECIAL ORDER, continued

CS for SB 1270 was read the first time by title and SB 1270 was laid on the table.

On motion by Senator Thomas, by two-thirds vote HB 1698 was withdrawn from the Committee on Commerce.

On motions by Senator Thomas—

HB 1698—A bill to be entitled An act relating to tourism and economic development; creating s. 288.012, Florida Statutes, authorizing the department to establish and operate offices in foreign countries; providing exemptions from general law relating to leasing and purchasing; requiring approval by the Governor to exercise such exemptions; requiring a report to the Legislature; providing an effective date.

—a companion measure, was substituted for CS for SB 1270 and by two-thirds vote read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1698 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

CS for SB 1270 was laid on the table.

CS for SB 1207, by the Committee on Commerce and Senator Winn, was read the first time by title and SB 1207 was laid on the table.

CS for SB 1207 was taken up and on motions by Senator Winn, the rules were waived and by two-thirds vote HB 1504 was withdrawn from the Committees on Commerce, Governmental Operations and Ways and Means.

On motion by Senator Winn—

HB 1504—A bill to be entitled An act relating to tourism and economic development; amending s. 288.03(7), Florida Statutes, and adding subsections (25), (26) and (27) thereto, authorizing the Division of Economic Development of the Department of Commerce to establish and expend funds for a cooperative advertising program; authorizing the division to charge and collect certain fees; authorizing the division to deposit state funds in foreign banks and purchase foreign currency for certain purposes, subject to the concurrence of the State Treasurer; authorizing the Division to make grants pursuant to appropriations made by the Legislature; amending s. 288.06, Florida Statutes, eliminating language with respect to research contracts; amending s. 288.34(1)(f), (h), and (1) and (2), Florida Statutes, and adding paragraph (m) to subsection (1) thereof, and adding subsection (5), providing that the Division of Tourism of the Department of Commerce may establish a cooperative advertising program; providing for the deposit of funds for such a program; restricting the division's entertainment expenses and prohibiting the commingling of operational or promotional advancements with other funds; eliminating language authorizing the division to enter into research contracts; authorizing the Division to make grants pursuant to appropriations made by the Legislature; adding a subsection to s. 125.0104, Florida Statutes, granting certain powers with respect to promotional travel and entertainment expenses to certain county agencies in counties levying the tourist development tax; adding subsections to s. 159.47, Florida Statutes, granting similar powers to industrial development authorities; providing an effective date.

—a companion measure, was substituted for CS for SB 1207 and read the second time by title.

Senator Winn moved the following amendment which was adopted:

Amendment 1—On page 11, line 8, strike "October 1, 1980" and insert: upon becoming a law

Senator Maxwell moved the following amendments which were adopted:

Amendment 2—On page 11, between lines 7 and 8, insert: Section 6. The provisions of s. 159.47(10), (11), and (12), Florida Statutes, are applicable to any county agency which was created by special act for the purpose of attracting industry, and the chairman, members, or employees of such agency shall be considered to be the chairman, members, or employees of an authority under s. 159.47, Florida Statutes, for purposes of those subsections.

(And renumber subsequent section.)

Amendment 3—On page 11, line 8, insert a new Section 6 and renumber subsequent sections.

Section 6. Section 288.348, Florida Statutes, is created to read:

288.348 Transportation projects.—

(1) The Division of Economic Development is authorized to make expenditures and enter into contracts for transportation projects with the Department of Transportation.

(2) Any contract with the Department of Transportation for construction of any transportation project executed by the Division of Economic Development shall:

(a) Specify and identify the transportation project to be constructed.

(b) Require that the Department of Transportation award the particular transportation project to the lowest and best

bidder in accordance with applicable state and federal statutes or regulations.

(c) Require that the Department of Transportation provide the division with copies of subcontractor's progress reports, copies of all progress payments made to subcontractors for work in connection with such transportation projects, and any change orders executed by the department with subcontractors and payments made pursuant thereto. In addition, the Department of Transportation, upon completion and acceptance of the transportation project, shall make certification to the division that the project has been completed in compliance with the terms and conditions of the agreement between the department and the subcontractor.

(d) Require that the Division of Economic Development transfer funds for each transportation project to the Department of Transportation when the construction contract is awarded to the lowest and best bidder by the department.

(e) Require that the governing body of the appropriate local government body agree by resolution to accept future maintenance and other attendant costs occurring after completion of the transportation project if the project is construction on a county or municipal system.

(3) With respect to any contracts executed pursuant to this section, "transportation project" means roads as defined in s. 334.021(4)(b) which are necessary in the judgment of the Division of Economic Development to facilitate the economic development and growth of the state.

(4) The Division of Economic Development shall promulgate rules pursuant to chapter 120 setting forth the criteria by which transportation projects are to be specified and identified.

Amendment 4—On page 2, in title, line 9, insert after "authorities;": creating s. 288.348, Florida Statutes, authorizing the Division of Economic Development of the Department of Commerce to enter into contracts with the Department of Transportation for certain transportation projects;

Amendment 5—On page 2, in title, line 9, after the semicolon (;) insert: granting certain powers with respect to travel and entertainment expenses to any county agency created by special act for the purpose of attracting industry;

On motion by Senator Winn, by two-thirds vote HB 1504 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

CS for SB 1207 was laid on the table.

On motion by Senator Carlucci, 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 amendment—

By Senator Carlucci—

SB 89—A bill to be entitled An act relating to compensation for victims of crimes; amending s. 960.13(2), (7), Florida Statutes; providing that any compensation granted shall be subsequent to all benefits payable by primary insurance carriers; providing that compensation to victims of crime shall not depend upon the financial status of the claimant; amending

s. 960.14(2), Florida Statutes; providing that compensation to a claimant may be modified or rescinded at any time based upon a change in benefits derived from other enumerated sources; amending s. 960.20, Florida Statutes; requiring clerks of the courts to collect and forward the proceeds of certain additional costs imposed by the act; deleting authorization to waive, modify, or defer payment of such costs; amending s. 960.25, Florida Statutes; eliminating the surcharge on civil penalties; adding s. 775.0835(3), Florida Statutes; giving priority to collection and credit of court costs created by s. 960.20, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 1-24 in title, strike the entire title and insert: A bill to be entitled An act relating to victims of crimes; creating a Bureau of Crimes Compensation within the Division of Workers' Compensation of the Department of Labor and Employment Security; transferring the program, activity and function of the Crimes Compensation Commission of the Department of Health and Rehabilitative Services to the division; amending ss. 960.02, 960.03, 960.04(1), 960.05, 960.07(2), (3) and (4), 960.08, 960.12, 960.15, 960.18, 960.21(1) and (2), 960.22, and 960.23, Florida Statutes; changing terminology to reflect such transfer; amending s. 960.06, Florida Statutes; providing for powers and duties of the division; amending s. 960.09, Florida Statutes; providing a procedure for the determination of claims; amending s. 960.13(1), (6), and (7), Florida Statutes, conforming to the act provisions relating to compensation awards; amending s. 960.14, Florida Statutes, providing for direct payment to health care providers and changing the circumstances in which a claim may be reconsidered; amending s. 960.20, Florida Statutes, relating to payment of additional costs upon conviction of a felony or misdemeanor; amending s. 960.25, Florida Statutes; providing a 5 percent surcharge on fines for any criminal offense; adding subsection (3) to s. 775.0835, Florida Statutes; providing for payment into the Crimes Compensation Trust Fund of the additional \$10 costs, provided in s. 960.20, Florida Statutes; repealing s. 960.10, Florida Statutes, relating to the determination of claims by the full commission; repealing s. 960.11, Florida Statutes, relating to judicial review of decisions by the commission; repealing s. 960.19, Florida Statutes, relating to attorney's fees; providing an effective date.

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

SB 89 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Steinberg

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER, continued

SB 863—A bill to be entitled An act relating to the Department of Commerce; creating s. 288.115, Florida Statutes, authorizing the department to pay for certain membership dues and for presentment of plaques, certificates, and other items for outstanding service; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, line 18, insert after "items": , not exceeding \$100 for such other items.

Amendment 2—On page 1, line 18, insert after "persons": who are not state of Florida public employees

Pending further consideration of SB 863 as amended, on motions by Senator Hair, the rules were waived and by two-thirds vote HB 867 was withdrawn from the Committees on Governmental Operations and Ways and Means.

On motion by Senator Hair—

HB 867—A bill to be entitled An act relating to the Department of Commerce; creating s. 288.115, Florida Statutes, authorizing the department to pay for certain membership dues and for presentment of plaques, certificates, and other items for outstanding service; providing an effective date.

—a companion measure, was substituted for SB 863 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 867 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Gordon	McKnight	Thomas
Barron	Gorman	Myers	Trask
Beard	Hair	Neal	Vogt
Carlucci	Henderson	Peterson	Ware
Childers, D.	Hill	Poole	Williamson
Childers, W. D.	Jenne	Scarborough	Winn
Dunn	Johnston	Skinner	
Fechtcl	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—1

Chamberlain

SB 863 was laid on the table.

By the Committee on Ways and Means and Senators Peterson and Stuart—

CS for SB 744—A bill to be entitled An act relating to taxation; amending s. 196.199(2)(b), (7), Florida Statutes, and adding subsection (9) to said section; providing that certain governmental leaseholds be taxed only as intangible personal property and providing a requirement for a referendum in certain cases; amending s. 199.023(3), Florida Statutes, and adding paragraph (f) to subsection (1) of said section; providing definitions; amending s. 199.072(1)(a), (3), Florida Statutes; providing that certain governmental leaseholds are not exempt from intangible personal property taxes; amending s. 199.292(1), Florida Statutes; providing for the disposition of intangible personal property taxes collected on certain governmental leaseholds; extending the dates and deadlines for payment and the filing of returns for intangible personal property taxes on certain governmental leaseholds for 1980; providing an effective date.

—was read the first time by title and SB 744 was laid on the table.

On motion by Senator Peterson, by two-thirds vote CS for SB 744 was read the second time by title.

Senator Myers moved the following amendment which failed:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Any agreement entered into with a local governmental authority prior to January 1, 1969 for use of public property under which it was understood and agreed, in a written instrument or by special act, that no ad valorem real property taxes would be paid by the licensee or lessee, will be deemed a license or management agreement for the use or management of public property, which does not convey an interest in the property and is not subject to ad valorem real property taxation. Nothing herein shall be deemed to exempt said licensee from the ad valorem intangible tax and the ad valorem personal property tax.

Section 2. This act shall take effect on October 1, 1980.

Senator Maxwell moved the following amendments which were adopted:

Amendment 2—On page 3, line 9, insert: Excepting any such leasehold estate or possessory interest subject to classification pursuant to Section 4(a), Art. VII, Constitution of the State of Florida,

Amendment 3—On page 2, on line 14 strike "ad valorem" and on line 15 strike "personal property" and insert on line 14 after the word "property": , buildings or other real property improvements

Senator Peterson moved the following amendments which were adopted:

Amendment 4—On page 5, line 16, after the period insert: It is the intent of the Legislature that on and after July 1, 1981, no party to a leasehold interest regulated pursuant to this act shall, when real property taxes and leasehold fees are combined, be required to pay any amount for such fees and taxes in excess of the amount due for real property taxes required upon the fair market value of the leasehold interest.

Amendment 5—On page 5, line 24, insert a new Section 8: There is hereby appropriated the sum of \$10,000 from the General Revenue Fund to the University of West Florida for the sole purpose of conducting a study regarding the taxation of leasehold interests on Santa Rosa Island. The result of said study shall be submitted to the Florida Legislature by March 1, 1981.

(and renumber.)

Amendment 6—On page 2, lines 24-28, strike all of said lines.

Amendment 7—On page 1, lines 26-28, strike all of said lines and insert: Section 2. Paragraph (b) of subsection (2) of section 196.199, Florida Statutes, is amended to read:

Senator Hair moved the following amendment which was adopted:

Amendment 8—On page 1, between lines 25 and 26 insert a new section 1, and renumber the sections thereafter: Section 1. Paragraph (c) of subsection (1) of section 196.199, Florida Statutes, is amended to read:

196.199 Exemptions for property owned by governmental units.—

(1) Property owned and used by the following governmental units shall be exempt from taxation under the following conditions:

(c) All property of the several political subdivisions and municipalities of this state, or entities composed entirely of governmental agencies, or property conveyed to a nonprofit corporation which would revert to the governmental agency, which is used for governmental, municipal, or public purposes shall be exempt from ad valorem taxation, except as otherwise provided by law.

Senator Peterson moved the following amendment which was adopted:

Amendment 9—On page 1 in title, lines 3-8, strike all of said lines and insert: amending s. 196.199(1)(c), (2)(b), Florida Statutes, providing that certain governmental leaseholds be taxed only as intangible personal property; providing an appropriation to the University of West Florida for certain purposes; amending s. 199.023(3), Florida Statutes; creating s. 196.1995, Florida Statutes;

Senator Hair moved the following amendment which was adopted:

Amendment 10—On page 1 in title, line 2, insert following the semi-colon (;): amending s. 196.199(1)(c), Florida Statutes,

Senator Myers moved the following amendment which was adopted:

Amendment 11—On page 1 in title, strike everything before the enacting clause and insert: A bill to be entitled An act

relating to taxation; providing that certain agreements for use of public property will be deemed to be a license for use of public property that does not convey an interest in the property and is not subject to ad valorem real property taxation; providing such agreements shall not exempt a licensee from ad valorem intangible tax and personal property tax; providing an effective date.

On motion by Senator Peterson, further consideration of CS for SB 744 was deferred.

On motion by Senator Scott, SB 227 was placed on the consent calendar in lieu of SB 1259.

SB 1212—A bill to be entitled An act relating to tourism; adding subsection (5) to s. 288.34, Florida Statutes, creating the Tourism Promotional Trust Fund; authorizing the Division of Tourism of the Department of Commerce to purchase, hold for resale and offer for sale certain promotional products and items; authorizing the division to use the receipts from sale of such items for certain purposes; providing an effective date.

—was read the second time by title.

Pending further consideration of SB 1212, on motion by Senator Winn, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1529 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Tourism & Economic Development and Representative Carlton—

HB 1529—A bill to be entitled An act relating to tourism; adding subsection (5) to s. 288.34, Florida Statutes, creating the Tourism Promotional Trust Fund; authorizing the Division of Tourism of the Department of Commerce to purchase, hold for resale and offer for sale certain promotional products and items; authorizing the division to use the receipts from sale of such items for certain purposes; providing an effective date.

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

On motion by Senator Winn, by two-thirds vote HB 1529 was withdrawn from the Committee on Commerce.

SPECIAL ORDER, continued

On motions by Senator Winn, HB 1529, a companion measure, was substituted for SB 1212 and by two-thirds vote read the second time by title. On motion by Senator Winn, by two-thirds vote HB 1529 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 1212 was laid on the table.

SB 616—A bill to be entitled An act relating to small businesses; amending s. 288.39(2), (4), Florida Statutes, renumbering subsections (5)-(8), and adding a new subsection (5) to said section; encouraging commercial relationships between the state and small businesses; requiring the Division of Economic

Development of the Department of Commerce to conduct studies, workshops, and seminars dealing with and encouraging such relationships; declaring state policy that each state agency purchase commodities or services from small businesses; providing limitations; providing an effective date.

—was read the second time by title.

Pending further consideration of SB 616, on motion by Senator Gordon, the rules were waived and by two-thirds vote HB 1408 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Gordon—

HB 1408—A bill to be entitled An act relating to small businesses; amending s. 288.39(3) and (7)(e) and (f), Florida Statutes, and adding paragraphs to subsections (2) and (4), providing legislative intent; eliminating the definition of the term "small business"; directing the Division of Economic Development to perform certain duties vis-a-vis small businesses; directing the Small Business Advisory Council to perform certain duties; providing an effective date.

—a companion measure, was substituted for SB 616 and read the second time by title. On motion by Senator Gordon by two-thirds vote HB 1408 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 616 was laid on the table.

On motion by Senator Gordon, 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 HB 818 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Burnsed—

HB 818—A bill to be entitled An act relating to hospitals; amending s. 395.105, Florida Statutes; requiring hospitals to set standards and procedures, other than pursuant to chapter 120, Florida Statutes, relating to reasonable access by chiropractors to certain reports; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

SPECIAL ORDER, continued

SB 1108 was taken up and on motion by Senator Gordon, by two-thirds vote HB 818 was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Gordon, HB 818, a companion measure, was substituted for SB 1108 and by two-thirds vote read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 818 was read the third time by title, passed and certified to the House.

The vote on passage was:

Yeas—35

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

Nays—None

SB 1108 was laid on the table.

The President presiding

On motion by Senator Barron, 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 amendment—

By Senator Williamson—

SB 927—A bill to be entitled An act relating to the state correctional system; amending s. 944.025(2), Florida Statutes, expanding the operation of the pretrial intervention program; amending s. 944.025(3), Florida Statutes; extending the time period for participation in the program from 180 days to 1 year; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 1, strike all of Section 2 and insert: renumber subsequent sections

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

SB 927 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The bill was ordered engrossed and then enrolled.

Senator Johnston moved that the Senate take up the consent calendar at 5:00 p.m. and time of adjournment be extended until completion of the consent calendar.

The motion was adopted.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with 3 amendments—

By the Committee on Education and Senator Don Childers—

CS for SB 822—A bill to be entitled An act relating to education; amending s. 230.2312(5), Florida Statutes, and adding paragraph (f) to subsection (7) of said section; providing an exception for certain exceptional students; providing qualification of personnel who may be employed with funds pro-

vided by the Florida Primary Education program; amending s. 228.041(13), (21), Florida Statutes; defining terms; amending s. 228.051, Florida Statutes; deleting provisions classifying schools into kindergartens, elementary schools, and secondary schools; amending s. 230.23(3), (4)(f), (g), (5), (9)(a), Florida Statutes; specifying a 5-year school operation program; requiring school boards to notify the Commissioner of Education when planning to extend the school year; deleting provisions limiting number of school holidays; deleting provision that schools open after Labor Day and close prior to June 1; deleting requirement that holidays be uniform for all schools; deleting provisions relating to the appointment of noninstructional personnel and instructional staff; providing general procedure for hiring employees; providing that the school building program shall be part of the 5-year program for the district; amending s. 230.231(2), (3)(d), (5), Florida Statutes; including area vocational-technical centers in student services programs; providing procedure for follow-up studies; amending the introductory paragraph of s. 230.33, Florida Statutes, and s. 230.33(5), (7), (11)(a), (12)(a)-(c), (g), (13)(a), (b), (14), (15), (23), Florida Statutes; authorizing school superintendents to nominate in writing persons to fill vacancies; requiring nominations for reappointment of instructional staff to be made after conference with principal; amending s. 231.031, Florida Statutes; providing for continued employment beyond age of 70 of instructional personnel under certain conditions; amending s. 231.29(2), Florida Statutes; deleting provisions requiring superintendents to furnish the Department of Education with a complete statement of the criteria and procedure to be used in maintaining records of school personnel; amending the introductory paragraph of s. 231.39, Florida Statutes, and s. 231.39(2), Florida Statutes; deleting the provision that military leave shall not be counted for allocation of minimum foundation funds; amending s. 236.02(3), Florida Statutes; requiring each district which participates in the state appropriations for the Florida Education Finance Program to adopt rules relating to the appointment, transfer, suspension, and dismissal of school personnel; deleting provisions prescribing the duties of the district with regard to specific employment policies for instructional personnel; authorizing each district school board to provide reasonable time for vacation and absences for further professional studies for personnel employed on a 12-month basis; amending s. 236.39, Florida Statutes; eliminating requirement that qualified electors in a school bond election be freeholders; amending s. 237.091(1), Florida Statutes; eliminating provision that the school budget be approved as official by the Department of Education; amending s. 237.101, Florida Statutes; eliminating requirement that the Department of Education be joined in suits seeking relief which require a change in the official school budget; amending s. 238.07(1), Florida Statutes; eliminating the mandatory retirement age; amending s. 231.3505, Florida Statutes; requiring certain school districts and community colleges which generate vocational education funds to employ a certified director of vocational education; providing that such director may be assigned additional responsibilities under certain circumstances; repealing s. 228.041(14), (22), Florida Statutes, relating to definitions of "school month" and "school lunch personnel"; repealing ss. 229.065, 229.0651, Florida Statutes, relating to obsolete bond issues; repealing s. 229.514, Florida Statutes, as amended, relating to authority of Commissioner of Education to reallocate certain duties assigned to the Department of Education; repealing s. 229.801, Florida Statutes, relating to flexible staff operations for public schools; repealing s. 229.8025, Florida Statutes, relating to pilot programs; repealing s. 229.806, Florida Statutes, relating to advertising and promotion of teaching; repealing s. 229.821, Florida Statutes, relating to insurance or surety bonds to indemnify certain students; repealing s. 230.232(2)-(6), Florida Statutes, relating to pupil assignment; repealing s. 230.29, Florida Statutes, relating to the location of the office of superintendent of schools; repealing ss. 230.65, 230.651, Florida Statutes, relating to support of and allocation of construction funds to area vocational-technical centers; repealing s. 230.67, Florida Statutes, relating to job placement and follow-up; repealing s. 240.357, Florida Statutes, relating to transportation funding for community colleges; repealing s. 231.46, Florida Statutes, relating to furnishing of forms; repealing s. 233.063(3)(c), (d), Florida Statutes, as amended, relating to state appropriation for driver education; repealing s. 233.066, Florida Statutes, relating to elementary and secondary school counseling services; repealing s. 238.06(9), Florida Statutes, as amended, relating to school librarians with less than 10 years service earning retirement credit after reaching age 70; amending s. 244.07, Florida Statutes; requiring certain members of the Florida Education Council to be members of local advisory committees; establishing

the council as the chief state-level coordinating and monitoring body for local advisory committees; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 20, strike "personnel"

Amendment 2—On page 2, lines 27, 28, 29, strike all of lines 27, 28, and 29

Amendment 3—On page 2, line 30, insert: Section 2.

(9)(c) Primary Education Plans.—

Any district not obtaining approval of the required primary education program plan or alternative program plan by ~~October 1~~ ~~June 30~~, 1980, may be denied revenues that would be generated by that portion of the Florida Education Finance Program K-3 cost factors in excess of 1.234 for the 1980-81 fiscal year or any part of the year deemed appropriate by the council. *Each district's plan shall comply with section (7)(f); the council and the commissioner each shall, where necessary, take action to encourage districts to update plans as soon as is practical for compliance. Any district not obtaining approval of its plan, reflecting such compliance, before July 1, 1981, may be denied supplementary state revenues.* A district may apply to the council for approval to update or amend an approved plan. ~~for a school year provided that such application is made 60 days prior to the beginning of the next fiscal year or at such earlier date as may be required by the council.~~

Senator MacKay moved the following amendment to House Amendment 3 which was adopted:

Amendment 1—On page 1, line 17, insert: Section 3. Unlawful to sell dissertations, etc.—

(1) It shall be unlawful for any person or business entity to sell, offer to sell, or advertise for sale, any term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic, or other assignment which the seller or advertiser knew or reasonably should have known was intended for submission by a student, unaltered to any substantial degree, in fulfillment of the requirements for a degree, diploma, certificate or course of study at a university, college, academy, school or other educational institution in the state.

(2) This section shall not prevent any person or educational institution from providing tutorial assistance, research material, information, or courses in research or writing unless this service includes the preparation, research or writing of a report or paper as outlined in subsection (1). No person shall be prevented by this section from selling or offering to sell services which include the typing, assembling, transcription, reproduction, or editing of a manuscript or other assignment prepared by the purchaser.

(3) Any person violating the provisions of this section is guilty of misdemeanor of the second degree, punishable as provided in s. 775.082, or s. 775.084.

On motion by Senator Don Childers, the Senate refused to concur in House Amendments 1 and 2 and the House was requested to recede. On motion by Senator Childers, the Senate concurred in House Amendment 3 as amended and the House was requested to concur in the Senate Amendment to the House Amendment.

CS for SB 822 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Childers, D.	Gorman	Henderson
Anderson	Childers, W. D.	Grizzle	Hill
Beard	Frank	Hair	Holloway

Johnston Peterson
MacKay Poole
McKnight Skinner
Neal Steinberg

Stuart
Tobiassen
Trask

Vogt
Winn

Nays—None

Vote after roll call:

Yea—McClain

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, 1C and 2 to CS for HB 1635 and requests the Senate to recede; and in the event the Senate refuses to recede requests a Conference Committee.

Allen Morris, Clerk

By the Committees on Appropriations and Regulatory Reform and Representative Dunbar—

CS for HB 1635—A bill to be entitled An act relating to motor carriers; creating chapter 323, Florida Statutes, providing a transportation policy; providing definitions; specifying authority of the Florida Public Service Commission with respect to the regulation of motor carriers; providing various fees; providing for preemption of local ordinances by commission rules and orders and of municipal regulations by counties under certain circumstances; providing for safety rules; providing fines for violations; requiring certification of motor carriers by the commission or federal government; providing conditions upon the issuance of certificates; providing application procedures; providing contents of the certificate; authorizing emergency authority to operate as a motor carrier; prohibiting the transfer of certificates; authorizing fines and other disciplinary actions against motor carriers in violation of the act; providing for the fixing and changing of rates; providing a schedule for rate changes without commission approval; providing exemptions from the act; providing for applicability of the act to interstate commerce; providing certain regulation of interstate carriers; requiring commission rules with respect to the disclosure of certain costs; requiring the filing of intercity motor carrier routes and providing for the regulation of such routes; providing for limited regulation of taxicabs; providing for certain regulation of motor carriers of household goods; requiring the licensure of weighmasters by the Department of Agriculture and Consumer Services; providing disciplinary action against weighmasters; requiring the licensure of transportation brokers; providing grounds for disciplinary action; requiring such brokers to furnish a bond or other security; authorizing emergency licenses; providing powers of commission investigators; providing for vehicle registration and identification rules; authorizing the injunction of unlawful operations; imposing and providing for the collection of a road tax on motor carriers; providing for exemption from certain taxes; requiring motor carriers to be bonded or to file a certificate of insurance; providing an exemption for armored cars; amending s. 320.08(4)(a), (b), (c), (d), and (e), Florida Statutes, and adding a new paragraph (e) to subsection (3) thereof; adding a license tax for certain trucks and revising truck-tractor taxes; adding a new subsection (3) to section 320.20, Florida Statutes, to provide for the disposition of a portion of such taxes; repealing present chapter 323, Florida Statutes, relating to motor carriers; providing for legislative review; providing an effective date.

(amendments attached to original bill.)

On motions by Senator Peterson, the Senate refused to recede from Senate Amendments 1, 1C and 2 to CS for HB 1635 and acceded to the request for a conference committee. The President appointed Senators Peterson, MacKay, W. D. Childers, Scott and Winn as conferees; Senators Neal and Tobiassen as alternates.

The action of the Senate was certified to the House.

SPECIAL ORDER, continued

CS for SB 1161—A bill to be entitled An act relating to the theft of domestic animals and to the arrest powers of special

officers of the Department of Agriculture and Consumer Services; amending s. 534.081(3), Florida Statutes; providing authority for special officers of the Department of Agriculture and Consumer Services to enforce the criminal laws of the state relative to livestock, trespass, farm equipment, livery tack, farm or citrus products; providing an effective date.

—was read the first time by title and SB 1161 was laid on the table.

On motions by Senator Trask, by two-thirds vote CS for SB 1161 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

Mr. President	Grizzle	MacKay	Steinberg
Anderson	Hair	McClain	Stuart
Beard	Henderson	McKnight	Thomas
Carlucci	Hill	Myers	Tobiassen
Fechtcl	Holloway	Poole	Trask
Frank	Jenne	Scarborough	Vogt
Gorman	Johnston	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Peterson

Senator Barron presiding

CS for HB 859—A bill to be entitled An act relating to taxation; creating chapter 207, Florida Statutes, the Florida Special Fuel Use Tax Act of 1980; providing definitions; imposing a tax on special fuel consumed by a motor carrier's operations within the state for the privilege of operating commercial motor vehicles upon the public highways; requiring registration of such motor carriers; providing for emergency or trip-lease permits; providing fees; providing for inspection by Department of Agriculture and Consumer Services and Department of Highway Safety and Motor Vehicles; providing for calculation and payment of the tax; providing certain exemptions from said tax and the tax imposed under chapter 206; providing for filing of reports and retention and inspection of records; providing penalties; providing powers and duties of Department of Revenue and Public Service Commission; providing for hearings; providing procedures upon refusal to pay the tax; providing for suits for collection of unpaid taxes and for issuance of warrants; specifying that unpaid taxes are a lien on the taxpayer's property; providing requirements with respect to sale of property; providing for foreclosure of liens; providing procedures or discontinuance or transfer of business; providing that violators may be enjoined from operating a motor vehicle in this state; providing arrest powers for the department and its agents; providing for accessibility of records; providing for exchange of information; providing for allocation of tax and fee revenues; providing for expenses; repealing s. 206.87(4)(e), Florida Statutes, relating to an exemption from the tax on special fuels for certain fuel used on the highways of another state; directing the Department of Highway Safety and Motor Vehicles, in cooperation with the Department of Revenue and the Public Service Commission, to conduct a study relating to the state's entrance into the International Registration Plan developed by the American Association of Motor Vehicle Administrators; requiring a report; authorizing implementation of participation in the plan if the report is favorable; 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 W. D. Childers and adopted:

Amendment 1—On page 5, line 4, strike all of said line and insert: commercial motor vehicles, the Public Service Commission, the Department of Agriculture and

Amendment 2—On page 18, lines 3-14, strike all of said lines and insert: purpose of refunds, funds for the purpose of conducting the study as set forth in section 3 of this act, and the amount of funds necessary for the administration and

enforcement of this tax, all other moneys shall be transferred to the State Transportation Trust Fund for use by the Department of Transportation.

Amendment 3—On page 18, lines 27-31, strike beginning with the word "The" on line 27 through and including line 31 and insert: There is hereby appropriated an amount of \$10,000 to the Department of Highway Safety and Motor Vehicles from the Special Fuel Use Tax Clearing Trust Fund, for the purpose of conducting the study required herein.

Senator Myers moved the following amendments which were adopted:

Amendment 4—On page 2, line 22, insert:

Section 1. Subsection (2) and paragraphs (a) and (b) of subsection (4) of section 206.87, Florida Statutes, are amended, and paragraph (h) is added to said subsection (4), to read:

206.87 Levy of tax.—

(2)(a) A dealer may purchase special fuel without the tax imposed by this section being paid upon the first sale or transfer of title in the state, and shall pay the tax on all special fuel used or sold by him and act as agent for the state in the collection and payment thereof.

(b) All special fuel sold, transferred, or delivered by a licensed dealer of special fuel to any person who does not hold a valid dealer's license is taxable, except as provided by subsection (4).

(c) The department has the authority to assess and collect any tax, penalty, and interest against any person who purchases, receives, or disposes of special fuel in violation of the provisions of this part.

(4) The following sales shall not be subject to the tax herein imposed:

(a) Sales by a dealer when the special fuel is delivered by him into the purchaser's storage facilities which shall be located at the purchaser's premises, place of business, or job site, and when the special fuel is to be used for:

1. Cooking or home heating,
2. Industrial, commercial, agricultural, or marine purposes, if the purchaser is not a dual user and furnishes the dealer with an exemption certificate which states that no portion of the special fuel purchased is to be used in a motor vehicle,
3. ~~for~~ Consumption other than use, or
4. ~~for~~ Resale pursuant to paragraph (c) hereof.

(b) Sales at the dealer's place of business of not more than 110 gallons by a dealer to a person who is not a licensed dealer, if the special fuel is placed by the dealer into a receptacle not connected to the fuel supply system of a motor vehicle and the special fuel is solely for consumption other than use.

(h) Any person who:

1. Issues or assists in issuing an incorrect or fraudulent resale or exemption certificate to obtain nontaxed special fuel from a licensed dealer, or

2. Has issued a resale or exemption certificate and whose exempt status has become nonexempt and who neglects, fails, or refuses to inform the licensed dealer to whom the certificate was issued of such change in status, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. In addition, such person shall pay any tax due and any penalty and interest assessed.

Renumber subsequent sections

Amendment 5—On page 1 in title, line 2, after the semicolon (;) insert: amending s. 206.87(2), (4)(a), (b), Florida Statutes, and adding paragraph (h) to subsection (4) of said section; authorizing the Department of Revenue to assess and collect the excise tax on special fuels, penalties, and interest for certain violations of the provisions relating to special fuels; providing

exemptions; qualifying such exemptions; providing penalties for certain violations relating to exemption or resale certificates;

On motion by Senator W. D. Childers, by two-thirds vote CS for HB 859 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—1

Chamberlin

Vote after roll call:

Yea—Fechtcl

The hour of 5:00 p. m. having arrived, pursuant to the motion by Senator Johnston the Senate took up—

CONSENT CALENDAR

SB 129—A bill to be entitled An act relating to worthless checks; amending s. 832.07, Florida Statutes; making the maximum service charge specified in the form of notice conform to the maximum service charge authorized by law; providing for prima facie evidence of the identity of a party issuing a worthless check received through the mail; 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 Stuart and failed:

Amendment 1—On page 3 between lines 28 and 29, insert: Section 2. Section 68.065, Florida Statutes, is amended to read:

68.065 Actions to collect worthless checks, etc.; attorney's fees and collection costs.—In any civil action brought to collect for the purpose of collecting or enforce payment of a check draft, or order of payment, the payment of which was refused by the drawee because of the lack of funds or credit, the prevailing party in such action shall be entitled to recover from the nonprevailing party the prevailing party's reasonable attorneys' attorney fees and costs of collection.

(Renumber subsequent section.)

Senator Stuart moved the following amendments which were adopted:

Amendment 2—On page 2, line 23, after "account" insert: or a closed account

Amendment 3—On page 3, lines 24-28, strike all of said lines and insert: (e) If a check is received by a payee through the mail or by delivery to a representative of the payee, the prima facie evidence referred to in paragraph (a) may be established by presenting the original contract, order, or request for services which the check purports to pay for, bearing the signature of the person who signed the check.

(f) If a check is received by a payee and the drawer or maker has a check-cashing identification card on file with the payee, the prima facie evidence referred to in paragraph (a) may be established by presenting the signature found on the check-cashing identification card bearing the signature of the person who signed the check.

Amendment 4—On page 2, line 29, strike or paragraph (e) and insert: , (e) or (f)

Amendment 5—On page 1 in title, line 8, strike the semicolon and insert: or by delivery; providing for prima facie

evidence of identity of a party issuing a worthless check received by a payee when there is a check-cashing card on file;

Pending further consideration of SB 129 as amended, on motion by Senator Stuart, the rules were waived and by two-thirds vote CS for HB 246 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Stuart—

CS for HB 246—A bill to be entitled An act relating to worthless checks; amending s. 832.07, Florida Statutes; making the maximum service charge specified in the form of notice conform to the maximum service charge authorized by law; providing for prima facie evidence of the identity of a party issuing a worthless check received through the mail or by delivery; providing for prima facie evidence of identity of a party issuing a worthless check received by a payee when there is a check-cashing card on file; providing an effective date.

—a companion measure, was substituted for SB 129 and read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 246 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 129 was laid on the table.

SB 177—A bill to be entitled An act relating to the Florida Commission on Human Relations; amending s. 23.163(6), Florida Statutes; providing compensation for members of the commission; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote SB 177 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Frank	Johnston	Thomas
Barron	Gorman	McClain	Tobiassen
Beard	Grizzle	McKnight	Trask
Carlucci	Hair	Myers	Vogt
Chamberlin	Henderson	Neal	Ware
Childers, D.	Hill	Peterson	Winn
Dunn	Holloway	Steinberg	
Fechtcl	Jenne	Stuart	

Nays—None

SB 261—A bill to be entitled An act relating to jurors; adding a subsection to s. 40.013, Florida Statutes, permitting persons 65 years of age or older to be excused from jury service upon request; 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 Winn and adopted:

Amendment 1—On page 1, line 14, strike "65" and insert: 70

Amendment 2—On page 1 in title, line 4, strike "65" and insert: 70

On motion by Senator Winn, by two-thirds vote SB 261 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

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

Nays—None

Consideration of SB 263 was deferred.

By the Committee on Governmental Operations and Senator Vogt—

CS for SB 373—A bill to be entitled An act relating to municipalities; creating part V of chapter 166, Florida Statutes, authorizing the creation of a Code Enforcement Board in each municipality; providing legislative intent; providing applicability; providing definitions; providing for organization of the board; providing enforcement procedures; providing for hearings; providing powers of the board; providing a fine; providing for appeal; providing an effective date.

—was read the first time by title and SB 373 was laid on the table.

On motion by Senator Vogt, by two-thirds vote CS for SB 373 was read the second time by title.

Senator Vogt moved the following amendment which was adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert:

Section 1. Part V of chapter 166, Florida Statutes, consisting of sections 166.501, 166.502, 166.503, 166.504, 166.505, 166.506, 166.507, 166.508, 166.509, 166.511, and 166.512, is created to read:

166.501 Short title.—This act shall be known and may be cited as the "Municipal Code Enforcement Boards Act."

166.502 Intent.—It is the intent of this act to promote, protect and improve the health, safety and welfare of the citizens of the municipalities of this state by providing an equitable, expeditious, effective and inexpensive method of enforcing the various occupational license, fire, building, zoning, sign and related technical codes in force in municipalities.

166.503 Applicability.—This act shall apply to the incorporated areas of every municipality in this state. Each municipality may, at its option, create by ordinance a Code Enforcement Board, as provided herein.

166.504 Definitions.—

(1) "City council" means the legislative body of the municipality.

(2) "Code inspector" means any authorized agent or employee of the municipality whose duty it is to insure code compliance.

(3) "City attorney" means the legal counselor for the municipality.

(4) "Enforcement board" means the Code Enforcement Board.

166.505 Enforcement board; organization.—

(1) The city council may appoint a six-member Code Enforcement Board and legal counsel for the enforcement board. Members of the enforcement board shall be residents of the municipality. Appointments shall be made by the city council on the basis of experience or interest in the fields of zoning and building control. The membership of the enforcement board shall whenever possible consist of an architect, a businessman, an engineer, a general contractor, a subcontractor, and a realtor.

(2) The initial appointments to the enforcement board shall be as follows:

(a) Two members appointed for a term of 1 year.

(b) Two members appointed for a term of 2 years.

(c) Two members appointed for a term of 3 years.

Thereafter, all appointments shall be made for a term of 3 years. Any member may be reappointed from term to term upon approval of the city council. Appointments to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. Any member who fails to attend two of three successive meetings without cause and without prior approval of the chairman shall automatically forfeit his appointment, and the city council shall promptly fill such vacancy. The members shall serve at the pleasure of the city council and may be removed as provided in the city code of ordinances for removal of members of city boards.

(3) The members of the enforcement board shall elect a chairman. The presence of four or more members shall constitute a quorum of the enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the city council.

(4) The city attorney shall either be counsel to the Code Enforcement Board or shall represent the city by presenting cases before the board; but in no case shall the city attorney serve in both capacities.

166.506 Enforcement procedure.—

(1) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; provided, however, no member of the board shall have the power to initiate such enforcement proceedings.

(2) Except as provided in subsection (3), if a violation of the codes is found, the code inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the enforcement board and request a hearing pursuant to the procedure in s. 166.507. Written notice shall be mailed to said violator as provided herein.

(3) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare, the code inspector may proceed directly to the procedure in s. 166.507 without notifying the violator.

166.507 Conduct of hearing.—

(1) The chairman of the enforcement board may call hearings of the enforcement board and hearings may also be called by written notice signed by at least three members of the enforcement board. The enforcement board at any hearing may set a future hearing date. The enforcement board should attempt to convene no less frequently than once every 2 months, but may meet more or less often as the demand necessitates. Minutes shall be kept of all hearings by the enforcement board and all hearings shall be open to the public. The city council shall provide clerical and administrative personnel as may be reasonably required by the enforcement board for the proper performance of its duties.

(2) Each case before the enforcement board shall be presented by either the city attorney or by a member of the administrative staff of the municipality.

(3) The enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.

(4) At the conclusion of the hearing, the enforcement board shall issue findings of fact, based on evidence of record, and conclusions of law and shall issue an order affording the proper relief consistent with powers granted herein. The finding shall be by motion approved by a majority of those present and voting, except that at least three members of the enforcement board must vote for the action to be official. The record shall be presented to the court on appeal and shall be subject to review.

166.508 Powers of the enforcement board.—The enforcement board shall have the power to:

(1) Adopt rules for the conduct of its hearings.

(2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the police department of the municipality.

(3) Subpoena evidence.

(4) Take testimony under oath.

(5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance.

166.509 Fines.—The enforcement board, upon notification by the code inspector that a previous order of the enforcement board has not been complied with by the set time, may order the violator to pay a fine not to exceed \$500 for each day the violation continues past the date set for compliance. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists. After 1 year from the filing of any such lien which remains unpaid, the enforcement board may authorize the city attorney to foreclose on the lien.

166.511 Appeal.—An aggrieved party may appeal a ruling or order of the enforcement board by certiorari in circuit court. An appeal shall be filed within 30 days of the execution of the order to be appealed.

166.512 Notices.—All notices required by this act shall be by certified mail, return receipt requested, or where mail would not be effective, by hand delivery by the code inspector.

Section 2. This act shall take effect October 1, 1980.

Pending further consideration of CS for SB 373 as amended, on motions by Senator Vogt, the rules were waived and by two-thirds vote CS for HB 203 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Governmental Operations.

On motion by Senator Vogt—

CS for HB 203—A bill to be entitled An act relating to municipalities; creating part V of chapter 166, Florida Statutes, authorizing the creation of a Code Enforcement Board in each municipality; providing legislative intent; providing applicability; providing definitions; providing for organization of the board; providing enforcement procedures; providing for hearings; providing powers of the board; providing a fine; providing for appeal; providing an effective date.

—a companion measure, was substituted for CS for SB 373 and read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 2, line 17, insert: municipality. Appointments shall be made in accordance with the city charter on the basis of

Amendment 2—On page 3, lines 6 and 7, strike “at the pleasure of the city council” and insert: in accordance with the city charter

Ways and Means Subcommittee D offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 3—On page 1, line 18, after the word “state” insert: *educational*

On motion by Senator Vogt, by two-thirds vote CS for HB 203 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

CS for SB 373 was laid on the table.

SB 406 was taken up and on motions by Senator Beard, the rules were waived and by two-thirds vote HB 113 was withdrawn from the Committees on Judiciary-Criminal and Ways and Means.

On motion by Senator Beard—

HB 113—A bill to be entitled An act relating to traffic infractions; amending s. 318.15, Florida Statutes; prescribing procedures for suspension of driver's license and privilege of a person who fails to comply with certain penalties; providing for a delinquency fee; providing an effective date.

—a companion measure, was substituted for SB 406 and read the second time by title. On motion by Senator Beard, by two-thirds vote HB 113 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 406 was laid on the table.

SB 416—A bill to be entitled An act relating to the documentary stamp tax on promissory notes; amending s. 201.08(3), Florida Statutes; exempting, from such tax, promissory notes executed for students to receive any financial aid from federal or state assistance programs; providing an effective date.

—was read the second time by title.

Ways and Means Subcommittee D offered the following amendments which were moved by Senator Tobiassen and adopted:

Amendment 1—On page 1, line 18, after the word "state" insert: *educational*

Amendment 2—On page 1, line 18, insert after the word "programs": *or for any financial aid program administered by a state university or community college*

On motion by Senator Tobiassen, by two-thirds vote SB 416 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	Gorman	McClain	Stuart
Beard	Grizzle	McKnight	Thomas
Carlucci	Henderson	Myers	Tobiassen
Chamberlin	Hill	Neal	Trask
Childers, D.	Holloway	Peterson	Vogt
Childers, W. D.	Jenne	Poole	Ware
Fecht	Johnston	Scarborough	Williamson
Frank	MacKay	Skinner	Winn
Gordon	Maxwell	Steinberg	

Nays—1

Dunn

Vote after roll call:

Yea—Hair

Consideration of SB 535 was deferred.

SB 594—A bill to be entitled An act relating to traffic control; amending s. 316.1515, Florida Statutes; regulating the making of U-turns; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 594 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Grizzle	Myers	Tobiassen
Beard	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Skinner	Williamson
Fecht	Johnston	Steinberg	Winn
Gordon	Maxwell	Stuart	
Gorman	McKnight	Thomas	

Nays—None

Votes after roll call:

Yea—Hair, MacKay

SB 599—A bill to be entitled An act relating to traffic control signals and devices; renumbering s. 316.0745(5)-(7), Florida Statutes, and adding a new subsection (5) to said section; restricting the manufacture and sale of traffic signals and devices by public bodies; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Poole and adopted:

Amendment 1—On page 1, line 20, strike all of line 20 and insert: *the uniform system of traffic control devices published by the Department of*

Senator Poole moved the following amendment which was adopted:

Amendment 2—On page 1, lines 21, 22, strike "or furnish"

On motion by Senator Poole, by two-thirds vote SB 599 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Childers, D. Johnston

Vote after roll call:

Yea—Hair

SB 647—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(17), Florida Statutes; establishing the Management Fellows Program; providing for designation of management fellows to be appointed for 1 year; providing authority for the de-

partment to grant special pay increases to management fellows; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, lines 23 through 27, strike all the language

Pending further consideration of SB 647 on motion by Senator McKnight, the rules were waived and by two-thirds vote HB 968 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator McKnight—

HB 968—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(17), Florida Statutes; establishing the Management Fellows Program; providing for designation of management fellows to be appointed for 1 year; providing authority for the department to grant special pay increases to management fellows; providing an effective date.

—a companion measure, was substituted for SB 647 and read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 968 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Gordon	MacKay	Steinberg
Beard	Gorman	Maxwell	Stuart
Carlucci	Grizzle	McClain	Thomas
Childers, D.	Henderson	McKnight	Tobiassen
Childers, W. D.	Hill	Myers	Trask
Dunn	Holloway	Neal	Vogt
Fechtler	Jenne	Peterson	Ware
Frank	Johnston	Scarborough	Winn

Nays—None

Vote after roll call:

Yea—Hair

SB 647 was laid on the table.

SB 683 was taken up and on motion by Senator Steinberg, the rules were waived and by two-thirds vote HB 1018 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Steinberg—

HB 1018—A bill to be entitled An act relating to state parks and preserves; adding a paragraph to s. 258.165(2), Florida Statutes, authorizing the transfer of certain lands to the Federal Government for Inclusion in the Biscayne National Monument subject to certain conditions; providing an effective date.

—a companion measure, was substituted for SB 683 and read the second time by title. On motion by Senator Steinberg, by two-thirds vote HB 1018 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Hair, MacKay

SB 683 was laid on the table.

SB 704—A bill to be entitled An act relating to Florida Probate Code; creating s. 734.1025, Florida Statutes, providing for the determination of the question of claims in Florida against nonresident decedents; providing for the filing by a domiciliary personal representative of authenticated copies of domiciliary probate proceedings in the appropriate Florida circuit court; providing for publication of notice to creditors and the entry of an order determining that no claims have been filed against the estate; providing for ancillary administration in the event that a claim is filed and validating the publication of notice to creditors after the filing of domiciliary probate proceedings in Florida; 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 MacKay and adopted:

Amendment 1—On page 1, line 27, after "this state," insert: the value of which does not exceed \$25,000,

Amendment 2—On page 3, between lines 23 and 24, insert:

Section 2. Section 735.201, Florida Statutes, is amended to read:

735.201 Summary administration; nature of proceedings.—Summary administration may be had in the administration of a decedent's estate, *either resident or non-resident*, when it appears:

(1) In a testate estate, that the decedent's will does not direct administration as required by chapter 733.

(2) That the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditors, does not exceed \$25,000 ~~\$10,000~~ or that the decedent has been dead for more than 3 years.

Section 3. Section 735.2057, Florida Statutes, is created to read:

735.2057 Notice to creditors.—

(1) Any person who has received an order of summary administration may publish a notice to creditors according to the requirements of s. 731.111, notifying all persons having claims or demands against the estate of the decedent that an order of summary administration has been entered by the court. Such notice will specify the total cash value of the estate and the names and addresses of those to whom it has been assigned by such order. Such notice, if published, shall be published once a week for two consecutive weeks in a newspaper published in the county where such order was entered, and proof of publication of such notice shall be filed with the court.

(2) If proof of publication of such notice is filed with the court, all claims and demands of creditors against the estate of the decedent shall be forever barred unless such claims and demands are filed with the court within three months from the first publication of such notice.

(Renumber Subsequent Section.)

Senator MacKay moved the following amendment which was adopted:

Amendment 3—On page 3, line 24, insert: a new Section 2, and renumber accordingly.

Section 2. Section 744.441, Florida Statutes, is amended to add subsection (18) to read:

744.441 Powers of guardian upon court approval.—After obtaining approval of the court in accordance with s. 744.447, a guardian of the property may:

(18) Where the ward's will evinces an objective to obtain a United States estate tax charitable deduction by use of a split interest trust (as said term is defined in s. 737.501), but the maximum charitable deduction otherwise allowable will not

be achieved in whole or in part, then the guardian may execute a codicil on the ward's behalf amending said will to obtain the maximum charitable deduction allowable but without diminishing the aggregate value of the benefits of any beneficiary under such will.

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

Amendment 4—On page 1, line 17, in title, after "Florida;" insert: amending s. 735.201, Florida Statutes, providing for summary administration of decedent resident or non-resident estates valued less than \$25,000; creating s. 735.2057, Florida Statutes, providing for discretionary notice to creditors of an estate admitted to summary administration providing for a 3-month claims period;

Senator MacKay moved the following amendment which was adopted:

Amendment 5—On page 1, line 17, in title, following "in Florida;" insert: creating Subsection (18) of Section 744.441, an act relating to powers of guardians in split-interest trusts.

Pending further consideration of SB 704, on motion by Senator MacKay, 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 CS for HB's 989 and 280 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representatives Hattaway and Dunbar—

CS for HB's 989 and 280—A bill to be entitled An act relating to Florida Probate Code; creating s. 734.1025, Florida Statutes, providing for the determination of the question of claims in Florida against nonresident decedents; providing for the filing by a domiciliary personal representative of authenticated copies of domiciliary probate proceedings in the appropriate Florida circuit court; providing for publication of notice to creditors and the entry of an order determining that no claims have been filed against the estate; providing for ancillary administration in the event that a claim is filed and validating the publication of notice to creditors after the filing of domiciliary probate proceedings in Florida; amending s. 735.201, Florida Statutes, providing for summary administration of decedent resident or nonresident estates valued less than \$25,000; creating s. 735.2057, Florida Statutes, providing for discretionary notice to creditors of an estate admitted to summary administration; providing for a 3-month claims period; adding subsection (18) to s. 744.441, Florida Statutes, relating to powers of guardians in split interest trusts; providing an effective date.

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

On motion by Senator MacKay, by two-thirds vote CS for HB's 989 and 280 was withdrawn from the Committee on Judiciary-Civil.

CONSENT CALENDAR, continued

On motion by Senator MacKay, CS for HB's 989 and 280, a companion measure, was substituted for SB 704 and by two-thirds vote read the second time by title. On motion by Senator MacKay, by two-thirds vote CS for HB's 989 and 280 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Anderson	Childers, D.	Frank	Henderson
Barron	Childers, W. D.	Gorman	Hill
Beard	Dunn	Grizzle	Jenne
Carlucci	Fechtel	Hair	Johnston

MacKay	Peterson	Steinberg	Ware
McClain	Poole	Stuart	Williamson
McKnight	Scarborough	Thomas	Winn
Myers	Scott	Trask	
Neal	Skinner	Vogt	

Nays—None

SB 704 was laid on the table.

SB 750 was taken up and on motion by Senator Henderson, the rules were waived and by two-thirds vote HB 1400 was withdrawn from the Committee on Ways and Means.

On motion by Senator Henderson—

HB 1400—A bill to be entitled An act relating to energy resources; adding a paragraph to s. 377.22(2), Florida Statutes, requiring that certain geophysical operations be conducted in a specified manner according to rules of the Department of Natural Resources; creating s. 377.2401, Florida Statutes, requiring permits for geophysical operations in search of oil, gas and minerals; providing for confidentiality of certain information; amending s. 377.242(1), Florida Statutes, deleting an exemption from permitting for geophysical tests and exploratory operations; creating s. 377.2422, Florida Statutes, specifying conditions upon the issuance of permits for such operations; creating s. 377.2423, Florida Statutes, requiring holes drilled pursuant to such operations to be plugged; providing an effective date.

—a companion measure, was substituted for SB 750 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1400 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 750 was laid on the table.

SB 763—A bill to be entitled An act relating to arrests; amending s. 258.024(1)(a), Florida Statutes, granting Department of Natural Resources park officers arrest powers without a warrant, as provided for peace officers, under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Fechtel moved the following amendment which was adopted:

Amendment 1—On page 1, line 24, insert before the semicolon: , and only if the director and the park officers have been certified in compliance with s. 943.14, or are on temporary waiver as provided by s. 943.14 until certified; provided that such employees shall not be eligible for membership in the special risk class of the Florida Retirement System

Pending further consideration of SB 763 as amended, on motion by Senator Fechtel, the rules were waived and by two-thirds vote HB 929 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Fechtel—

HB 929—A bill to be entitled An act relating to arrests; amending s. 258.024(1)(a), Florida Statutes, granting Depart-

ment of Natural Resources park officers arrest powers without a warrant, as provided for peace officers, under certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 763 and read the second time by title. On motion by Senator Fechtel, by two-thirds vote HB 929 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Grizzle	McClain	Stuart
Beard	Hair	Myers	Thomas
Carlucci	Henderson	Neal	Tobiassen
Chamberlin	Hill	Peterson	Trask
Childers, D.	Holloway	Poole	Vogt
Fechtel	Jenne	Scott	Williamson
Frank	Johnston	Skinner	Winn
Gorman	MacKay	Steinberg	

Nays—None

SB 763 was laid on the table.

SB 766—A bill to be entitled An act relating to abuse of individuals suffering from the infirmities of aging; amending s. 827.09, Florida Statutes, relating to abuse of disabled persons; specifically including in said section individuals suffering from the infirmities of aging; providing for application of provisions relating to reports of abuse, responsibilities of public agencies, transmittal of records, immunity, privileges, and penalties; providing an effective date.

—was read the second time by title.

Senators McKnight, Jenne and Grizzle offered the following amendment which was moved by Senator Johnston and adopted:

Amendment 1—On page 7 between lines 6 and 7, insert a new Section 2 and renumber the subsequent section:

Section 2. Plan and report.—

(1) The Department of Health and Rehabilitative Services is directed to develop a comprehensive plan for the deinstitutionalization of those state mental health hospital patients over age 55 who do not meet the criteria for involuntary hospitalization pursuant to s. 394.467, Florida Statutes. The plan shall include, but need not be limited to, the projected numbers of patients and time frames for deinstitutionalization and the specific actions to be taken to accomplish the deinstitutionalization. The plan shall be submitted to the Legislature by March 1, 1981.

(2) The department shall prepare and submit a semi-annual report to the Legislature, until the conditions specified in (1) are met, which shall include, but not be limited to:

(a) The status of compliance with the deinstitutionalization plan;

(b) The specific efforts to stimulate alternative living and support resources outside the hospitals and all documentation of the success of these efforts;

(c) The specific efforts to facilitate the development and retention of daily living skills identified by the department as being necessary for living outside an institution and any evidence of the success of these efforts;

(d) The specific plans for new efforts to accomplish the deinstitutionalization of patients in this age group; and

(e) Any evidence of involvement between the mental health program office and other program offices within the department and between the department and other state and private agencies and individuals to accomplish the deinstitutionalization of patients in this age group.

Senator Vogt moved the following amendment which was adopted:

Amendment 2—On page 7, line 7, strike line 7 and insert:

Section 2. The Department of Health and Rehabilitative Services is authorized to make advances for program start-up or to make periodic advance payments during fiscal year 1980-

1981 for services contracted for the following programs and categories:

- (1) Supported work assistance project;
- (2) Florida veterans referral program;
- (3) Aging and adult services community service grants;
- (4) Community care for the elderly, core services;
- (5) Community mental health services;
- (6) Community mental health services, adolescents and children;
- (7) Community alcoholic services;
- (8) Community drug abuse services;
- (9) Mental health district priority projects;
- (10) Mental health community residential services;
- (11) Juvenile alternative services;
- (12) Retarded offender services;
- (13) S.T.E.P.;
- (14) Developmental disabilities services grants;
- (15) Community retardation services;
- (16) Retardation community group home and ICF/MR start-up funds;
- (17) Family planning services, Title X;
- (18) Emergency medical services grants;
- (19) Sudden infant death syndrome project;
- (20) Regional perinatal intensive care centers;
- (21) Spouse abuse program;
- (22) Multi-disciplinary child protection team; and
- (23) Developmental disabilities family placement program.

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

Senators McKnight, Jenne and Grizzle offered the following amendment which was moved by Senator McKnight and adopted:

Amendment 3—On page 1, line 11, in title, after the semicolon insert: requiring the Department of Health and Rehabilitative Services to prepare a plan and report to the Legislature;

Senator Vogt moved the following amendment which was adopted:

Amendment 4—On page 1, in title, strike line 11 and insert: ; authorizing advance payments for certain programs of the Department of Health and Rehabilitative Services;

On motion by Senator Johnston, by two-thirds vote SB 766 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	Johnston	Skinner
Barron	Gordon	MacKay	Steinberg
Beard	Gorman	McClain	Stuart
Carlucci	Grizzle	McKnight	Trask
Chamberlin	Hair	Myers	Vogt
Childers, D.	Henderson	Neal	Ware
Childers, W. D.	Hill	Peterson	Williamson
Dunn	Holloway	Poole	Winn
Fechtel	Jenne	Scott	

Nays—None

Consideration of SB 786 was deferred.

On motion by Senator Skinner, by unanimous consent—

SB 802—A bill to be entitled An act relating to the Governor's Council on Physical Fitness and Sports; providing for appropriation to such council of certain money appropriated for other purposes, under certain conditions; specifying certain uses of such money; providing an effective date.

—was read the second time by title.

Senator Skinner moved the following amendments which were adopted:

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Notwithstanding the provisions under item 499A of section 1, chapter 79-212, Laws of Florida, if the United States Olympic Committee does not designate Florida as the site of the 1981 National Sports Festival, the \$250,000 appropriated for fiscal year 1979-1980 in section 1, item 499A, chapter 79-212, Laws of Florida, is appropriated to the Governor's Council on Physical Fitness and Sports, to be used for a study to investigate the resources required to host the Pan American Games in Florida; to facilitate the designation of Florida as the host locale of such games; to provide the means of obtaining federal assistance in hosting such games; to finance future bids to host the National Sports Festival; and to sponsor the Sunshine State Games.

Section 2. Present subsection (3) of section 14.22, Florida Statutes, is renumbered as subsection (4) and a new subsection (3) is added to said section to read:

14.22 Governor's Council on Physical Fitness and Sports; powers.—

(3)(a) Authority is hereby granted to create Sunshine State Games direct-support organizations. A Sunshine State Games direct-support organization is an organization which is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;
2. Organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the Sunshine State Games; and
3. An organization which the Executive Office of the Governor, after review, has certified to be operating in a manner consistent with the goals of the Sunshine State Games and in the best interest of the state.

(b) The Executive Office of the Governor is authorized to permit the use of property, facilities, and personal service of or at any state facility or institution by any Sunshine State Games direct-support organization, subject to the provisions of this section. For the purposes of this subsection personal services includes full-time or part-time personnel as well as payroll processing.

(c) Each Sunshine State Games direct-support organization shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual audit report shall be submitted to the Executive Office of the Governor for review. The identity of donors who desire to remain anonymous shall be protected and that anonymity shall be maintained in the auditor's report. All records of the organization other than the auditor's report shall not be considered public records for the purposes of chapter 119.

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

Amendment 2—On page 1, line 7, in title, after the semicolon insert: renumbering s. 14.22(3), Florida Statutes, and adding a new subsection (3) to said section; authorizing the creation of direct-support organizations; authorizing such organizations to receive and expend contributions; authorizing state property, facilities, and personnel to be used in furtherance of the games; providing for postaudit and review procedures for such organizations;

On motion by Senator Skinner, by two-thirds vote SB 802 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Anderson	Gordon	Maxwell	Stuart
Barron	Gorman	McClain	Thomas
Beard	Grizzle	McKnight	Tobiasen
Carlucci	Hair	Myers	Trask
Childers, D.	Henderson	Peterson	Vogt
Childers, W. D.	Hill	Poole	Ware
Dunn	Holloway	Scott	Williamson
Fechtcl	Johnston	Skinner	
Frank	MacKay	Steinberg	

Nays—1

Chamberlin

SB 844 was taken up and on motion by Senator Trask, the rules were waived and by two-thirds vote HB 264 was withdrawn from the Committee on Ways and Means.

On motion by Senator Trask—

HB 264—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.574(6), Florida Statutes, increasing the service charge of subagents in the sale and issuance of fishing, hunting and trapping licenses; providing an effective date.

—a companion measure, was substituted for SB 844 and read the second time by title. On motion by Senator Trask by two-thirds vote HB 264 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 844 was laid on the table.

On motion by Senator Myers, 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 returns HB 1623 as requested.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 1623—A bill to be entitled An act relating to the county discretionary tax on motor fuels and special fuels; amending s. 336.021(1) and (2), Florida Statutes; providing that said tax shall be returned by the Department of Revenue on a monthly basis to the county in which collected; providing that refunds shall be paid by the county from the tax returned to it; authorizing the Department of Revenue to prescribe and publish forms and promulgate rules necessary for the proper administration and collection of the tax; providing dates for filing of reports and remitting the tax; providing for application of provisions of chapter 206, Florida Statutes; providing that by joint agreement with municipalities, the governing body of a county may provide for transportation purposes and distribution of the proceeds of said tax in the incorporated and unincorporated areas; providing an effective date.

On motion by Senator Myers, the Senate reconsidered the vote by which HB 1623 passed June 4.

On motion by Senator Myers, the Senate reconsidered the vote by which HB 1623 was placed on third reading.

On motion by Senator Myers, the Senate reconsidered the vote by which the following amendment failed:

Amendment 1—On page 1, line 30, strike “its governing body and subject to a referendum” and insert: its governing body, by ordinance or subject to a referendum,

Amendment 1 was adopted by the following vote:

Yeas—19

Anderson	Gordon	MacKay	Steinberg
Beard	Henderson	McKnight	Stuart
Carlucci	Hill	Myers	Thomas
Childers, D.	Jenne	Scarborough	Winn
Dunn	Johnston	Skinner	

Nays—17

Barron	Grizzle	Neal	Ware
Chamberlin	Hair	Peterson	Williamson
Fechtel	Holloway	Poole	
Frank	Maxwell	Trask	
Gorman	McClain	Vogt	

Senator Myers moved the following amendment which was adopted:

Amendment 2—On page 1, lines 25 and 26, strike all existing language and insert: Section 1. Section 336.021, Florida Statutes, is amended to read:

Senator Williamson moved the following amendment which failed:

Amendment 3—On page 2, line 20, insert: The 1-cent tax imposed if other than by referendum shall only be imposed for so long as the state’s gas tax is 8 cents.

Senator Myers moved the following amendment which was adopted:

Amendment 4—On page 1 in title, line 4, strike “(1) and (2)”

On motion by Senator Myers, HB 1623 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Anderson	Dunn	Johnston	Skinner
Barron	Frank	McClain	Steinberg
Beard	Gordon	McKnight	Stuart
Carlucci	Henderson	Myers	Thomas
Childers, D.	Hill	Neal	Trask
Childers, W. D.	Jenne	Scarborough	Winn

Nays—11

Fechtel	Hair	Peterson	Ware
Gorman	Holloway	Poole	Williamson
Grizzle	Maxwell	Vogt	

CONSENT CALENDAR, continued

SB 786 was taken up and on motions by Senator Williamson, the rules were waived and by two-thirds vote HB 116 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Judiciary-Civil.

On motion by Senator Williamson—

HB 116—A bill to be entitled An act relating to landlord and tenant; adding a new subsection (7) to s. 83.49, Florida Statutes; requiring certain residential landlords to file an amount with the registry of the court of competent jurisdiction when sued with respect to a security deposit; providing for the immediate payment by the clerk of certain judgments in favor of the tenant; providing for supersedeas; providing for

the return of the deposit if the landlord prevails; providing that a landlord’s failure to comply with paragraph (7)(a) will result in a default judgment in favor of the tenant; providing that the remedy shall not be exclusive; providing for delinquency with respect to late rental payments; providing an effective date.

—a companion measure, was substituted for SB 786 and read the second time by title.

Senator Williamson moved the following amendments which were adopted:

Amendment 1—On page 1, lines 27-31 and on page 2, lines 1-8, strike all of said lines and insert: (7)(a) Whenever the tenant files a civil action against the landlord with respect to the deposit on a rental agreement as security for performances of the rental agreement, or as a damage deposit, wherein the amount of said security or damage deposit is \$100 or more, the landlord shall within 20 days after service of the claim file with the registry of the court in which the dwelling unit is located an amount equal to the amount of the deposit money or the amount claimed, whichever is less, or an amount as may be determined by the court upon proper notice and hearing being provided to all parties. Provided, however, the court may not set the amount to be filed with the registry of the court at an amount greater than the amount of the deposit money.

Amendment 2—On page 2, lines 26 and 27, strike all of said lines and insert:

(d) If the landlord shall respond to the tenant’s action and interpose a counterclaim for rent or for any other damages claimed to be due and owing to the landlord, then the tenant shall be required to pay into the registry of the court the amount of damages claimed by the landlord or as determined by the court. The amount required to be deposited into the registry of the court shall be in addition to any amount that may be required under section 83.60. If the counterclaim by the landlord is based upon an action for rent only, the provisions of section 83.60 shall be complied with by the tenant. Upon service of the counterclaim as provided by law on the tenant, the deposit shall be placed in the court’s registry within twenty (20) days or default will be entered against the tenant on the counterclaim, the tenant’s original claim shall be stricken, and the only defense assertable by the tenant shall be payment of rent. In determining the amount that the tenant must deposit into the registry of the court, credit shall be given in an amount equal to the security deposit placed with the landlord and already in the court’s registry. Upon any final judgment in favor of the landlord and after the time has run for the making of a motion for a new trial or, if motion for new trial is made, after decision on the motion is rendered, the court shall order the clerk to pay the amount of the judgment to the landlord out of the funds filed by the parties as provided for herein; provided that the court shall grant a supersedeas upon the tenant’s giving a good and sufficient bond in accordance with the Florida Appellate Rules. In the event the tenant prevails, the amount deposited in the court shall be returned to the tenant at the direction of the court.

(e) The remedy provided in this section shall be an alternative to any other legal remedy.

Senator Steinberg moved the following amendment which was adopted:

Amendment 3—On page 3, line 3, strike Section 3. This act shall take effect October 1, 1980 and insert: Section 3. Section 83.565, Florida Statutes, is created to read:

83.565 Death of tenant; termination of rental agreement.—

(1) Upon the death of a tenant, the surviving spouse, whether a cotenant or not, or, in the absence of a surviving spouse, the personal representative of the estate of the deceased tenant, may terminate the rental agreement prior to its expiration, but no earlier than 30 days nor later than one year after delivery of written notice by such spouse or personal representative to the landlord indicating the intention of the spouse or personal representative to terminate the rental agreement by reason of the death of the tenant; provided that such notice is delivered within 60 days of the death of the tenant, and the tenant, surviving spouse, cotenant or personal representative pays the rent for the period of time the unit is rented after death of the tenant.

(2) When the landlord subsequently rents the property prior to the expiration of the rental agreement, he shall return to the surviving spouse or, in the absence of a surviving spouse, to the personal representative of the deceased tenant's estate any money prepaid by the deceased tenant for any period during which the property is subsequently rented to another tenant.

(3) If the rental agreement is terminated as provided in subsection (1) the landlord shall comply with the provisions of s. 83.49(3).

(4) All rental agreements entered into on or after October 1, 1980, shall be deemed to contain the provisions of subsection (1).

(5) The provisions of this section shall apply only to residential agreements.

Section 4. This act shall take effect October 1, 1980, except that the provisions of section 3 shall not apply to any rental agreement entered into prior to such date.

Senator Williamson moved the following amendment which was adopted:

Amendment 4—On page 1, in title, line 14, after the semi-colon “;” insert: providing a procedure for counterclaims based upon rent or damages;

Senator Steinberg moved the following amendment which was adopted:

Amendment 5—On page 1, line 17, after “payments;” insert: creating s. 83.565, Florida Statutes; permitting the surviving spouse of a tenant, or the personal representative of his estate if there be no surviving spouse, to terminate a residential rental agreement upon the death of the tenant; requiring the return of rental money under certain circumstances; requiring the landlord to return the security deposit less any valid claim upon such termination; providing that all residential rental agreements entered into on or after a specified date, shall be deemed to include the provisions of the act;

On motion by Senator Williamson, by two-thirds vote HB 116 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Fechtel	Jenne	Stuart
Barron	Frank	Neal	Thomas
Beard	Gordon	Peterson	Tobiassen
Chamberlin	Gorman	Poole	Trask
Childers, D.	Grizzle	Scarborough	Vogt
Childers, W. D.	Henderson	Skinner	Williamson
Dunn	Hill	Steinberg	Winn

Nays—5

Hair	McClain	Scott	Ware
Johnston			

SB 786 was laid on the table.

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for SB 744—A bill to be entitled An act relating to taxation; amending s. 196.199(2)(b), (7), Florida Statutes, and adding subsection (9) to said section; providing that certain governmental leaseholds be taxed only as intangible personal property and providing a requirement for a referendum in certain cases; amending s. 199.023(3), Florida Statutes, and adding paragraph (f) to subsection (1) of said section; providing definitions; amending s. 199.072(1)(a), (3), Florida Statutes; providing that certain governmental leaseholds are not exempt from intangible personal property taxes; amending s. 199.292(1), Florida Statutes; providing for the disposition of intangible personal property taxes collected on certain governmental leaseholds; extending the dates and deadlines for payment and the filing of returns for intangible personal property taxes on certain governmental leaseholds for 1980; providing an effective date.

Senators Peterson and Stuart offered the following amendment which was moved by Senator Stuart and adopted:

Amendment 12—On page 3, strike all of lines 16-19, and insert: *possessory interest; provided*

Senators Myers, Dunn and Stuart offered the following amendment which was moved by Senator Stuart and adopted:

Amendment 13—On page 5, line 24, insert a new section 7 and renumber consecutive sections: Section 1. 196.1995, Florida Statutes, is created to read: Any agreement entered into with a local governmental authority prior to January 1, 1969 for use of public property under which it was understood and agreed in a written instrument or by special act, that no ad valorem real property taxes would be paid by the licensee or lessee, shall be deemed a license or management agreement for the use or management of public property. Such interest shall be deemed not to convey an interest in the property and shall not be subject to ad valorem real property taxation. Nothing herein shall be deemed to exempt said licensee from the ad valorem intangible tax and the ad valorem personal property tax.

Section 2 This act shall take effect on October 1, 1980.

On motion by Senator Stuart, by two-thirds vote CS for SB 744 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

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

Nays—3

Chamberlin	Gordon	Johnston
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Votes after roll call:

Yea—Myers

Yea to Nay—Beard, Frank, McClain

CONSENT CALENDAR, continued

CS for SB 263—A bill to be entitled An act relating to salt-water fisheries; amending s. 370.13(2)(a) and (f), (3), Florida Statutes, and adding paragraph (k) to subsection (2); prohibiting the transportation of, or fishing with, any stone crab trap which does not have a biodegradable section; prohibiting the molestation of certain traps, lines, or buoys; providing penalties; amending s. 370.135(1), (3), and (5), Florida Statutes, to revise the penalty for molestation of blue crab traps, lines, or buoys; providing an effective date.

—was read the first time by title and SB 263 was laid on the table.

Pending further consideration of CS for SB 263, on motion by Senator Anderson, the rules were waived and by two-thirds vote HB 5 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Anderson—

HB 5—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.13(2)(a) and (f), (3), Florida Statutes, and adding paragraph (k) to subsection (2); prohibiting the transportation of, or fishing with, any stone crab trap which does not have a biodegradable section; prohibiting the molestation of certain traps, lines, or buoys; providing penalties; amending s. 370.135(1), (3), and (5), Florida Statutes, to revise the penalty for molestation of blue crab traps, lines, or buoys; providing an effective date.

—a companion measure, was substituted for CS for SB 263 and read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1—On page 4, between lines 4 and 5, insert: Section 3. Subsection (4) of section 370.15, Florida Statutes, is amended to read:

370.15 Shrimp; regulation.—

(4) CATCHING SHRIMP AT NIGHT.—

(a) It shall be unlawful to catch or attempt to catch shrimp or prawn in the territorial waters of the state in any county whose coastal boundary borders solely on the Atlantic Ocean, by use of trawl nets during night hours except during the months of June, July and August.

(b) Any law or rule to the contrary notwithstanding, shrimp may be caught in the Apalachicola Bay at night during the period from July 14, 1980 until August 15, 1980.

(Renumber subsequent sections.)

Amendment 2—On page 1 in title, line 12, after "buoys;" insert: amending s. 370.15(4), Florida Statutes; authorizing the catching of shrimp at night in the Apalachicola Bay between July 14 and August 15, 1980;

On motion by Senator Anderson, by two-thirds vote HB 5 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

CS for SB 263 was laid on the table.

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

CS for HB 203—A bill to be entitled An act relating to municipalities; creating part V of chapter 166, Florida Statutes, authorizing the creation of a Code Enforcement Board in each municipality; providing legislative intent; providing applicability; providing definitions; providing for organization of the board; providing enforcement procedures; providing for hearings; providing powers of the board; providing a fine; providing for appeal; providing an effective date.

—as amended, passed this day.

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

Amendment 3—On page 6, line 5, insert: Section 2. Charter counties may, by county ordinance, be exempt from the provisions of this act

(Renumber subsequent section.)

CS for HB 203 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Frank	McClain	Thomas
Barron	Gordon	McKnight	Trask
Carlucci	Grizzle	Peterson	Vogt
Chamberlin	Hair	Poole	Ware
Childers, D.	Hill	Scott	Williamson
Childers, W. D.	Holloway	Skinner	Winn
Dunn	Johnston	Steinberg	
Fechtcl	MacKay	Stuart	

Nays—None

SB 885—A bill to be entitled An act relating to the Florida Patient's Compensation Fund; amending s. 768.54(2)(a), Florida Statutes; exempting state-operated hospitals from the requirement of participating in the fund; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 885 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

By the Committee on Education and Senator Frank—

CS for SB 1019—A bill to be entitled An act relating to education; amending s. 229.57(2)(a) and (b), Florida Statutes; providing for flexibility in testing schedules; adding s. 233.10(3), Florida Statutes; providing for the letting of one contract to include test development and printing; providing an effective date.

—was read the first time by title and SB 1019 was laid on the table.

Pending further consideration of CS for SB 1019, on motion by Senator Frank, by two-thirds vote—

HB 954—A bill to be entitled An act relating to education; amending s. 229.57(2)(a) and (b), Florida Statutes; providing for flexibility in testing schedules and the effective term for student performance standards; adding subsection (3) to s. 283.10, Florida Statutes; permitting contracts relating to the development of certain tests to include printing under certain circumstances; providing an effective date.

—a companion measure, was substituted for CS for SB 1019 and read the second time by title.

Senator Frank moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 13 and 14, insert:

Section 1. Paragraph (a) of subsection (2) of section 231.-40, Florida Statutes, is amended to read:

231.40 Sick leave.—

(2) PROVISIONS GOVERNING SICK LEAVE.—The following provisions shall govern sick leave for instructional staff:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis shall be entitled to 4 days of sick leave as of the first day of employment of each contract year, and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which shall not be used prior to the time it is earned and credited to the member. However, the member shall be entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. Such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave a member of the instructional staff may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A school board may establish policies and prescribe standards to permit a member of the instructional staff to be absent 4 days each school year for personal reasons. However, such absences for personal reasons shall be charged only to accrued sick leave, and leave for personal reasons shall be non-cumulative.

3. A school board may establish policies to provide terminal pay for accumulated sick leave to any employee of the district school board. *If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to their beneficiary, a member of the instructional staff at normal retirement or to his beneficiary if service is terminated by death.* However, such terminal pay shall not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During and after the 10th year of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

"Normal retirement," as used in this subsection, shall mean retirement under plan A, B, C, D, or E of the Teachers' Retirement System or any other plan established by the Legislature with either full or reduced benefits as provided by law or mandatory retirement due to the attainment of the age of 70 years. "Normal retirement" shall not be interpreted to include disability retirement.

Section 2. Section 231.48, Florida Statutes, is amended to read:

231.48 Absences of other personnel.—

(1) The school board shall make regulations governing absences of any personnel not covered by the School Code.

(2) A school board may establish policies to provide terminal pay to a member of the noninstructional staff at normal retirement or to his beneficiary if service is terminated by death; provided, that such terminal pay shall not exceed an amount determined by the daily rate of pay of the member of the noninstructional staff at the time of retirement or death multiplied by one-half the total number of accumulated sick leave days credited to the member of the noninstructional staff at the time of retirement or death. *"Normal retirement," as used in this subsection, shall mean retirement with either full or reduced benefits as provided by law or mandatory retirement due to the attainment of the age of 70 years, but shall not mean disability retirement.*

Section 3. If chapter 231, 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.

(Renumber subsequent sections.)

Amendment 2—On page 2, line 19, before effective date insert: Section . There is hereby appropriated from the General Revenue Fund to the University of South Florida the sum of \$157,084 for the fiscal year 1980-81 for the purpose of funding the first year of the two-year SunCoast Area Teacher Training program as a pilot project in teacher education.

Section . The Commissioner of Education shall, no later than March 15, 1982, report to the Legislature on the effectiveness of the first year of the two year SunCoast Area Teacher Training program. This report shall also include an evaluation of the relative effectiveness of the pilot full year internship models funded by the 1979 General Appropriations Act.

Amendment 3—On page 1, in title, line 2, after "education;" insert: amending ss. 231.40(2)(a) and 231.48, Florida Statutes, to authorize each district school board to provide terminal pay

for accumulated sick leave to its employees at times other than normal retirement; providing that terminal pay for noninstructional staff shall be computed in the same manner as for instructional staff; providing for conditional repeal;

Amendment 4—On page 1, in title, line 9, insert: providing an appropriation to fund a pilot program relating to teacher preparation; providing for a report

On motion by Senator Frank, by two-thirds vote HB 954 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Anderson	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Trask
Beard	Hair	Neal	Vogt
Carlucci	Henderson	Peterson	Ware
Childers, D.	Hill	Poole	Williamson
Childers, W. D.	Johnston	Scott	
Fechtel	MacKay	Steinberg	

Nays—None

Votes after roll call:

Yea—Thomas, Winn

CS for SB 1019 was laid on the table.

SB 1040 was taken up and on motion by Senator Hair; the rules were waived and by two-thirds vote HB 1530 was withdrawn from the Committee on Commerce.

On motion by Senator Hair—

HB 1530—A bill to be entitled An act relating to the Division of Economic Development of the Department of Commerce; repealing s. 288.105, Florida Statutes, which creates the Economic Development Advisory Committee; providing an effective date.

—a companion measure, was substituted for SB 1040 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1530 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Winn

SB 1040 was laid on the table.

On motion by Senator Ware, by unanimous consent—

SB 1165—A bill to be entitled An act relating to annexation; amending s. 171.044(1), Florida Statutes, providing that owners of real property located within an enclave may petition for annexation; providing an effective date.

—was taken up and read the second time by title.

Senator Ware moved the following amendments which were adopted:

Amendment 1—On page 1, line 20, insert a new Section 2:

Section 2. Subsection (5) of Section 171.0413 is amended to read as follows:

(5) If the area proposed to be annexed is predominantly owned by individuals, corporations, or legal entities who are not registered electors of the area proposed to be annexed, such area shall not be annexed unless a majority of such individuals, corporations, or legal entities consent to such annexation. If more than 70% of the land in an area proposed to be annexed is owned by individuals, corporations or legal entities who are not registered electors of the area proposed to be annexed, such area shall not be annexed unless the owners of more than 50% of the land in the area proposed to be annexed consent to such annexation. Such consent shall be obtained by the parties proposing the annexation prior to the referendum to be held on the annexation.

Renumber subsequent Sections.

Amendment 2—On page 1 in title, line 5, insert after "annexation.": amending s. 171.0413(5), F.S., to provide requirements for annexation;

On motion by Senator Ware, by two-thirds vote SB 1165 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Johnston

Vote after roll call:

Yea—Winn

SB 1180 was taken up and on motions by Senator Hill, the rules were waived and by two-thirds vote HB 920 was withdrawn from the Committees on Transportation and Ways and Means.

On motion by Senator Hill—

HB 920—A bill to be entitled An act relating to drivers' licenses; amending s. 322.29, Florida Statutes; providing for the reinstatement of a license that has been suspended due to a failure to appear in traffic court; providing an effective date.

—a companion measure, was substituted for SB 1180 and read the second time by title.

Senator Hill moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of line 1, and insert: Section 2. Subsections (1) and (4) of section 322.03, Florida Statutes, are amended to read:

322.03 Operators and chauffeurs must be licensed.—

(1) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license as an operator or chauffeur under the provisions of this chapter. No person shall receive a driver's or operator's license unless and until he surrenders to the department all valid driver's operator's licenses in his possession issued to him by any other jurisdiction or an affidavit that he does not possess a driver's license, except that no surrender is required upon a showing to the department that such license or licenses from other jurisdictions are necessary because of employment or part-time residence. Any person who retains a driver's license or licenses from other jurisdictions because of employment or part-time residence shall, upon qualifying therefor, be issued a driver's license which shall be valid within the State of Florida only.

All surrendered licenses shall be returned by the department to the issuing department together with information that licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid Florida driver's license at any time.

(4) No person shall receive a chauffeur's license unless and until he surrenders to the department any operator's or chauffeur's license issued to him by any other jurisdiction or an affidavit that he does not possess an operator's or chauffeur's license.

Section 3. Intent.—It is the intent of the Legislature that all licensed drivers in Florida be reexamined every 4 years for the purpose of testing eyesight, hearing, and, in certain cases, ability to understand highway signs regulating, warning, and directing traffic. It is recognized that only a small percentage of the more than 7 million drivers in the state are categorized as problem drivers. Therefore, upon renewal every 4th year, the large number of drivers who have had no convictions for the preceding 3 years shall be processed expeditiously by an examination of their eyesight and hearing only. All other licensees shall be tested, in addition to the eyesight and hearing examination, with respect to their ability to read and understand highway signs regulating, warning, and directing traffic.

Section 4. Section 322.121, Florida Statutes, is amended to read:

322.121 Periodic reexamination of all drivers.—

(1) Each licensee shall pass a reexamination at the time of his application for renewal. The reexamination for each licensee whose driving record reflects no convictions for the preceding 3 years and who, at the time of renewal, presents a renewal certificate verifying such safe driving record shall be include a test of the licensee's eyesight and, hearing. For all other licensees, in addition to the eyesight and hearing test, the reexamination shall include the, and ability to read and understand highway signs regulating, warning, and directing traffic.

(2) The fee for each such reexamination is \$3. All reexamination fees shall be collected by the department at the time of reexamination. The department shall issue proper receipts for reexamination fees and promptly transmit all funds received by it to the State Treasurer for deposit in the General Revenue Fund.

(3) The department is authorized, upon recommendation of the Department of Administration, to employ additional examiners as it deems necessary.

(3)(4) The provisions of this section shall not apply to members of the armed forces, or their dependents residing with them, while serving on active duty outside of the State of Florida.

Section 5. This act shall take effect October 1, 1980, except that sections 2, 3, and 4 of this act shall take effect April 1, 1981.

Amendment 2—On page 1 in title, strike all of line 6, and insert: court; amending s. 322.03(1) and (4), Florida Statutes, relating to the requirement that drivers and chauffeurs must be licensed, to modify provisions relating to surrender of valid licenses issued by any other jurisdiction; providing legislative intent; amending s. 322.121, Florida Statutes, relating to periodic reexamination of all drivers, to modify examination requirements for safe drivers; providing an effective date.

On motion by Senator Hill, by two-thirds vote HB 920 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Fechtcl	Holloway	Skinner
Barron	Frank	Johnston	Steinberg
Beard	Gordon	MacKay	Stuart
Carlucci	Gorman	McClain	Thomas
Chamberlin	Grizzle	McKnight	Tobiassen
Childers, D.	Hair	Peterson	Trask
Childers, W. D.	Henderson	Scarborough	Vogt
Dunn	Hill	Scott	Winn

Nays—None

Votes after roll call:

Yea—Williamson

SB 1180 was laid on the table.

SB 1185—A bill to be entitled An act relating to consumer protection; providing a definition; banning the construction, maintenance, repair, mooring, or towing of "floating residential units" throughout the waters of the state; providing a penalty; providing exceptions to the application of the act; providing legislative intent; providing an effective date.

—was read the second time by title.

Senator Chamberlin moved the following amendments which were adopted:

Amendment 1—On page 1, line 13, strike everything after the enacting clause and insert: Section 1. (1) Any county may adopt by local ordinance restrictions relating to the construction of "floating residential units" in state waters.

(2) For the purposes of this section, the term "floating residential unit" means a structure primarily designed or constructed as a living unit, built upon a floating base, which is not designed primarily as a vessel, is not self-propelled although may be towed about from place to place, and is primarily intended to be anchored or otherwise moored in a fixed location.

Section 2. The provisions of this act shall not apply to any floating residential unit in existence or under construction prior to the effective date of this act.

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

Amendment 2—On page 1 in title, lines 3-9, strike all of said lines and insert: authorizing counties to adopt ordinances relating to the construction of "floating residential units"; providing a definition; providing an exception to the operation of the act; providing an effective date.

Pending further consideration of SB 1185 as amended, on motions by Senator Chamberlin, by two-thirds vote HB 1289 was withdrawn from the Committees on Natural Resources and Conservation and Commerce.

On motion by Senator Chamberlin—

HB 1289—A bill to be entitled An act relating to consumer protection; authorizing counties to adopt ordinances relating to the construction of "floating residential units"; providing a definition; providing an exception to the operation of the act; providing an effective date.

—a companion measure, was substituted for SB 1185. On motions by Senator Chamberlin, by two-thirds vote HB 1289 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Barron	Fechtel	Johnston	Scarborough
Beard	Frank	MacKay	Skinner
Carlucci	Gorman	McClain	Stuart
Chamberlin	Grizzle	McKnight	Thomas
Childers, D.	Hair	Neal	Trask
Dunn	Henderson	Peterson	Vogt

Nays—3

Anderson	Scott	Steinberg
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Votes after roll call:

Yea—W. D. Childers, Holloway, Williamson, Winn

SB 1185 was laid on the table.

SB 1250—A bill to be entitled An act relating to workers' compensation; amending s. 440.13(1), Florida Statutes; repealing the requirement that certain reports of medical treatment

be filed with the Division of Workers' Compensation; increasing from 5 days to 15 days the period allowed for filing certain medical reports; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 1250 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Beard	Gordon	MacKay	Stuart
Carlucci	Gorman	McClain	Thomas
Chamberlin	Grizzle	McKnight	Trask
Childers, D.	Hair	Neal	Vogt
Childers, W. D.	Henderson	Peterson	Winn
Dunn	Hill	Scarborough	
Fechtel	Holloway	Scott	
Frank	Johnston	Steinberg	

Nays—None

Vote after roll call:

Yea—Williamson

SB 227 was taken up and on motion by Senator Anderson, the rules were waived and by two-thirds vote HB 1057 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Anderson—

HB 1057—A bill to be entitled An act relating to regulation of advertising signs; amending s. 335.13(3), Florida Statutes; exempting waste disposal receptacles of less than 2 cubic yard capacity from the provisions regulating advertising signs along road rights-of-way; providing an effective date

—a companion measure, was substituted for SB 227 and read the second time by title.

Senator Anderson moved the following amendment which was adopted:

Amendment 1—On page 1 in title, line 5, strike "2 cubic yard" and insert: 110 gallon

On motion by Senator Anderson, by two-thirds vote HB 1057 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Fechtel	Johnston	Steinberg
Barron	Frank	MacKay	Stuart
Beard	Gorman	McClain	Thomas
Carlucci	Grizzle	McKnight	Tobiasen
Chamberlin	Hair	Neal	Trask
Childers, D.	Henderson	Peterson	Vogt
Childers, W. D.	Hill	Scarborough	Ware
Dunn	Holloway	Scott	Winn

Nays—1

Gordon

Vote after roll call:

Yea—Williamson

SB 227 was laid on the table.

SB 1319—A bill to be entitled An act relating to the Florida Endowment Trust Fund for Eminent Scholars; amending s. 240.257, Florida Statutes; providing that the Board of Regents administer the trust fund rather than the associated foundations; providing for investment of appropriated funds and for use of accrued interest; providing for matching of funds; providing for the creation of separate foundation trust funds for each university; providing for pledged funds and for expending the funds; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which was adopted:

Amendment 1—On page 6, lines 1-3, strike all

On motion by Senator Gordon, by two-thirds vote SB 1319 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

Anderson Frank Johnston Stuart
Beard Gordon McClain Thomas
Carlucci Gorman Neal Tobiassen
Chamberlin Grizzle Peterson Trask
Childers, D. Hair Scarborough Vogt
Childers, W. D. Henderson Scott Ware
Dunn Hill Skinner Winn
Fechtcl Holloway Steinberg

Nays—None

Vote after roll call:

Yea—Williamson

CS for HB 114—A bill to be entitled An act relating to disaster preparedness; creating s. 252.3555, Florida Statutes, directing local organizations for civil defense to provide for the voluntary registration of disabled citizens in case of disaster; requiring electric utilities to provide certain information; providing that implementation of this act shall not include the use of public funds for advertising; providing an exemption from the public records law; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 114 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Williamson

HB 162—A bill to be entitled An act relating to the Florida National Guard; creating s. 250.315, Florida Statutes, prohibiting employers and postsecondary institutions from penalizing any member of the guard because of absence occasioned by a call to active service; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 162 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Williamson

CS for HB 317—A bill to be entitled An act relating to school buses; amending s. 234.041, Florida Statutes, authorizing educational, recreational, religious, or charitable organizations to own, operate, rent, or lease any bus painted school bus chrome and equipped as a school bus under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote CS for HB 317 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Williamson

HB 342—A bill to be entitled An act relating to corporations not for profit; amending s. 617.013(2)(a), Florida Statutes, to provide that names of such corporations may contain the word "cooperative" or "co-op," if not deceptively similar to a corporate or cooperative name in use; amending s. 618.28, Florida Statutes, exempting a corporation not for profit from provisions of said section; providing an effective date.

—was read the second time by title. On motion by Senator Anderson, by two-thirds vote HB 342 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Williamson

HB 499—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.525, Florida Statutes, permitting the use of nylon strapping to secure loads on certain vehicles; directing the Department of Transportation to promulgate rules; providing an effective date.

—was read the second time by title. On motion by Senator Gorman, by two-thirds vote HB 499 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Williamson

The President presiding

CS for HB 524—A bill to be entitled An act relating to educational facilities; requiring the Commissioner of Education to define "hazardous area" for the purpose of transportation by a school district within the 2-mile limit; requiring a projected 1981-1983 appropriation for such transportation; amending s. 235.19(5) and (6), Florida Statutes, providing clarification with respect to the area around a school site for which the school board is responsible for traffic control; providing a time limit within which certain agencies or officials must either correct reported hazards in the vicinity of schools or notify the school board of the impracticability of such correction; providing for liability; providing an effective date.

—was read the second time by title. On motion by Senator Steinberg, by two-thirds vote CS for HB 524 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Williamson

HB 535—A bill to be entitled An act relating to veterans' affairs; amending s. 295.07, Florida Statutes, relating to veterans' reemployment or reinstatement and preference in appointment and retention, to clarify provisions thereof and to disallow any training period as part of "active duty" for purposes of determining eligibility therefor; amending s. 295.09, Florida Statutes, relating to preference points to be given in promotional examinations, to merge provisions relating to reinstatement or reemployment therewith; amending and renumbering s. 295.10, Florida Statutes, removing certain provisions relating to non-competitive positions; amending s. 295.11, Florida Statutes, removing certain reporting requirements and clarifying certain investigatory powers of the Division of Veterans' Affairs of the Department of Community Affairs; amending s. 295.14, Florida Statutes, modifying penalty provisions; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 535 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fechtcl	MacKay	Steinberg
Barron	Frank	McClain	Stuart
Beard	Gorman	McKnight	Trask
Carlucci	Grizzle	Neal	Vogt
Chamberlin	Hair	Peterson	Ware
Childers, D.	Henderson	Poole	Williamson
Childers, W. D.	Holloway	Scarborough	Winn
Dunn	Johnston	Skinner	

Nays—None

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 second time by title. On motion by Senator Dunn, by two-thirds vote HB 979 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1090—A bill to be entitled An act relating to environmental control; adding subsection (10) to s. 403.182, Florida Statutes; authorizing the Department of Environmental Regulation to allow counties and municipalities to regulate independently the construction of certain water distribution mains and sewage collection laterals; providing for reports to the department; amending s. 403.805, Florida Statutes, relating to the powers of the secretary of the Department of Environmental Regulation; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1090 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Williamson

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

CS for SB 1268—A bill to be entitled An act relating to water management districts; adding s. 373.019(15), Florida Statutes; defining "works of the district"; amending s. 373.103(3), Florida Statutes; providing conforming language; amending s. 373.073(1)(b), Florida Statutes; redefining residency requirements for certain members of the Northwest Florida Water Management District; amending s. 373.403, Florida Statutes; limiting the applicability of certain definitions; redefining "works"; amending s. 373.406(2), Florida Statutes; adding silviculture as an exempted occupation; providing an effective date.

—was read the first time by title and SB 1268 was laid on the table.

On motion by Senator Thomas, by two-thirds vote CS for SB 1268 was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 7, strike lines 26 and 27, and insert: Section 5. Subsection (1) of section 373.503, Florida Statutes, is amended to read:

373.503 Manner of taxation.—

(1) It is the finding of the Legislature that the general regulatory and administrative functions of the districts herein authorized are of general benefit to the people of the state and should fully or in part substantially be financed by general appropriations. Further, it is the finding of the Legislature that water resources programs of particular benefit to limited segments of the population should be financed by those most directly benefited. To those ends, this chapter provides for the

establishment of permit application fees and a method of ad valorem taxation to finance the activities ~~works~~ of the district.

Section 6. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, strike lines 12, 13 and 14 through the word "occupation;" and insert: redefining "works"; amending s. 373.503(1), Florida Statutes; clarifying the method of financing water management district functions; clarifying legislative intent; providing an effective date.

On motion by Senator Thomas, by two-thirds vote CS for SB 1268 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	Frank	MacKay	Steinberg
Anderson	Gorman	McClain	Stuart
Beard	Grizzle	McKnight	Thomas
Carlucci	Hair	Neal	Tobiassen
Chamberlin	Henderson	Peterson	Trask
Childers, D.	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Johnston	Scott	Winn

Nays—None

Vote after roll call:

Yea—Williamson

HB 1651—A bill to be entitled An act relating to mental health; amending s. 394.455(2), Florida Statutes, to designate individuals authorized to provide services to patients under the mental health act; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert: Section 1. Subsection (2) of section 394.455, Florida Statutes, is amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise:

(2) "Mental health professional" means an individual licensed or authorized to practice medicine or osteopathy under the laws of this state who has primarily diagnosed and treated mental disorders for a period of not less than 3 years inclusive of psychiatric residency; a psychologist licensed pursuant to chapter 490 who has not less than 1 year of clinical experience postlicensure in the diagnosis and treatment of mental and nervous disorders; or, in instances in which individuals having such qualifications are not present at the time and place where mental health services are needed, or if present, do not voluntarily participate in the delivery of mental health services, a physician licensed pursuant to chapter in counties in which individuals having such qualifications are not available, a physician licensed pursuant to chapter 458 or chapter 459 who has diagnosed and treated mental and nervous disorders. For the purposes of initiating emergency admissions under s. 394.463-(1)(b)3., initiating court-ordered evaluation pursuant to s. 394.463(2)(b)2., and certifying and testifying that a patient manifests criteria for involuntary placement pursuant to the provisions of s. 394.467(2)(b)2. and (3)(a), "mental health professional" also means a registered nurse with a masters or doctoral degree in psychiatric nursing and 2 years of post-masters clinical experience under the supervision of a physician possessing the above-stated experience in diagnosis of mental and nervous disorders. For the purpose of providing services described in this act to patients at facilities operated by the United States Veterans Administration which meet the requirements of receiving and treatment facilities, a physician or psychologist employed by the United States Veterans Administration shall be considered a "mental health professional."

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

On motion by Senator Steinberg, by two-thirds vote HB 1651 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1777—A bill to be entitled An act relating to the Judicial Council; repealing s. 43.15, Florida Statutes; which creates the Judicial Council of Florida; providing for a transfer of its files, furniture, equipment, personnel, and unused portion of the existing appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1777 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

HB 842—A bill to be entitled An act relating to historic preservation; creating a commission to advise the Division of Recreation and Parks of the Department of Natural Resources in the operation, restoration, development and preservation of the Judah P. Benjamin Memorial at Gamble Plantation Historical Site; providing for repeal and legislative review; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 842 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

On motion by Senator Carlucci, by unanimous consent SB 711 was taken up in lieu of CS for SB 535.

SB 711 was taken up and on motion by Senator Carlucci, the rules were waived and by two-thirds vote HB 1434 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Carlucci—

HB 1434—A bill to be entitled An act relating to termination of pregnancies; adding a new subsection (7) to s. 390.001, Florida Statutes, providing for disposal of fetal remains; providing an effective date.

—a companion measure, was substituted for SB 711 and read the second time by title. On motion by Senator Carlucci by two-thirds vote HB 1434 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Frank	McClain	Stuart
Beard	Gordon	McKnight	Thomas
Carlucci	Grizzle	Peterson	Tobiassen
Chamberlin	Hair	Poole	Trask
Childers, D.	Holloway	Scarborough	Vogt
Dunn	Johnston	Skinner	Ware
Fechtel	MacKay	Steinberg	Winn

Nays—None

Votes after roll call:

Yea—Gorman, Williamson

SB 711 was laid on the table.

On motion by Senator Barron 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—

SB 367	SB 368	SB 448
SB 656	SB 1368	SB 1382

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

SB 160	SB 239	SB 872
SB 1190		

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 56 and CS for SB 966.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 523.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 3 and 4 and passed SB 351.

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 passed with amendments—

By the Committee on Governmental Operations—

CS for SB 334—A bill to be entitled An act relating to the regulation of cemeteries and cemetery companies; reviving, readopting, and amending provisions of the Florida Cemetery Act; providing for the regulation of cemetery companies by the Department of Banking and Finance; amending s. 559.30, Florida Statutes; providing a short title; creating s. 559.305, Florida Statutes; providing a statement of purpose; amending s. 559.31, Florida Statutes; exempting certain cemeteries; amending s. 559.32, Florida Statutes; providing definitions; amending s. 559.33, Florida Statutes; prohibiting operation of a cemetery without a license; prescribing requirements for licensure; providing for a fee; amending s. 559.34, Florida Statutes; providing procedures for change of control

of existing cemeteries; providing for a fee; amending s. 559.35, Florida Statutes; providing for regulation of previously existing cemetery companies; amending s. 559.37, Florida Statutes; prescribing powers of the department; authorizing examination of affairs of cemetery companies; providing for an examination fee; creating s. 559.3703, Florida Statutes; authorizing the challenge of rules; creating s. 559.3705, Florida Statutes; authorizing the impoundment of certain property and the appointment of a receiver or administrator by a circuit court; amending s. 559.371, Florida Statutes; prescribing grounds for the issuance of a cease and desist order; amending s. 559.373, Florida Statutes; providing civil penalties; creating s. 559.375, Florida Statutes; providing disciplinary actions against licensees; creating s. 559.377, Florida Statutes; requiring notice of regulation; amending s. 559.38, Florida Statutes; requiring the keeping and availability of certain records; amending s. 559.405, Florida Statutes; authorizing cemetery companies to perform certain functions; amending s. 559.41, Florida Statutes; prohibiting the operation of a cemetery without a care and maintenance trust fund; prescribing procedures for the administration of such fund; amending s. 559.42, Florida Statutes; providing for the disposition of trust fund income and requiring notice to consumers; creating s. 559.425, Florida Statutes; prohibiting illegal tying arrangements; amending s. 559.43, Florida Statutes; requiring certain deposits into the care and maintenance trust fund; amending s. 559.44, Florida Statutes; requiring financial reports; amending s. 559.4405, Florida Statutes; establishing liability; amending s. 559.441, Florida Statutes; prohibiting any cemetery company from entering certain contracts without establishing a merchandise trust fund and requiring certain information to be specified on contracts; providing for the administration of such trust fund; amending s. 559.45, Florida Statutes; requiring each cemetery company to submit financial reports to the department; providing a penalty fee; amending s. 559.46, Florida Statutes, and redesignating said section as s. 559.345, Florida Statutes; providing for a license fee; providing for disposition of fees; amending s. 559.481, Florida Statutes; requiring a minimum acreage of licensees; providing conditions for sale or disposition; amending s. 559.482, Florida Statutes; requiring the establishment of a preconstruction trust fund under certain circumstances; requiring certain deposits into such fund; providing for administration of such fund; providing for refunds under certain circumstances; amending s. 559.505, Florida Statutes; conforming language; amending s. 559.51, Florida Statutes; prohibiting false reports; providing a penalty; amending s. 559.52, Florida Statutes; providing burial policies; creating s. 559.521, Florida Statutes; prohibiting the offering of certain free burial programs; amending s. 559.525, Florida Statutes; authorizing a county or municipality to maintain an abandoned cemetery and to seek reimbursement; amending ss. 639.07(1)(b), 639.20, Florida Statutes; excluding from the applicability of chapter 639, Florida Statutes, certain persons under a contractual relationship with persons licensed under part IV of chapter 559, Florida Statutes; repealing s. 559.331, Florida Statutes, relating to cemetery sales organizations, management organizations, and brokers; reviving and readopting s. 559.47, Florida Statutes, prohibiting the transfer of any license or unauthorized use of any license; repealing s. 559.39, Florida Statutes, relating to investigation of applications; repealing s. 559.40, Florida Statutes, relating to certificates of authorization; granting an easement for certain persons to visit cemeteries; providing for future repeal of part IV of chapter 559, Florida Statutes; providing a retroactive effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 19, strike everything after the enacting clause and insert: Section 1. Section 559.30, Florida Statutes, is amended to read:

559.30 Short title.—This part IV may be cited as the "Florida Cemetery Act."

Section 2. Section 559.305, Florida Statutes, is created to read:

559.305 Purpose.—The Legislature recognizes that purchasers of pre-need burial rights or cemetery merchandise may suffer serious economic harm if purchase money is not set aside for future use as intended by the purchaser; and that the failure to maintain properly cemetery grounds may cause

significant emotional stress. Therefore, it is necessary in the interest of the public welfare to regulate cemetery companies in this state. However, restrictions shall be imposed only to the extent necessary to protect the public from significant or discernible harm or damage and not in a manner which will unreasonably affect the competitive market.

Section 3. Section 559.31, Florida Statutes, is amended to read:

559.31 Scope.—

(1) ~~The provisions of This part and all rules adopted promulgated pursuant to this part shall apply to all cemeteries except for:~~

(a) Church cemeteries of less than 5 acres which provide only single level ground burial.

(b) County and municipal cemeteries.

(c) Community and nonprofit association cemeteries which provide only single level ground burial and do not sell burial spaces or cemetery merchandise.

(d) Cemeteries owned and operated or dedicated by churches prior to June 23, 1976.

~~No county or municipal cemetery shall be deemed to be required to establish any trust fund pursuant to this part.~~

(e) ~~(2) Cemeteries Any cemetery~~ Any cemetery beneficially owned and operated since July 1, 1915, by a fraternal organization or its corporate agent, for at least 50 years prior to the effective date of this part shall be exempt from the provision of part IV of this chapter.

(2) Section 559.52 applies to all cemeteries in this state.

Section 4. Section 559.32, Florida Statutes, is amended to read:

559.32 Definitions; "Florida Cemetery Act".—As used in this part:

(1) ~~"Persons" means an individual, corporation, partnership, joint venture, or association.~~

(1) ~~(2) "Human remains" or "remains" means the bodies of deceased persons, and includes the bodies in any stage of decomposition, and cremated remains.~~

(2) ~~(3) "Cemetery" means a place dedicated to and used or intended to be used for the permanent interment of human remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; or a columbarium or other structure or place used or intended to be used for the interment of cremated human remains; or any combination of one or more of such structures or places.~~

(3) ~~(4) "Mausoleum" means a structure or building which is substantially exposed above the ground and which is above-ground intended to be used for the entombment of human remains of a deceased person.~~

(4) ~~(5) "Columbarium" means a structure or building which is substantially exposed above the ground and which is above-ground intended to be used for the inurnment of the cremated human remains of a deceased person.~~

(5) ~~(6) "Cemetery company" means any legal entity that owns or controls cemetery lands or property. The term shall include all cemeteries owned and operated by governmental agencies, churches, and fraternal organizations, or their corporate agents, which enter into sales and management contracts with cemetery sales organizations or cemetery management organization for cemetery purposes or with any other legal entity other than direct employees of said governmental agency, church, or fraternal organization.~~

(6) ~~(7) "Grave space" means a space of ground in a cemetery intended to be used for the interment in the ground of human the remains of a deceased person.~~

(7) ~~(8) "Department" means the Department of Banking and Finance.~~

(8) ~~"Cemetery sales organization" means any legal entity contracting as an independent contractor with a cemetery~~

company to conduct sales of cemetery products; it does not mean individual salesmen or sales managers employed by; and contracting directly with; cemetery companies operating under this act; nor does it mean funeral establishments or funeral directors operating under licenses authorized by chapter 470 when dealing directly with a cemetery company; with members of the family of a deceased person or other persons authorized by law to arrange for the burial and funeral of such deceased human being; or with an individual negotiating the sale of cemetery property as a part of his or her preneed arrangements under chapter 630. Cemetery sales organizations shall operate under the Florida Cemetery Act, except that the provisions of ss. 559.33 and 559.481 shall not apply.

(10) ~~"Cemetery management organization" means any legal entity contracting as an independent contractor with a cemetery company to manage a cemetery, but does not mean individual managers employed by or contracting directly with cemetery companies operating under this act. Cemetery management organizations shall operate under the Florida Cemetery Act, except that the provisions of ss. 559.33 and 559.481 shall not apply thereto.~~

(11) ~~"Cemetery broker" means a legal entity engaged in the business of arranging sales of cemetery products between legal entities, which sale does not involve a cemetery company, but does not mean funeral establishments or funeral directors operating under chapter 470 when dealing between legal entities wherein one such entity shall be members of the family of a deceased person or other persons authorized by law to arrange for the burial and funeral of such deceased human being or an individual negotiating the sale of cemetery property as a part of his or her preneed arrangements under chapter 630. Cemetery brokers shall operate under the Florida Cemetery Act, except that provisions of ss. 559.33 and 559.481 shall not apply, and the Florida Cemetery Act shall not apply to any cemetery broker selling less than five grave spaces per year.~~

(8) ~~(12) "Belowground crypts" consists of interment space in preplaced chambers, either side by side or multiple depth, covered by earth and sod and known also as lawn crypts, Westminster, or turf-top crypts.~~

(9) ~~(13) "Bank of belowground crypts" means any construction unit of belowground crypts which is acceptable to the department and director of cemeteries which a cemetery uses to initiate its belowground crypt program or to add to existing belowground crypt structures.~~

(10) ~~(14) "Mausoleum section" means any construction unit of a mausoleum which is acceptable to the department and director of cemeteries which a cemetery uses to initiate its mausoleum program or to add to its existing mausoleum structures.~~

(11) ~~"Burial right" means the right to use a grave space, mausoleum, or columbarium for the interment, entombment or inurnment of human remains.~~

(12) ~~"Burial merchandise" means any personal property offered or sold by a cemetery company for use in connection with the interment, entombment, or inurnment of human remains.~~

(13) ~~"Burial service" means any service offered or provided by a cemetery company in connection with the interment, entombment or inurnment of human remains.~~

(14) ~~"Casket" means a rigid container which is designed for the encasement of human remains and which is usually constructed of wood or metal, ornamented, and lined with fabric.~~

(15) ~~"Solicitation" means any communication which directly or implicitly requests an immediate oral response from the recipient.~~

(16) ~~"Outer burial container" means an enclosure into which a casket is placed, including but not limited to vaults made of concrete, steel, fiberglass or copper, and sectional concrete enclosures, crypts and wooden enclosures.~~

Section 5. Section 559.33, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 559.33, F.S., for present text.)

559.33 Cemetery companies; license; application; fee.—

(1) No person shall operate a cemetery without first obtaining a license from the department, unless specifically exempted from this part.

(2) Any person desiring to establish a cemetery company shall first:

(a) File an application which shall state the exact location of the proposed cemetery and pay the application fee, which shall be set by the department, by rule, in an amount not to exceed \$600;

(b) Create a legal entity;

(c) Demonstrate to the satisfaction of the department that he possesses the ability, experience, financial stability, and integrity to operate a cemetery.

(3) The department shall determine the need for a new cemetery in the community by considering the adequacy of existing facilities, the solvency of the trust funds of the existing facilities, and the relationship between population, rate of population growth, death rate, and ratio of burials to deaths. In order to promote competition, the department may waive the criteria of this subsection so that each county may have at least two cemeteries operated by different licensees.

(4) If the department finds that the applicant meets the criteria established in subsection (2) and determines that a need for the new cemetery in the community exists, the department shall notify the applicant that a license will be issued when:

(a) The establishment of a care and maintenance trust fund containing not less than \$25,000 has been certified by a trust company, a state or national bank, or a savings and loan association licensed in this state.

(b) Applicant has filed with the department development plans which are sufficient to insure the department that the cemetery will provide adequate service to the community and which have been approved by the appropriate local governmental agency regulating zoning in the area of the proposed cemetery.

(c) Applicant holds an unencumbered fee simple title to at least 30 contiguous acres of land.

(d) Applicant has designated as general manager a person who has integrity, 1 year of cemetery experience, and the ability to operate a cemetery.

(e) The applicant has fully developed not less than two acres for use as burial space, such development to include a paved road from a public roadway to the developed section.

(f) The applicant has recorded, in the public records of the county in which the land is located, a notice which contains the following language:

NOTICE

The property described herein shall not be sold, conveyed, leased, mortgaged, or encumbered without the prior written approval of the Department of Banking and Finance, as provided in the Florida Cemetery Act.

Such notice shall be clearly printed in boldface type of not less than 10 points, and may be included on the face of the deed of conveyance to the licensee, or may be contained in a separate recorded instrument which contains a description of the property.

(5) The department shall issue a license to operate a cemetery company to any applicant who, within 12 months after notice that a license may be issued, meets the criteria of subsection (4).

Section 6. Section 559.34, Florida Statutes, is amended to read:

559.34 Application for change of control; filing fee.—In any case where a person who intends, a group of persons, or a corporation proposes to purchase or acquire control of an existing cemetery company either by purchasing the outstanding capital stock of any cemetery company, or the interest of the owner or owners, and thereby to change the control of said cemetery company, such person shall first apply

make application to the department for a certificate of approval for the of such proposed change of control. The of said cemetery company and said application shall contain the name and address of the proposed new owners and the said department shall issue a said certificate of approval only after it has conducted an investigation of the applicant and determined become satisfied that the proposed new owners are qualified by character, experience, and financial responsibility to control and operate the said cemetery company in a legal and proper manner, and that the interest of the public generally will not be jeopardized by the proposed change in ownership and management. The department may examine the records of the cemetery company as part of the investigation. The Such application shall for a purchase or change of control must be accompanied by an initial filing or investigation fee set by the department, by rule, not to exceed \$600 of \$500. Fees collected pursuant to this section shall be deposited in the State Treasury in the Regulatory Trust Fund under the Division of Finance of the department.

Section 7. Section 559.35, Florida Statutes, is amended to read:

559.35 Existing companies, effect of this part IV.—Existing Cemetery companies existing on July 1, 1959, at the time of the adoption of part IV of this chapter shall continue in full force and effect but shall hereafter be operated in accordance with the provisions of this part IV of this chapter.

Section 8. Section 559.37, Florida Statutes, is amended to read:

559.37 Department; powers.—

(1) In addition to other powers conferred by this part act, the department shall have power to:

(a)(1) Adopt and enforce Formulate and promulgate reasonable rules and regulations governing the operation of cemeteries in this state, which shall have the force and effect of law and it shall have the power to enforce same. The department shall arrange for the preparation, publication, and dissemination to the public of these rules and other information and material relevant to the operation of cemeteries.

(b)(2) Employ, or assign employees as necessary to operate the department, and fix their compensation.

(2)(3) In addition to other powers conferred by this part, the department may:

(a) Restrict or prohibit the sale or rental of space where the department finds it necessary in the public interest.

(b)(4) At such time as the department finds it necessary or desirable to Examine the financial affairs of any cemetery company and charge under this part, the licensee shall pay an examination fee not exceeding \$150 per day for each examiner engaged in the examination.

(5) Prior to the change of control of any cemetery company as defined in this part, an examination of the licensee's records may be required. The fees provided in subsection (4) hereof will apply thereto.

(c)(6)(a) Investigate, upon its own initiative, or upon receipt of a verified complaint in writing, the actions of any person acting in the capacity of a licensee under this part, within this state. The license of a licensee may be revoked or suspended for a period not exceeding 2 years, or until compliance with a lawful order imposed in the final order of suspension, or both, upon a finding of facts showing that the licensee has either failed to:

1. Pay the fees required herein;
2. Make any reports so required by this act;
3. Remit to the care and maintenance fund or the merchandise fund of the required amounts; or
4. Abide by any other regulations promulgated by the department.

(b) Any order suspending or revoking such license shall recite the grounds upon which the same is based.

(c) Any person aggrieved by an order issued by the department suspending or revoking his license may apply for a

review thereof by filing a petition for certiorari in the circuit court of the county in which said person is licensed within the time and in the manner provided by the Florida Appellate Rules.

(7) At such time as the department finds it necessary it may:

(d)(a) Bring an action, in the appropriate in the name of the state in the circuit court, of the county in which the licensed place of business is located against any such person to enjoin him such person from violating any provision of this part, engaging in or continuing such violation or doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper; provided that before any such action is brought the department shall give the cemetery at least 20 days' notice in writing, stating the alleged violation and giving the cemetery an opportunity within the 20-day period to cure the violation.

(b) In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or permanent injunction, the circuit court shall have the power and jurisdiction to impound and to appoint a receiver or administrator for the property and operation of any cemetery, including books, papers, documents, and records appertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violation of this chapter through or by means of the use of said property or operation.

(c)(e) The department may institute proceedings against any the cemetery company or its officers, when where after an examination, pursuant to this part, a shortage in any the care and maintenance trust fund required by this part is discovered, to recover the said shortage.

(f) The department or its representative may subpoena witnesses or material and collect evidence pursuant to the Florida Rules of Civil Procedure. If matter that the department seeks to obtain by the subpoena is located outside the state, the person subpoenaed may make such matter available to the department or its representative for examination at the place where such matter is located. The department may designate representatives, including officials of the jurisdiction in which the matter is located, to inspect the matter on its behalf and may respond to similar requests from officials of other jurisdictions. Upon failure of a person, without lawful excuse, to obey a subpoena, and after reasonable notice to such person, the department may apply to the circuit court for the judicial circuit in which such person resides, is found, or transacts business for an order compelling compliance.

(d) If the court appoints an administrator, such administrator shall be empowered to take any action, including the establishment of record-keeping requirements, to implement the provisions of the court's order, to ensure the performance of such order, and to remedy any breach thereof.

Section 9. Section 559.3703, Florida Statutes, is created to read:

559.3703 Department rules; challenges.—The department shall not adopt any rule or approve any cemetery bylaw which unreasonably restricts competition or the availability of services in the state or in a significant part of the state or unnecessarily increases the cost of services without a corresponding or equivalent public benefit. Any person substantially affected by a rule of the department has standing to challenge the rule under s. 120.54 or s. 120.56. Upon such a challenge, the hearing officer may declare all or part of a rule invalid if the rule:

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

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

(3) Unnecessarily increases the cost of services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

Section 10. Section 559.3705, Florida Statutes, is created to read:

559.3705 Courts; powers.—

(1) In addition to all other means provided by law for the enforcement of a temporary restraining order or an injunction, the circuit court may impound the property of a cemetery company, including books, papers, documents, and records pertaining thereto, and may appoint a receiver or administrator to prevent further violation of this part.

(2) A court-appointed receiver or administrator may take any action to implement the provisions of the court order, to ensure the performance of the order, and to remedy any breach thereof.

Section 11. Section 559.371, Florida Statutes, is amended to read:

559.371 Cease and desist orders.—

(1) The department may issue and serve upon a cemetery company a complaint whenever the department has reason to believe that the cemetery company is violating or has violated any law, department rule, department order, or any written agreement entered into with the department.

(2) The complaint shall contain a statement of facts and notice of opportunity for a hearing pursuant to s. 120.57.

(3) If no hearing is requested within the time allowed by s. 120.57, or if a hearing is held and the department finds that any of the allegations charges in the complaint are true, the department may enter an order directing the cemetery company to cease and desist from engaging in the conduct complained of and to take corrective action.

(4) If The failure of a cemetery company fails to respond to the complaint within the time allowed in s. 120.57, such failure shall constitute a default and shall be grounds for the authorize issuance of a cease and desist order.

(5) A cease and desist order issued pursuant to the provisions of subsection (3) or subsection (4) is effective when reduced to writing and served upon the cemetery company. A consent order is effective as agreed between the parties thereto.

(6) The department may issue an emergency cease and desist order pursuant to s. 120.59.

Section 12. Section 559.373, Florida Statutes, is amended to read:

559.373 Civil penalty.—The department may seek an injunction and assessment of a civil penalty not to exceed \$1,000 for each violation, in a court of competent jurisdiction, against any person who violates a cease and desist order of the department which is final and in effect. Any party subject to the injunction and penalty assessment shall be given notice and opportunity to attend and present evidence in a hearing before the judicial officer. All penalties collected under this section shall be paid to the Regulatory Trust Fund under the Division of Finance. If a licensee fails to pay the such penalty within 30 days after receiving notice being notified of the final order imposing the civil penalty, the department may suspend his the licensee's license until the penalty is paid for such period of time as the penalty remains unpaid, in addition to other judicial remedies prescribed by law. Proceedings for suspension under this section shall be in accordance with the provisions of chapter 120.

Section 13. Section 559.375, Florida Statutes, is created to read:

559.375 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violating any provisions of this part;

(b) Failing to comply with a rule or lawful order of the department;

(c) Failing to pay the fees required herein;

(d) Failing to remit the required amounts to any trust fund required by this part;

(e) Attempting to procure, or procuring, by bribery or fraudulent misrepresentations, a license to operate a cemetery company;

(f) Having a license to operate a cemetery company revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another jurisdiction;

(g) Being convicted or found guilty in any jurisdiction, regardless of adjudication, of a crime which directly relates to the operation of a cemetery;

(h) Making or filing a report required by this part which the licensee knows to be false, or willfully failing to make or file a report required by this part;

(i) Upon proof that the licensee is guilty of fraud, deceit, misrepresentation, negligence, incompetency, or misconduct in the operation of a cemetery;

(j) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content;

(k) Making any false or misleading statement of the legal requirement as to the necessity of any particular burial merchandise or services;

(l) Making any false or misleading statement regarding the sale of services or merchandise in connection with the operation of a cemetery;

(m) Making any false or misleading statement that natural decomposition or decay of human remains can be prevented or substantially delayed by use of a sealed or unsealed casket or outer burial container;

(n) Soliciting through the use of fraud, undue influence, intimidation, overreaching, or other forms of vexatious conduct.

(o) Discouraging the purchase of any burial merchandise or service which is advertised or offered for sale with the purpose of encouraging the purchase of additional or more expensive burial merchandise or service by disparaging its quality or appearance, except that factual statements concerning features, design, or construction do not constitute disparagement; suggesting directly or by implication that a customer's concern for the price or expressed interest in inexpensive burial merchandise or services is improper, inappropriate, or indicative of diminished respect or affection for the deceased;

(p) Failing to furnish for retention to anyone who inquires in person about burial rights, burial merchandise, or burial services, before any discussion of selection, a printed or typewritten list specifying the retail prices for such rights, merchandise, or services. The list shall include the name, address, and telephone number of the licensee, statements that the consumer may choose only the items he desires, that he will be charged for only those items purchased, and that there may be extra charges for other items or services such as those provided by funeral directors or direct disposers; or

(q) Failing to furnish for retention to each purchaser of burial rights, burial merchandise, or burial services, a written agreement, the form of which has been previously approved by the department and which lists the items and services purchased together with the prices for the items and services purchased, the name, address, and telephone number of the licensee, the signatures of the customer and the licensee or his representative, and the date signed.

(2) When the department finds any licensee guilty of any of the acts specified in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure;

(b) Revocation or suspension of a license;

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense;

(d) Issuance of a reprimand; or

(e) Placing the licensee on probation for a period of time and subject to such conditions as the department may specify.

(3) For purposes of this section, the acts or omissions of any person employed by or under contract to the licensee shall be treated as acts or omissions of the licensee.

(4) Any order imposing any penalty pursuant to this section shall recite the grounds upon which the penalty is based.

Section 14. Section 559.377, Florida Statutes, is created to read:

559.377 Display of notice of regulation; civil penalties.—

(1) Each cemetery company licensed pursuant to this part shall display in a place that is in clear and unobstructed public view, a notice that the place of business is licensed and regulated by the Department of Banking and Finance and that any questions or complaints may be directed to the department. The notice shall be in a form specified by the department.

(2) The department may levy a civil penalty of \$50 for the failure of any licensee to comply with this section.

Section 15. Section 559.38, Florida Statutes, is amended to read:

559.38 Records.—A record shall be kept of every burial in the cemetery of a cemetery company, showing the date of burial, name of the person buried, together with lot, plot, and space in which the such burial was made thereon. All financial sales, trust fund, accounting records, and all other accounting records of the licensee shall be available at the licensee's principal place of business in this state and shall be readily available at all reasonable times for examination by an authorized representative of the department.

Section 16. Section 559.405, Florida Statutes, is amended to read:

559.405 Cemetery companies; authorized functions.—Each licensed cemetery company is authorized to perform Within the boundaries of the cemetery lands it owns, a cemetery company may perform controls the following functions:

(1) The exclusive care and maintenance of the cemetery.

(2) The exclusive interment, entombment, or inurnment of the human remains dead, including the exclusive right to open, prepare for interment, and close all ground, mausoleum, and urn burials.

(3) The exclusive initial pre-need and at-need sale of interment or burial rights in earth interment, mausoleum, or crypt interment, and niche, or columbarium interment; provided nothing herein shall limit the right of a person owning interment or burial rights to sell those such rights to third parties subject to the transfer of title by the cemetery company.

(4) The adoption of authority to promulgate bylaws regulating the activities conducted within its boundaries, provided that no funeral director licensed pursuant to under chapter 470 shall be denied access to any cemetery to conduct a funeral for or supervise a disinterment of human remains. All bylaws provided for herein shall be subject to the approval of the department under the provisions of chapter 120 prior to becoming effective prior to final agency action by the department upon any proposed bylaws or amendments to bylaws. The department shall not approve any bylaw which unreasonably restricts the use of interment or burial rights, which unreasonably restricts competition or which unreasonably increases the cost to the owner of interment or burial rights in utilizing these rights.

(5) The nonexclusive pre-need and at-need sale of monuments, memorials, markers, burial vaults, urns, flower vases, floral arrangements, and other similar merchandise for use within the cemetery.

(6) The nonexclusive cremation of human remains, subject to provisions of s. 470.025 and 470.10(9).

(7) The authority to enter into sales or management contracts with other persons. The cemetery company shall be responsible for the deposit of all moneys required by this part to be placed in a trust fund.

(8) A full disclosure shall be made for all fees required for interment, entombment, or inurnment of human remains.

Section 17. Section 559.41, Florida Statutes, is amended to read:

559.41 ~~Required trust fund for Care and maintenance trust fund; remedy of department for noncompliance.—No cemetery company shall be permitted to establish, or operate if already established, a cemetery without providing for the future care and maintenance of the such cemetery, for which a care and maintenance trust fund shall be established, to be known as "the care and maintenance trust fund of" The Such trust fund shall be established with a any state or national bank or savings and loan association licensed in Florida; provided, that such funds deposited in a savings and loan association or savings account in a state or national bank shall be limited to an amount insured by an agency of the Federal Government. The provisions of chapter 660 shall not apply to such savings accounts. When the amount of the such trust fund account exceeds the amount that is insured by an agency of the Federal Government, the cemetery company it shall establish and transfer the trust fund to with a trust company operating pursuant to under the provisions of chapter 660 or with a state or national bank holding trust powers. The cemetery company may appoint a person to advise an individual or committee of two or more individuals to act in an advisory capacity with the trustee in the investment of the trust fund, and provided further, that a cemetery company, with the consent of the department, may change the trustee of the trust fund. The department must approve the appointment of the initial trustee and any subsequent changes of the trustee shall also be approved by the department. If a any cemetery company refuses or otherwise fails to provide or maintain an adequate care and maintenance trust fund in accordance with the provisions of this part, the department, after reasonable notice, shall proceed to enforce compliance. under the powers vested in it under this act; provided any nonprofit cemetery corporation, incorporated and engaged in the cemetery business continuously since and prior to 1915 and whose current trust assets exceed \$750,000, shall not be required to designate a corporate trustee. The trust fund agreement shall specify contain and include the following: Name, location, and address of both the licensee and the trustee showing the date of agreement together with the percentages required to be deposited pursuant to as stated in s. 559.43. No person shall withdraw or transfer any portion of the corpus of the care and maintenance trust fund, except where such portion reaches \$200 or more per space, for each space whether sold or unsold, without first obtaining written consent from the department. Funds deposited pursuant to this part shall not be loaned to any cemetery company or persons who are directly or indirectly engaged in the cemetery business.~~

Section 18. Section 559.42, Florida Statutes, is amended to read:

559.42 ~~Disposition of income of Individual contracts for care and maintenance trust fund; notice to purchasers and depositors.—At the time of making a sale or receiving the initial deposit hereunder, the cemetery company shall deliver to the person to whom such sale is made, or who makes such deposit, an instrument in writing which shall specifically state that The net income of the care and maintenance trust fund shall be used solely for the care and maintenance of the cemetery, for reasonable costs of administering the such care and maintenance, and for reasonable costs of administering the trust fund. At the time of making a sale or receiving the initial deposit, the cemetery company shall deliver to the person to whom the sale is made, or who makes a deposit, a written instrument which shall specifically state the purposes for which the income of the trust fund shall be used.~~

Section 19. Section 559.425, Florida Statutes, is created to read:

559.425 *Illegal tying arrangements.—*

(1) *No person authorized to sell grave space shall tie the purchase of any grave space to the purchase of a marker or monument from or through the seller or any other designated person or corporation.*

(2) *A cemetery company may adopt bylaws establishing minimum standards for burial merchandise or the installation thereof.*

(3) *No cemetery company shall charge a fee for the installation or maintenance of a marker or monument which exceeds the maximum fee set by the department. The department, by rule, shall set a maximum installation fee which a cemetery company may charge. The fee shall be based on the actual cost*

to a cemetery company to install a marker or monument, but shall not exceed \$.50 per square inch.

Section 20. Section 559.43, Florida Statutes, is amended to read:

559.43 *Care and maintenance trust fund, percentage of payments for burial rights to be deposited.—*

(1) ~~Each cemetery company There shall be set aside and deposit deposited in its the care and maintenance trust fund by the cemetery company, the following percentages or amounts for all sums received from sales of burial rights, which percentages or amounts shall apply to:~~

(a) ~~All such payments received until such time as the amount of the corpus of such trust fund equals the sum of \$15,000, and thereafter.~~

(b) ~~All such sums received from completed sales only exclusive of such sums on which deposits had previously been made under paragraph (a).~~

(a)1. ~~For graves, 10 percent of all payments received; provided, that for sales made after December 31, 1959, for sales made after such date, no such deposit shall be less than \$10 per grave. For each burial right, grave, or space which is not sold, but is provided without charge, the deposit to the fund shall be \$10.~~

(b)2. ~~For mausoleum or columbarium, 10 percent of payments received.~~

(c)3. ~~For general endowments for the care and maintenance of the cemetery, the full amount of sums received when received.~~

(d)4. ~~For special endowments for a specific lot, grave, or a family mausoleum, memorial, marker, or monument, the cemetery company may set aside the full amount amounts received for this individual special care in a separate trust fund or by a deposit to a savings account in a bank or savings and loan association located within and authorized to do business in the state; provided, however, if the licensee does not set up a separate trust fund or savings account for the special endowment, the full amount thereof shall be deposited into the care and maintenance trust fund as required of general endowments.~~

(2) ~~Deposits to the care and maintenance trust fund shall must be made by the cemetery company holding title to the subject cemetery lands not later than 30 5 days following the close of the calendar month in which any payment was payments were received as provided in subsection (1); however, the entire amount required to be deposited into the trust fund shall be paid within 4 years from the date of any contract requiring such payment regardless of whether all amounts have been received by the cemetery company. The care and maintenance trust fund shall be invested and reinvested by the trustee pursuant to under the provisions of chapter 518 as the same may be from time to time amended. The fees and other expenses of the trust fund shall be paid by the trustee from the net income thereof and shall may not be paid from the corpus. If To the extent that the net income is not sufficient to pay the such fees and other expenses, the fees and other expenses the same shall be paid by the cemetery company.~~

(3) ~~Twenty-five percent of Any payments made to the care and maintenance trust fund on contracts which are canceled shall be credited against future obligations to the care and maintenance trust fund, and 75 percent of any payments made shall be provided they have been refunded to the purchaser.~~

(4) ~~When a municipal, church-owned, or fraternal cemetery which is exempt from the provisions of this part, pursuant to s. 559.31, changes ownership so as to lose its exempt status, it converts to a private cemetery as defined in s. 559.32, then said cemetery shall establish and maintain a care and maintenance trust fund pursuant to this part section. The initial deposit for establishment of this trust fund shall be an amount equal to \$10 per space for all spaces either previously sold or contracted for sale in the said cemetery at the time of conversion or \$25,000, whichever sum is greater.~~

(5) ~~Each cemetery hereinafter established shall create a care and maintenance trust fund, depositing therein an initial deposit of not less than \$25,000 and submit proof thereof to the department prior to offering for sale any burial rights in grave~~

spaces, niches, *mausoleums*, *columbariums*, or crypts. Payments required under subsection (1) shall be credited against this initial deposit until the sum of \$25,000 is reached.

(6) In each sales contract, reservation, or agreement where-in burial rights are priced separately, the purchase price of the said burial rights shall be the only item subject to care and maintenance trust fund deposits; but if the burial rights are not priced separately therein, the full amount of the contract, reservation, or agreement shall be subject to care and maintenance trust fund deposits as provided herein, unless the purchase price of the said burial rights can be determined from the accounting records of the cemetery company.

(7) If an installment contract or promissory note for the purchase of a pre-need burial space or pre-need burial merchandise is sold or discounted to a third party, the entire amount due the care and maintenance trust fund of the merchandise trust fund shall be payable no later than 30 days following the close of the calendar month in which the contract was sold or discounted, unless reserves held by the purchaser of the installment contract or promissory note are equal to or greater than the amount due to the care and maintenance of merchandise trust fund.

Section 21. Section 559.44, Florida Statutes, is amended to read:

559.44 *Care and maintenance trust fund; financial reports.*—Within 105 days after the end of the calendar or fiscal year of the cemetery company, the trustee shall furnish adequate financial reports with respect to the care and maintenance trust fund on forms provided by the department. However, the department may require the trustee to make such additional financial reports as it deems necessary may deem advisable. In order to insure that the proper deposits to the trust fund have been made, the department shall examine the status of the trust fund of the company on a semiannual basis for the first 2 years of the trust fund's existence.

Section 22. Section 559.4405, Florida Statutes, is amended to read:

559.4405 *Personal Liability.*—The cemetery owners, or officers or directors of a cemetery company, may be held jointly and severally personally liable for any income from the care and maintenance trust fund which income is not used directly for the care and maintenance of a cemetery. The department or and the receiver or administrator appointed under s. 559.37 may bring suit in circuit court to recover such funds.

Section 23. Section 559.441, Florida Statutes, is amended to read:

559.441 Receipts from sale of personal property or services, merchandise trust fund; penalties.—

(1) It shall be deemed contrary to public policy if any person or legal entity receives, holds, controls, or manages funds or proceeds received from the sale of, or from a contract to sell, personal property or services which may be used in a cemetery in connection with the burial of, or the commemoration of the memory of, a deceased human being, when payments for the same are made either outright or on an installment basis prior to the demise of the person or persons so purchasing them, or for whom they are so purchased, unless such person or legal entity holds, controls, or manages said funds subject to the limitations and regulations prescribed in this section. This section applies shall apply to all cemetery companies or other legal entities licensed pursuant to under this part that offer for sale or sell personal property or services which may be used in a cemetery in connection with the burial of human remains, or the commemoration of the memory of, a deceased human being and also to any person in direct written contractual relationship with licensed cemetery companies, but shall exclude persons holding a certificate under chapter 470 or chapter 620 when selling items described in said chapters, and shall also exclude persons or legal entities in direct written contract relationship with cemetery companies licensed and operating under the Florida Cemetery Act.

(2) Except as hereinafter provided, no cemetery company or other entity shall directly or indirectly enter into a contract for the sale of personal property or services, excluding burial or interment rights, which may be used in a cemetery in connection with disposing of human remains, or commemorating

the memory of, a deceased human being, if delivery of the such personal property or performance of the such service is to be made more than 120 days after receipt of final payment under the such contract of sale except as provided in paragraph subsection (3)(a); however, the entire amount required to be deposited into the fund shall be paid within 7 years from the date of any contract requiring such payment regardless of whether all amounts have been received by the cemetery company. This shall include, but not be limited to, the sale for future delivery of burial vaults, grave liners, urns, memorials, vases, foundations, memorial bases, and similar merchandise and related services commonly sold or used in cemeteries and interment fees but excluding burial or interment rights.

(3)(a) Any cemetery company or other entity entering into a contract for the sale of such personal property or services referred to in subsection (2) shall deposit into a merchandise trust fund 110 percent of the wholesale purchase price established for that purpose 100 percent of the cost of the personal property or services so sold for future use or delivery; the said cost (wholesale purchase price plus 10 percent) shall be determined at time of deposit to the merchandise trust fund based upon cost determined by the department director of cemeteries in accordance with subsection (4). The merchandise trust fund shall be administered by a corporate trustee in accordance with a written trust instrument.

(b) The deposit herein required shall be made into the trust fund so established within 30 days after the end of the calendar month in which any final payment is received by the cemetery company or other entity. The percentage of the 110 percent of the wholesale cost trusted must be identical to the percentage payment received of the total cost of the items and services.

(c) Any cemetery company which promises the future delivery of such personal property or services at no cost shall, within 30 days after the end of the calendar month in which the premise was made, deposit into a merchandise trust fund 110 percent of the wholesale purchase price.

(d)(e) Each deposit into any such trust fund shall be identified by the cemetery company or other entity by furnishing the trustee and the purchaser with the name of the purchaser, the amount of the retail sales price, and the amount of money required to be deposited, together with a statement of or a copy of the contract for the personal property and services to be furnished by the cemetery company thereunder. If the cemetery company is acting as trustee as provided for in paragraph (e), it shall maintain a schedule of all deposits made by contract number, name of purchaser, and amount of deposit. Nothing herein contained shall prohibit the trustee may commingle from commingling the deposits in the merchandise any such trust fund for purposes of the management thereof and the investment of funds therein.

(e)(d) The merchandise trust fund shall be operated in conformity with s. 559.41 with respect to the nature and character of the trustee. Alternatively, the merchandise trust fund funds provided for in this section shall be deposited in a savings account in the name of the cemetery company, as trustee, with a bank, trust company, or savings and loan association incorporated under and authorized by the laws of this state or of the United States, provided that such accounts shall be fully insured by the United States or an agency or instrumentality thereof. The provisions of chapter 660 shall not apply to such savings accounts. When the amount of the trust fund exceeds the amount that is insured by an agency of the Federal Government, the cemetery company shall establish and transfer the trust fund to a trust company operating pursuant to chapter 660 or with a state or national bank holding trust powers. If a cemetery company or other entity elects to maintain a savings account in its own name, as trustee, as provided herein, it shall promptly notify the department in writing of that such fact and furnish the department any relevant information that the department may require in connection therewith. In addition to such notice, the cemetery company or other entity shall also execute and deliver to the bank, trust company, or savings and loan association in which the trust account is maintained a power of attorney and any other indemnification agreements that may be required by the such bank, trust company, or savings and loan association for the purpose of authorizing payments or withdrawals from the such trust account as a result of nondelivery or nonperformance to a purchaser or his heirs, assigns, or duly authorized representative as pro-

vided in paragraph (5)(b). The cemetery company or other entity shall also furnish satisfactory evidence to the department that it has executed and delivered such instruments to the bank, trust company, or savings and loan association.

(4) ~~Each year~~, The department director of cemeteries shall publish annually a list of the cost of the personal property or services affected hereby, which shall be computed by the department based upon its independent investigation and which shall include the actual wholesale purchase price plus 10 percent, and All deposits required hereunder shall ~~must~~ be determined based upon this annual computation by the department ~~cost determination~~.

(5) In order to insure that the proper deposits are made to the trust fund, the department shall examine the status of the trust fund of the company on a semiannual basis for the first 2 years of the trust fund's existence.

(6)~~(5)~~(a) The funds shall be held in trust, both as to principal and income earned thereon, and shall remain intact, except that the cost of the operation of the trust, or the trust account authorized by paragraph (3)(e)~~(d)~~ may be deducted from the income earned thereon, until delivery of the merchandise is made or the services are performed by the cemetery company or other entity. Upon delivery of the merchandise or performance of the services, the cemetery company or other entity shall certify same to the trustee, or to the department if the funds are deposited in a trust account with the cemetery company or other entity as trustee. Upon such certification, the amount of money on deposit to the credit of that particular contract, including principal and income earned thereon, shall be forthwith paid to the cemetery company or other entity, or the cemetery company or other entity may withdraw the such amount from the trust account maintained by it as trustee. The trustee may rely upon all such certifications herein required to be made and shall not be liable to anyone for such reliance.

(b) If for any reason a cemetery company or other entity which has entered into a contract for the sale of personal property or services and which has made the deposit to the merchandise trust fund or trust account herein required to be made cannot or does not provide the personal property or perform the services called for by the contract after written request in writing to do so, the purchaser or his heirs or assigns or duly authorized representative shall have the right to provide such personal property or services and, having so provided the property or services, such purchaser or his heirs or assigns or duly authorized representative shall be entitled to receive the deposit to the credit of that particular contract. Written instruction to the trustee, or to the bank, trust company, or savings and loan association in which the account is maintained, by the cemetery company or other entity directing the trustee or the bank, trust company, or savings and loan association to refund the amount of money on deposit, or an affidavit by either the purchaser or one of his heirs or assigns or duly authorized representative, stating that he has fully performed the contract, and that but the personal property or services were not provided because the cemetery company or other entity cannot perform, or refuses to perform, as provided in the contract, shall be sufficient authority for the trustee, bank, trust company, or savings and loan association to make refund of the deposit moneys to the person submitting the affidavit. The trustee, bank, trust company, or savings and loan association shall not be held responsible for any such refunds made on account of the cemetery company's or other entity's written direction or an affidavit submitted in accordance ~~accord~~ with this section. However, nothing herein contained shall relieve the cemetery company or other entity from any liability for nonperformance of the contract terms.

(c) If in the event the cemetery company or other entity cannot deliver the personal property sold because of a national emergency, the provisions of paragraph (b) shall not apply.

(7)~~(6)~~ A contract entered into between a cemetery company and a purchaser shall be subject to cancellation and refund upon a showing by the purchaser of any intentional violation of any provision of this act. If the cemetery company wishes to enforce such contract after receipt of such showing it may request the department to determine the sufficiency of the showing, which determination shall be exempt from the provision of chapter 120. Upon cancellation, the purchaser may demand from a person authorized under this part a refund

of the entire amount actually paid in such contract. Such refund shall be made within 30 days after receipts by the authorized person of the request for refund. The company may not cancel the contract unless the purchaser is in default. In addition, a contract for a casket, subject to the trusting requirements of this section, entered into between a cemetery company and a purchaser, shall be subject to cancellation and 100 percent refund upon request by the purchaser or the purchaser's agent for 1 year after the date of the contract. Such refund shall be made within 30 days after receipt by the cemetery company at the request for refund. If after final payment a purchaser moves his domicile to a point that makes delivery of the merchandise or services impossible or impractical, the said trustee shall refund the principal amount of money on deposit to the credit of that particular contract and the income earned thereon, less a pro rata share of expenses of trust.

(8)~~(7)~~ Every year after the effective date of this act, The trustee shall annually, within 105 ~~75~~ days after the end of its fiscal year file a financial report of the merchandise trust fund with the department, setting forth the principal thereof, the investments and payments made, and the income earned and disbursed. The department may require the trustee to make such additional financial reports as it may deem necessary advisable. If the account is held by the cemetery company or other entity as trustee, the department may require the bank, trust company, or savings and loan association in which the account is maintained to furnish written verification of the financial report required to be submitted by the cemetery company or other entity.

(9)~~(8)~~ The department shall have the power, and is required from time to time, as it deems may deem necessary, to examine the business affairs of each any cemetery company which writes or other entity writing contracts for the sale of the property or services as herein contemplated. The Such examination shall be made at the expense of the licensee person examined, and shall be made by the department or its designated representative. The written report of the such examination shall be filed in the office of the department. A licensee which is Any persons or entities being examined shall produce all records of the company, including those records of the company held by the bank, trust company, or savings and loan association in which the merchandise trust fund account is maintained.

(10)~~(9)~~ Any provision of any contract for the sale of the personal property or the performance of services herein contemplated under which the purchaser or beneficiary waives any of the provisions of this section shall be void.

(11)~~(10)~~ Nothing in This section does not shall apply to persons or legal entities holding a license licenses or certificate certificates under chapter chapters 470 or chapter and 639 when performing services or selling items authorized by such chapter said chapters.

(12) Each contract for the sale of personal property or the performance of services must state the type, size, and design of personal property and the description of service to be delivered or performed.

(13) If an installment contract for the purchase of personal property or services is sold, transferred, or discounted to a third party, the entire amount due the merchandise trust fund shall be payable no later than 90 days following the close of the calendar month in which the contract was sold, transferred, or discounted.

Section 24. Section 559.45, Florida Statutes, is amended to read:

559.45 Financial report of company affairs.—The department shall require Each cemetery company shall annually to submit a report of its financial condition to the department, on forms provided by the department. However, the department may require any cemetery company to submit more frequent financial reports as the department deems necessary, as of such date as it may fix, at least once each calendar or fiscal year, or as often as it may order, and such The report shall be submitted within 105 days after the end of the calendar or fiscal year or within 105 days after receiving notice from the department that a financial report is required other reporting period as the case may be. Should the report not be received within the stipulated time, the department shall collect a penalty of \$5

per day for each day of delinquency; provided, that upon application to the department prior to the expiration of the 105 days, and for good cause shown, the department may grant a 60-day reasonable extension of the 105-day period.

Section 25. Section 559.46, Florida Statutes, is redesignated as section 559.345, Florida Statutes, and is amended to read:

559.345 559.46 License fee.—

(1) The department shall collect from each every cemetery company, cemetery sales organization, management organization, or cemetery broker operating under the provisions of this part chapter, an annual license fee as follows:

(a) \$100 for cemeteries with less than \$100,000 annual gross income.

(b) \$300 for cemeteries with an annual gross income of \$100,000 to \$500,000.

(c) \$500 for cemeteries with an annual gross income over \$500,000 of \$250.

Applications for such license renewal shall must be submitted on or before December 31 each and every year in the case of an existing cemetery company and before any sale of cemetery property in the case of a new cemetery company or a change of ownership or control pursuant to as indicated in s. 559.34. If should the renewal application is for such license not be received by December 31, the department shall collect a penalty in the amount of \$25 per month or fraction of a month for each month delinquent.

(2) All fees and penalties collected pursuant to this part shall be deposited in the Regulatory Trust Fund of the department.

Section 26. Section 559.481, Florida Statutes, is amended to read:

559.481 Minimum acreage; sale or disposition of cemetery lands.—

(1) Each licensee shall set aside a minimum of 30 contiguous acres of land for use by the said licensee as a cemetery and shall not sell, mortgage, lease, or encumber that property the same without prior written approval of the department. Prior to issuance of a license by the department pursuant to s. 559.33, the applicant shall furnish to the department satisfactory evidence that the applicant has recorded, in the public records of the county in which the land is located, a notice which contains the following language:

NOTICE

The property described herein shall not be sold, conveyed, leased, mortgaged, or encumbered without the prior written approval of the Department of Banking and Finance, as provided in the Florida Cemetery Act.

Such notice shall be clearly printed in boldface type of not less than 10 points, and such notice may be included on the face of the deed of conveyance to the licensee, or may be contained in a separate instrument which contains a description of the property if such instrument is recorded as provided herein.

(2) The fee simple title, or lesser estate, in Any lands owned by a licensee and dedicated for use by it as a cemetery, which are contiguous, adjoining, or adjacent to the minimum of 30 contiguous acres described in subsection (1), may be sold, conveyed, or disposed of, or any part thereof, by the licensee, after obtaining written approval of the department, for use by the new owner for other purposes than as a cemetery; provided that All of the human remains bodies which have been previously interred therein shall first have been removed from the lands so proposed to be sold, conveyed, or disposed of; and provided further, that Any and all titles, interests, or burial rights, which may have been sold or contracted to be sold in such lands which are the subject of the such sale, shall be conveyed to and vested in the licensee prior to consummation of any such sale, conveyance, or disposition.

(3) A Any licensee may convey and transfer to a municipality or county its real and personal property, together with moneys deposited in trust funds pursuant to this part with the trustee; provided the said municipality or county will

accept responsibility for maintenance thereof, and prior written approval of the department is first obtained.

(4) The provisions of subsections (1) and (2) relating to a requirement for minimum acreage shall not apply to any cemetery company these cemeteries licensed by the department on or before July 1, 1965, which owns own or control a total of less than 30 acres of land; provided that no cemetery company such cemeteries shall not dispose of any land of such lands without the prior written consent of the department.

Section 27. Section 559.482, Florida Statutes, is amended to read:

559.482 Construction of mausoleums and belowground crypts; preconstruction trust fund for receipts from sale of preconstruction crypts; compliance requirement.—

(1) A cemetery company shall be required to start construction of that section of a mausoleum or bank of belowground crypts in which sales, contracts for sales, reservations for sales, or agreements for sales are being made, within 4 years 48 months after the date of the first such sale or 50 percent of the mausoleum or belowground crypts being sold and the purchase price having been received whichever occurs first. The construction of such mausoleum section or bank of belowground crypts shall be completed within 5 years after the date of the first sale made. However, extensions for completion, not to exceed 1 year, may be granted by the department for good cause reasons shown if a section of a mausoleum or a bank of belowground crypts shall contain more than 500 crypts. If the units have not been completely constructed at the time of need or the time specified herein, all moneys paid shall be refunded upon request, plus interest earned thereon for that portion of the moneys deposited in the trust fund and an amount equal to the interest that would have been earned on that portion of the moneys that were not in trust.

(2) A cemetery company which plans to offer for sale space in a section of a mausoleum or bank of belowground underground crypts prior to its construction shall establish a preconstruction trust fund by written instrument. The preconstruction trust fund shall be and administered by a corporate trustee and operated in conformity with s. 559.41. The This preconstruction trust fund shall be separate from any exclusive of the merchandise trust fund provided for in s. 559.44 of this chapter or such other trust funds that may be required by this part law.

(3) Before a sale, contract for sale, reservation for sale, or agreement for sale in a the first mausoleum section or bank of belowground underground crypts in each cemetery may be made, the cemetery company shall compute the amount funds (110 percent of construction cost) to be deposited to the preconstruction trust fund shall be computed as the said section or bank of crypts, and such fund payments must be made within 30 days of receipt by the cemetery company or its agent of each payment. The fund portion of each such payment required to be deposited in the fund shall be computed by dividing the cost of the project plus 10 percent of the said cost, as computed by a licensed contractor, engineer, or architect, by the number of crypts in the section or bank of belowground crypts, to ascertain the cost per unit. The unit cost shall be divided by the contract sales price of each unit to obtain the a percentage of each payment which shall be required to be deposited in the preconstruction trust fund multiplied by the amount of each payment. Preconstruction trust fund payments shall be made within 30 days after receipt of payment by the cemetery company or its agent. The formula shall be computed as follows:

$$\frac{\text{Cost plus 10 percent}}{\text{Number of crypts}} = \text{Cost per unit}$$

$$\frac{\text{Cost per unit}}{\text{Contract sales price}} = \text{Percentage}$$

$$\text{Percentage} \times \text{payment received} = \text{Deposit required to preconstruction fund.}$$

(4) When the cemetery company delivers a completed crypt acceptable to the purchaser in lieu of the preconstruction crypt purchased, all sums deposited to the preconstruction trust fund for that purchaser shall be paid to the cemetery company.

(5) Each cemetery company may negotiate at the time of establishment of the preconstruction trust fund a procedure for withdrawal of the escrowed funds as a part of the construction cost of the mausoleum section or bank of belowground crypts contemplated subject to the approval of the department.

(4) Upon completion of the mausoleum section or bank of belowground ~~underground~~ crypts, the cemetery company shall certify completion ~~same~~ to the trustee and shall be entitled to withdraw all funds deposited to the account thereof.

(6)(5) If the ~~said~~ mausoleum section or bank of belowground ~~underground~~ crypts is not completed within the time limits set out in this section, the trustee shall contract for and cause the ~~said~~ project to be completed and pay therefor from the trust funds deposited to the project's account paying any balance, less cost and expenses, to the cemetery company.

(7) Within 105 days after the end of the fiscal year of the cemetery company, the trustee shall file a financial report of the preconstruction trust fund with the department.

(8)(6) In lieu of the payments outlined hereunder to the preconstruction trust fund the cemetery company may deliver to the department a ~~good and sufficient completion or performance bond in an amount and by a surety company companies~~ acceptable to the department.

Section 28. Section 559.505, Florida Statutes, is amended to read:

559.505 Attorney's fees.—

(1) In any civil litigation resulting from a transaction involving a violation of this ~~part act~~, except as provided in s. 559.37, the court may award to the prevailing party, after judgment in the trial court and exhaustion of any appeal, reasonable attorney's fees and costs from the nonprevailing party in an amount to be determined by the trial court.

(2) Any award of attorney's fees or costs shall become a part of the judgment and shall be subject to execution as the law allows.

(3) Subsections (1) and (2) shall not apply to any action initiated by the department.

Section 29. Section 559.51, Florida Statutes, is amended to read:

559.51 Penalties.—~~Any officer, director, or person The officers, directors, or persons occupying similar status or performing similar functions, of a any cemetery company which fails, cemetery sales organization, cemetery management organization, or cemetery broker, as defined in this part, failing to make required deposits contributions to the care and maintenance trust fund or any other trust fund required by this part, escrow account, or trust account as provided herein, and any director, officer, agent, or employee of a cemetery company, sales organization, management organization, or broker who makes any unlawful withdrawal of funds from any such account, or who knowingly discloses to the department or an employee thereof any false report made pursuant to s. 559.45 which is false, or any person who willfully violates any of the provisions of this part act is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 30. Section 559.515, Florida Statutes, is created to read:

595.515 Civil remedies.—~~Any person may bring a civil action against a person or company violating the provisions of this part in the circuit court of the county in which the alleged violator resides or has his or its principal place of business, or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages or \$500, whichever is greater. The court may, as provided by common law, award punitive damages and may provide such equitable relief as it deems proper or necessary, including enjoining the defendant from further violations of this act.~~

Section 31. Section 559.52, Florida Statutes, is amended to read:

559.52 Burial without regard to race or color.—

(1) ~~No It shall be the public policy of the state that all cemetery company companies or other legal entity entities conducting or maintaining any public or private cemetery cemeteries shall deny burial space to any person because of sell to all applicants and bury all deceased human beings on equal terms without regard to race or color. A cemetery company or other entity operating any cemetery may designate Anything contrary hereto is void and of no legal effect. Bylaws, rules and regulations, contracts, deeds, etc., may permit designation of parts of cemeteries or burial grounds for the specific use of persons whose religious code requires isolation. Church cemeteries may limit burials to church members and their families. Any program offering free burial rights to veterans shall not be conditioned by any requirement to purchase additional burial rights or merchandise and shall comply with s. 817.415.~~

(2) Any cemetery company or other legal entity which violates ~~violating~~ the provisions of this section is ~~shall be~~ guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083, and each violation of this section shall constitute a separate offense.

Section 32. Section 559.521, Florida Statutes, is created to read:

559.521 Offering free burial rights.—~~No program offering free burial rights shall be conditioned by any requirement to purchase additional burial rights or merchandise. Any program offering free burial rights shall comply with s. 817.415.~~

Section 33. Section 559.525, Florida Statutes, is amended to read:

559.525 Abandoned cemeteries.—

(1) Notwithstanding any provision of law to the contrary, ~~a any political subdivision of the state, or any county or municipality, which has within its jurisdiction an abandoned cemetery may, after undertaking a diligent search to locate the owner of the cemetery, maintain the cemetery until the owner is located and, upon the production of receipts verifying the services performed, require the owner to reimburse the political subdivision, county, or municipality for such services.~~

(2) ~~If A political subdivision, county, or municipality that has maintained a cemetery pursuant to the provisions of subsection (1) may for a period of 12 consecutive months or more, such political subdivision, county, or municipality is authorized to maintain an action at law to recover an amount equal to the value of services rendered.~~

Section 34. Paragraph (b) of subsection (1) of section 639.07, Florida Statutes, is amended to read:

639.07 Definitions.—As used in this chapter:

(1) "Persons" means and shall include:

(b) Persons who are engaged in the preneed sale of burial supplies and, but who are not exempt under s. 639.20 ~~authorized and licensed under Part IV of chapter 559 to engage in such sale.~~

Section 35. Section 639.20, Florida Statutes, is amended to read:

639.20 Provisions not applicable to cemeteries holding certificate of authority under Florida Cemetery Act.—~~The provisions of this chapter shall not be applicable to any person holding a license certificate of authority to operate a cemetery under the provisions of part IV, chapter 559, or to any person who is under any contractual relationship with any person holding such license, as pertains to any transaction coming within the purview of the Florida said Cemetery Act.~~

Section 36. The relatives and descendants of any person buried in a cemetery shall have an easement for ingress and egress for the purpose of visiting the cemetery at reasonable times and in a reasonable manner. The owner of the land may designate the easement. If the cemetery is abandoned or otherwise not being maintained, such relatives and descendants may request the owner to provide for reasonable maintenance of the cemetery, and if the owner refuses or fails to maintain the cemetery, the relatives and descendants shall have the right to maintain the cemetery.

Section 37. Section 559.530, Florida Statutes, is created to read:

559.530 Translation of cemetery contract.—A full translation of any cemetery contract negotiated in a language other than English must be provided to the buyer prior to signing. A copy of the signed, translated contract shall be given to the buyer and the original shall be retained by the company.

Section 38. Section 559.603, Florida Statutes, is created to read:

559.603 Disclosure of information to public.—If a licensee offers to provide burial merchandise or services to the public, he shall be subject to disciplinary action as provided in this chapter if he:

(1) *Fails to reasonably provide by telephone, upon request, accurate information regarding the retail prices of burial merchandise and services offered for sale by the licensee or fails to disclose in response to a general telephone inquiry about the licensee's offerings or prices and that price information is available over the telephone.*

(2) *Fails to fully disclose all of his available services and merchandise prior to the selection of burial merchandise. The full disclosure required shall identify the prices of all services and merchandise provided by the licensee.*

(3) *Makes any false or misleading statements of the legal requirement as to the necessity of a casket or outer burial container.*

Section 39. Section 559.606, Florida Statutes, is created to read:

559.606 Solicitation.—

(1) *The department is authorized to adopt rules regulating the solicitation of burial rights, merchandise or services by licensees or registrants.*

(2) *The department shall regulate such solicitation to protect the public from solicitation which is intimidating, overreaching, vexatious, fraudulent, misleading, which utilizes undue influence or which takes undue advantage of a person's ignorance or emotional vulnerability.*

(3) *The department shall regulate such solicitation which comprises an uninvited invasion of personal privacy. It is the expressed finding of the Legislature that the public has a high expectation of privacy in one's personal residence and the department by rule may restrict the hours or otherwise regulate such solicitation in the personal residence of a person unless the solicitation has been previously and expressly requested by the person solicited.*

(4) *Nothing in this act shall be construed to restrict the right of a person to lawfully advertise, direct mail or otherwise communicate in a manner not within the definition of solicitation, or solicit the business of anyone responding to such communication or otherwise initiating discussion of goods and services being offered.*

Section 40. Notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended, part IV of chapter 559, Florida Statutes, the Florida Cemetery Act, shall not stand repealed on July 1, 1980, as scheduled by such act, but said part, as amended, is hereby revived and readopted; except that sections 559.331, 559.39, 559.40, Florida Statutes, shall stand repealed on July 1, 1980, as scheduled by the Regulatory Reform Act of 1976, as amended.

Section 41. Part IV of chapter 559, Florida Statutes, the Florida Cemetery Act, is repealed on October 1, 1990, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Section 42. This act shall take effect July 1, 1980, and if it becomes a law after that date, it shall operate retroactively to July 1, 1980.

House Amendment 3 to House Amendment 1—On page 50, lines 8-15, strike all lines inclusive

House Amendment 5 to House Amendment 1—On page 37, lines 25-30, strike "In addition, a contract for a casket, subject

to the trusting requirements of this section, entered into between a cemetery company and a purchaser, shall be subject to cancellation and 100 percent refund upon request by the purchaser or the purchaser's agent for 1 year after the date of the contract." and insert: *In addition, a contract subject to the trusting requirements of this section, entered into between a cemetery company and a purchaser, shall be subject to cancellation and 90 percent refund upon request by the purchaser or the purchaser's agent.*

House Amendment 6 to House Amendment 1—On page 11, line 15, strike "30" and insert: 15

House Amendment 7 to House Amendment 1—On page 42, line 6, strike "30" and insert: 15

House Amendment 8 to House Amendment 1—On page 41, line 12, strike "30" and insert: 15

Amendment 2—On page 1, lines 1-31, strike all lines, all of page 2, all of page 3 and through line 15 on page 4 and insert: A bill to be entitled An act relating to the regulation of cemeteries and cemetery companies; reviving, readopting, and amending provisions of the Florida Cemetery Act; providing for the regulation of cemetery companies by the Department of Banking and Finance; amending s. 559.30, Florida Statutes; providing a short title; creating s. 559.305, Florida Statutes; providing a statement of purpose; amending s. 559.31, Florida Statutes; exempting certain cemeteries; amending s. 559.32, Florida Statutes; providing definitions; amending s. 559.33, Florida Statutes; prohibiting operation of a cemetery without a license; prescribing requirements for licensure; providing for a fee; amending s. 559.34, Florida Statutes; providing procedures for change of control of existing cemeteries; providing for a fee; amending s. 559.35, Florida Statutes; providing for regulation of previously existing cemetery companies; amending s. 559.37, Florida Statutes; prescribing powers of the department; authorizing examination of affairs of cemetery companies; providing for an examination fee; creating s. 559.3703, Florida Statutes; authorizing the challenge of rules; creating s. 559.3705, Florida Statutes; authorizing the impoundment of certain property and the appointment of a receiver or administrator by a circuit court; amending s. 559.371, Florida Statutes; prescribing grounds for the issuance of a cease and desist order; amending s. 559.373, Florida Statutes; providing civil penalties; creating s. 559.375, Florida Statutes; providing disciplinary actions against licensees; creating s. 559.377, Florida Statutes; requiring notice of regulation; amending s. 559.38, Florida Statutes; requiring the keeping and availability of certain records; amending s. 559.405, Florida Statutes; authorizing cemetery companies to perform certain functions; requiring certain disclosures; amending s. 559.41, Florida Statutes; prohibiting the operation of a cemetery without a care and maintenance trust fund; requiring department approval of the trustee; prescribing procedures for the administration of such fund; restricting the lending of such funds; amending s. 559.42, Florida Statutes; providing for the disposition of trust fund income and requiring notice to consumers; creating s. 559.425, Florida Statutes; prohibiting illegal tying arrangements; amending s. 559.43, Florida Statutes; requiring certain deposits into the care and maintenance trust fund; amending s. 559.44, Florida Statutes; requiring financial reports; requiring inspection of the trust fund; amending s. 559.4405, Florida Statutes; establishing liability; amending s. 559.441, Florida Statutes; prohibiting any cemetery company from entering certain contracts without establishing a merchandise trust fund and requiring certain information to be specified on contracts; providing for the administration and inspection of such trust fund; authorizing cancellation of a contract between a purchaser and cemetery company and providing for refunds; amending s. 559.45, Florida Statutes; requiring each cemetery company to submit financial reports to the department; providing a penalty fee; amending s. 559.46, Florida Statutes, and redesignating said section as s. 559.345, Florida Statutes; providing for a license fee schedule; providing for disposition of fees; amending s. 559.481, Florida Statutes; requiring a minimum acreage of licensees; providing conditions for sale or disposition; amending s. 559.482, Florida Statutes; requiring the establishment of a preconstruction trust fund under certain circumstances; requiring certain deposits into such fund; providing for administration of such fund; providing for refunds under certain circumstances; amending s. 559.505, Florida Statutes; conforming language; amending s. 559.51, Florida Statutes; prohibiting false

reports; providing a penalty; creating s. 559.515, Florida Statutes, providing civil remedies; amending s. 559.52, Florida Statutes; providing burial policies; creating s. 559.521, Florida Statutes; prohibiting the offering of certain free burial programs; amending s. 559.525, Florida Statutes; authorizing a county or municipality to maintain an abandoned cemetery and to seek reimbursement; amending ss. 639.07(1)(b), 639.20, Florida Statutes; excluding from the applicability of chapter 639, Florida Statutes, certain persons under a contractual relationship with persons licensed under part IV of chapter 559, Florida Statutes; repealing s. 559.331, Florida Statutes, relating to cemetery sales organizations, management organizations, and brokers; reviving and readopting s. 559.47, Florida Statutes, prohibiting the transfer of any license or unauthorized use of any license; repealing s. 559.39, Florida Statutes, relating to investigation of applications; repealing s. 559.40, Florida Statutes, relating to certificates of authorization; granting an easement for certain persons to visit cemeteries; creating s. 559.530, Florida Statutes, requiring translation of cemetery contracts; creating s. 559.603, Florida Statutes, requiring certain public disclosures by persons licensed under the act; creating s. 559.606, Florida Statutes, requiring the department to regulate solicitations of burial rights, merchandise, and services; providing for future repeal of part IV of chapter 559, Florida Statutes; providing a retroactive effective date.

House Amendment 9 to House Amendment 2—On page 1, line 14 in the title insert: after “statutes;” add “amending the license requirements;”

Senator Dunn moved the following amendments to House Amendment 1 which were adopted:

Amendment 1—On page 27, line 5, strike the first “or” and insert: and

Amendment 2—On page 27, line 7, after the word “installation” insert: and maintenance

Amendment 3—On page 27, line 9, after the word “install” insert: and maintain

Amendment 4—On page 28, line 22, strike the first “the” on line 22 and insert: when such payments are received in installments, the percentage of the installment payment trusted must be identical to the percentage payment received of the total cost for the burial rights. The

Amendment 5—On page 33, line 1, after the word “of” insert: initial

Amendment 6—On page 33, line 19, after the word “Each” insert: initial

Amendment 7—On page 37, line 15, after the word “act” insert: *which relates to the negotiation, sale, or performance of the contract*

Amendment 8—On page 37, lines 18-19, strike “, *which determination shall be exempt from the provision of chapter 120*”

Senator Dunn moved the following amendments to House Amendment 5 to House Amendment 1 which were adopted:

Amendment 9—On page 1, line 2, after the word “contract” insert: *for a casket, vault, or other similar merchandise, or the portion of a contract that includes such a purchase*

Amendment 10—On page 1, line 4, strike “80” and insert: 70

Senator Dunn moved the following amendments to House Amendment 1 which were adopted:

Amendment 11—On page 50, line 21, strike “chapter” and insert: part

Amendment 12—On page 51, line 11, strike “or registrants”

Senator Dunn moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—On page 4 in title, lines 21-23, strike “creating s. 559.530, Florida Statutes, requiring translation of cemetery contracts;”

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

CS for SB 334 passed as further 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	Neal	Tobiassen
Barron	Grizzle	Peterson	Trask
Beard	Hair	Poole	Vogt
Carlucci	Henderson	Scarborough	Ware
Childers, D.	Holloway	Scott	Williamson
Childers, W. D.	Johnston	Skinner	Winn
Dunn	MacKay	Steinberg	
Fechtel	McClain	Stuart	

Nays—None

The Honorable Philip D. Lewis, President

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

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, Florida Statutes; increasing the base salary and group rate for property appraisers; prohibiting a decrease in certain property appraisers' salaries; providing requirements for qualification therefor; requiring completion of a prescribed continuing education 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; 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 Statutes; providing for a special qualification salary for clerks of the circuit court, sheriffs, supervisors of elections, superintendent of schools, 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 requirements for qualification therefor; 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 therefor; 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; prescribing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, 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. Subsection (1) of 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 Pop. Minimum	Range Maximum	Base Salary	Group Rate
I	—0—	9,999	\$11,828 \$ 8,500	\$0.200
II	10,000	49,999	13,828 10,500	0.075
III	50,000	99,999	16,828 3,500	0.060
IV	100,000	199,999	19,828 16,500	0.025
V	200,000	399,999	22,328 10,000	0.015
VI	400,000	999,999	25,328 22,000	0.005
VII	1,000,000		28,328 25,000	0.000

Section 3. 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)(e) Supervisor of elections;
- (g)(f) Property appraiser; and
- (h)(g) Tax collector.

Section 4. 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" shall mean 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" shall mean the product of all annual factors certified under this act prior to the fiscal year for which salaries are being calculated.

(c) "Initial factor" shall mean 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 which special qualification salary shall be \$2,000 but shall not exceed \$2,000. ~~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 5. 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	\$3,000	\$0.0500
II	10,000	49,999	3,500	0.0125
III	50,000	99,999	4,000	0.0100
IV	100,000	199,999	4,500	0.0050
V	200,000	399,999	5,000	0.0025
VI	400,000	999,999	5,500	0.0008
VII	1,000,000		6,000	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 6. Section 145.08, Florida Statutes, is renumbered as section 230.303, Florida Statutes, and subsection (1) thereof 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	\$16,000	\$0.300
II	10,000	49,999	19,000	0.075

Pop. Group	County Pop. Range Minimum Maximum	Base Salary	Group Rate
III	50,000 99,999	22,000	0.060
IV	100,000 199,999	25,000	0.025
V	200,000 399,999	27,500	0.015
VI	400,000 999,999	30,500	0.005
VII	1,000,000	33,500	0.000

Section 7. Subsection (3) of section 145.09, Florida Statutes, as created by chapter 79-327, Laws of Florida, and section 145.18, Florida Statutes, are hereby repealed.

Section 8. This act shall take effect July 1, 1980.

Amendment 2—On page 3, after enacting clause, insert new Sections to read: Section 1. 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, superintendent of schools, sheriff, supervisor of elections, and tax collector who if qualified shall receive in addition to their his salary a the special qualification salary as provided in this chapter s. 145.10(2), of counties which have a chartered consolidated form of government as provided in chapter 67-1320, Laws of Florida.

Section 2. 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. Range Minimum Maximum	Base Salary	Group Rate
I	-0- 9,999	\$14,000	\$0.300
II	10,000 49,999	17,000	0.075
III	50,000 99,999	20,000	0.060
IV	100,000 199,999	23,000	0.025
V	200,000 399,999	25,500	0.015
VI	400,000 999,999	28,500	0.005
VII	1,000,000	31,500	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 3. 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	\$15,000	\$0.200
II	10,000 49,999	17,000	0.075
III	50,000 99,999	20,000	0.060
IV	100,000 199,999	23,000	0.025
V	200,000 399,999	25,500	0.015
VI	400,000 999,999	28,500	0.005
VII	1,000,000	31,500	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 4. 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 5. Section 145.08, Florida Statutes, is amended to read:

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.

Pop. Group	County Pop. Range Minimum Maximum	Base Salary	Group Rate
I	—0— 9,999	\$16,000	\$0.300
II	10,000 49,999	19,000	0.075
III	50,000 99,999	22,000	0.060
IV	100,000 199,999	25,000	0.025
V	200,000 399,999	27,500	0.015
VI	400,000 999,999	30,500	0.005
VII	1,000,000	33,500	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 6. Subsection (4) is added to section 145.09, Florida Statutes, to read:

145.09 Supervisor of elections.—

(4)(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.

Section 7. Subsection (2) of section 145.10, Florida Statutes, is amended to read:

145.10 Property appraiser.—

(2)(a) 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) 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.

(c) 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 8. Section 192.115, Florida Statutes, is created to read:

192.115 Performance review panel.—If there occurs within any 4-year period the final disapproval of all or any part of a county's roll pursuant to s. 193.114 for 2 separate years, the Governor shall appoint a three-member performance review panel. Said panel shall investigate the circumstances surrounding said disapprovals and the general performance of the property appraiser. If the panel finds unsatisfactory performance, the property appraiser shall be ineligible for the designation and special qualification salary provided in s. 145.10(2). Within not less than 12 months the property appraiser may requalify therefor, provided he successfully recompletes the courses and examinations applicable to new candidates.

Section 9. 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	\$12,000	\$0.200
II	10,000	49,999	14,000	0.075
III	50,000	99,999	17,000	0.060
IV	100,000	199,999	20,000	0.025

Pop. Group	County Pop. Range Minimum	Maximum	Base Salary	Group Rate
V	200,000	399,999	22,500	0.015
VI	400,000	999,999	25,500	0.005
VII	1,000,000		28,500	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.

Renumber subsequent sections.

Amendment 3—On page 3, after enacting clause, insert new sections to read: Section 1. Subsection (1) of section 145.041, Florida Statutes, is amended to read:

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.

Pop. Group	County Pop. Range Minimum	Maximum	Base Salary	Group Rate
I	—0—	9,999	\$5,000 \$3,000	\$0.083300 \$0.0500
II	10,000	49,999	5,833 3,500	.020330 0.0125
III	50,000	99,999	6,666 4,000	.016630 0.0100
IV	100,000	199,999	7,500 4,500	.008330 0.0050
V	200,000	399,999	8,333 5,000	.004165 0.0025
VI	400,000	999,999	9,166 5,500	.001330 0.0008
VII	1,000,000		10,000 6,000	.000000 0.0000

Section 2. Section 145.08(1), Florida Statutes, is amended to read:

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.

Pop. Group	County Pop. Range Minimum	Maximum	Base Salary	Group Rate
I	—0—	9,999	\$16,800 \$16,000	\$0.31500 0.200
II	10,000	49,999	19,950 10,000	.07375 0.075
III	50,000	99,999	23,100 22,000	.06300 0.060
IV	100,000	199,999	26,250 25,000	.02625 0.025
V	200,000	399,999	28,375 27,000	.01575 0.015

Pop. Group	County Minimum	Pop. Range Maximum	Base Salary	Group Rate
VI	400,000	999,999	32,025 30,500	.00525 0.005
VII	1,000,000		35,175 32,500	.00000 0.000

Pop. Group	County Minimum	Pop. Range Maximum	Base Salary	Group Rate
IV	100,000	199,999	24,150 21,000	.02625 0.025
V	200,000	399,999	26,775 23,500	.01575 0.015
VI	400,000	999,999	29,925 26,500	.00525 0.005
VII	1,000,000		33,075 20,500	.00000 0.000

Section 3. Section 145.051, Florida Statutes, is amended to read:

145.051 Clerk of circuit court and county comptroller.—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 Minimum	Pop. Range Maximum	Base Salary	Group Rate
I	—0—	9,999	\$14,700 \$14,000	\$.31500 \$0.300
II	10,000	49,999	17,850 17,000	.07875 0.075
III	50,000	99,999	21,000 20,000	.06300 0.060
IV	100,000	199,999	24,150 23,000	.02625 0.025
V	200,000	399,999	26,775 25,500	.01575 0.015
VI	400,000	999,999	29,925 28,500	.00525 0.005
VII	1,000,000		33,075 31,500	.00000 0.000

Section 4. Section 145.071, Florida Statutes, is amended to read:

145.071 Sheriff.—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 Minimum	Pop. Range Maximum	Base Salary	Group Rate
I	—0—	9,999	\$15,750 \$15,000	\$.21000 \$0.200
II	10,000	49,999	17,850 17,000	.07875 0.075
III	50,000	99,999	21,000 20,000	.06300 0.060
IV	100,000	199,999	24,150 23,000	.02625 0.025
V	200,000	399,999	26,775 25,500	.01575 0.015
VI	400,000	999,999	29,925 28,500	.00525 0.005
VII	1,000,000		33,075 31,500	.00000 0.000

Section 5. 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	\$14,750 \$12,000	\$.31000 \$0.300
II	10,000	49,999	17,850 15,000	.07875 0.075
III	50,000	99,999	21,000 18,000	.06300 0.050

and renumber subsequent sections.

Section 6. Section 145.11, Florida Statutes, is amended to read:

145.11 Tax collector.—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 Minimum	Pop. Range Maximum	Base Salary	Group Rate
I	—0—	9,999	\$12,600 \$12,000	\$.21000 \$0.200
II	10,000	49,999	14,700 14,000	.07875 0.075
III	50,000	99,999	17,850 17,000	.06300 0.060
IV	100,000	199,999	21,000 20,000	.02625 0.025
V	200,000	399,999	23,625 22,500	.01575 0.015
VI	400,000	999,999	26,775 25,500	.00525 0.005
VII	1,000,000		29,925 28,500	.00000 0.000

and renumber subsequent sections

Amendment 4—On pages 1, 2, and 3, strike the title and insert: 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, Florida Statutes; increasing the base salary and group rate for property appraisers; providing requirements for qualification for special qualification salary for property appraisers; requiring completion of a prescribed continuing education course annually for continued qualification; creating s. 192.115, Florida Statutes; providing for a performance review panel; providing for the review of the performance of a property appraiser under certain circumstances; providing for a declaration of ineligibility for the designation and special qualification salary under certain circumstances; providing an effective date; 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; 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 Statutes; providing for a special qualification salary for clerks of the circuit court, sheriffs, supervisors of elections, superintendent of schools, 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 therefor; 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 therefor; 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.

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

CS for SB 1293 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Fechtler	Johnston	Skinner
Anderson	Frank	McClain	Steinberg
Barron	Gordon	McKnight	Stuart
Beard	Grizzle	Neal	Thomas
Childers, D.	Hair	Peterson	Tobiassen
Childers, W. D.	Hill	Poole	Trask
Dunn	Holloway	Scarborough	Vogt

Nays—None

Votes after roll call:

Yea—Jenne, MacKay, Myers, Williamson, Winn

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

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 amendments—

By Senator Gordon—

SB 941—A bill to be entitled An act relating to the Bureau of Historical Museums; creating the Museum of Florida History Trust Fund; adding s. 267.071(1)(d), (e), Florida Statutes; providing for the establishment of a museum store in the Museum of Florida History; authorizing the creation of a non-profit support association and prescribing duties; adding s. 267.071(3), (4), Florida Statutes; authorizing the museum store to accept transactions involving commercial credit cards; authorizing the bureau to accept donations; providing that profits and proceeds are to be deposited to the trust fund; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 19, insert a new section 1 and renumber subsequent sections: Section 1. Sections 15.18 and 15.19, Florida Statutes, are created to read:

15.18 International and cultural relations.—The Divisions of Cultural Affairs; Archives, History and Records Management; and Library Services of the Department of State, promote programs which have substantial cultural, artistic and indirect economic significance, that emphasize American creativity. The Secretary of State as the head administrator of these divisions, shall hereafter be known as "Florida's Chief Cultural Officer." As this officer, the Secretary of State is encouraged to initiate

and develop relationships between the state and foreign cultural officers, their representatives and other foreign governmental officials, in order to promote Florida as the center of American creativity. For the accomplishment of this purpose, the Secretary of State shall have the power and authority to:

(1) Disseminate any information pertaining to the State of Florida, which promotes the state's cultural assets.

(2) Plan and carry out activities designed to cause improved cultural and governmental programs and exchanges with foreign countries.

(3) Plan and implement cultural and social activities for visiting foreign heads of state, diplomats, dignitaries and exchange groups.

(4) Encourage and cooperate with other public and private organizations or groups in their efforts to promote the cultural advantages of Florida.

(5) Serve as the liaison with all foreign consular and ambassadorial corps, as well as international organizations that are consistent with the purposes of this section.

(6) Provide, arrange and make expenditures for the achievement for any or all of the purposes specified in this section.

15.19 Florida's state protocol officer.—The Secretary of State shall serve as the state's protocol officer. In consultation with the Governor and other governmental officials, the Secretary of State shall develop, maintain, publish and distribute Florida's protocol manual.

Amendment 2—On page 1, lines 2-3 in title, strike all of said lines and insert: An act relating to the Department of State; creating s. 15.18, Florida Statutes, authorizing; the Secretary of State to promote Florida internationally as the center of American creativity; creating s. 15.19, Florida Statutes, designating the Secretary of State as Florida's State Protocol Officer; creating the Museum of Florida History

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

SB 941 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Hair, Jenne, Myers

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 refused to concur in Senate Amendments 1 and 2 to HB 1175 and requests the Senate to recede.

Allen Morris, Clerk

By Representative Gallagher—

HB 1175—A bill to be entitled An act relating to automobile liability insurance; amending s. 627.727, Florida Statutes, providing that uninsured motorist coverage need not be provided by the insurer when certain changes in a policy are made if the named insured has previously rejected such coverage, unless

such coverage is requested in writing; requiring insurers to notify insured parties of certain options; providing for conditional repeal; providing an effective date.

On motions by Senator Anderson, the Senate receded from Amendments 1 and 2 to HB 1175. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Jenne, Myers, Williamson

Senator Scarborough presiding

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 Hill—

SB 472—A bill to be entitled An act relating to continuing education; adding subsection (5) to s. 461.007, Florida Statutes; authorizing continuing education for podiatrists; adding subsection (5) to s. 468.1715, Florida Statutes; authorizing continuing education for nursing home administrators; adding subsection (5) to s. 474.211, Florida Statutes; authorizing continuing education for veterinarians; adding subsection (5) to s. 484.008, Florida Statutes; authorizing continuing education for opticians; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 14, after the word “board” insert: and the department. All education programs which contribute to the advancement, extension or enhancement of professional skills and knowledge, whether conducted by a non-profit or a for-profit entity, are eligible for approval.

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

SB 472 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Barron	Grizzle	Neal	Tobiassen
Beard	Hair	Peterson	Trask
Carlucci	Henderson	Scarborough	Vogt
Childers, W. D.	Hill	Scott	Ware
Dunn	Johnston	Skinner	Winn
Fechtler	MacKay	Steinberg	
Frank	McClain	Stuart	
Gorman	McKnight	Thomas	

Nays—None

Votes after roll call:

Yea—Jenne, Myers, Williamson

The bill contained in the above message 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 4 amendments—

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

CS for SB 1188—A bill to be entitled An act relating to public health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; amending s. 395.12, Florida Statutes; requiring hospitals to maintain inspection reports as public information, post summaries of such reports and make available such reports on request at a reasonable charge; adding subsection (4) to s. 381.031, Florida Statutes, and amending s. 386.03(2)(c), Florida Statutes, and adding a paragraph thereto, authorizing the Department of Health and Rehabilitative Services to impose administrative fines to enforce the Sanitary Code of Florida and to deter sanitary nuisances; amending s. 513.10, Florida Statutes, correcting and updating a cross-reference; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 4, insert new section: Section 5. Section 381.601, Florida Statutes, is amended to read:

381.601 Blood transfusions labeling.—

(1) SHORT TITLE.—This section shall be known and may be cited as “The Florida Blood Transfusion Labeling Act of 1977.”

(2) DEFINITIONS.—As used in this section, unless the context clearly requires otherwise:

(a) “Blood” means whole human blood or components of human blood, including plasma, which components are prepared from whole human blood by physical rather than chemical processes, but does not include blood derivatives manufactured or processed for industrial use.

(b) “Donation” means any transaction involving the person from whom blood is withdrawn, whether he presents himself for the withdrawal of blood on his own initiative or on the initiative of another person, in which he receives no consideration other than credit through blood assurance programs or other intangible benefits.

(c) “Purchase” means any transaction involving the person from whom blood is withdrawn, whether he presents himself for the withdrawal of blood on his own initiative or on the initiative of another person, in which he receives a monetary consideration.

(d) “Industrial use” means a use of blood in which the blood is modified by physical or chemical means to produce derivatives for therapeutic or pharmaceutical biologicals and laboratory reagents or controls.

(e) “Processing fee” means a fee charged to recipients of blood or blood products to recapture all or part of a blood bank’s cost of providing the service.

(f) “Administration fee” means a fee charged by hospitals to blood recipients to recapture the hospital’s cost of administering blood or blood products to them.

(g) “Nonreplacement fee” means a fee charged by blood banks for failure to redeposit or replace blood units received by patients, also known as “recruitment deposit fee,” “discount fee,” “penalty fee,” “assurance fee,” etc.

(h) “Paid donor” means a person who donates blood and who receives payment in return.

(i) “Payment” means the transfer by a blood bank, to any person of money or any other valuable consideration which can be converted to money by the recipient except that payment does not include the following:

1. Cancellation or refund of nonreplacement fees or related blood transfusion charges.

2. Time away from employment granted by an employer or an employee in order to donate blood.

(j) "Person" means any individual, blood bank, hospital, firm, corporation, or any other entity.

(k) "Transfusion" means a use of blood in which the blood is administered to a human being for treatment of sickness or injury.

(l) "Department" means the Department of Health and Rehabilitative Services.

(3) LABEL; PURCHASE OR DONATION TO BE INDICATED.—

(a) Every person who withdraws blood from an individual, or separates blood into components by physical processes, shall affix to each container of such blood or components a label in a form specified by the Department of Health and Rehabilitative Services, which form shall include an indication of whether the blood was obtained by purchase or donation.

(b) Any person who receives blood in this state from a blood bank in another state shall label such blood as donated blood only if he has a certificate, in a form approved by the Department of Health and Rehabilitative Services, from such blood bank that the particular shipment of blood was acquired by donation or that all blood processed by that blood bank is acquired by donation. If there is no such certificate, such blood shall be labeled as blood acquired by purchase.

(c) After January 1, 1983, no blood obtained from a paid donor shall be used in any transfusion unless other blood of a type compatible with the blood type of the patient cannot be obtained for the transfusion.

(4) **TRANSFER OF BLOOD AND BLOOD COMPONENTS FOR INDUSTRIAL USE.**—It is the policy of the state to encourage the maintenance of an adequate supply of voluntarily donated blood of the highest quality accessible to all in need of blood. The state seeks with this policy to assure for its residents and visitors a system of blood supply, transfer, and replacement that can supply all of the requirements for blood without unduly burdening persons who due to age, illness or other circumstances are unable to replace or arrange for blood replacement. Blood and blood components, including salvage plasma, may be used and transferred for industrial use without regard to whether the original acquisition thereof was by purchase or donation.

(5) **RECIPROCAL EXCHANGE OF BLOOD.**—All blood banks as well as hospitals, clinics, nursing homes, and other users of blood and blood products operating within the state will make reciprocal exchange of blood as required by the blood needs of the transfusing bank. Reimbursement shall be based upon the fee of the transfusing blood bank or the schedules determined by the exchange or cooperative system serving the majority of blood banks, hospitals, and clinics. Geographical location or blood bank affiliation shall not be considered in determining the rate of reimbursement.

(7) **UNIFORM SYSTEM OF FINANCIAL REPORTING.**—

(a) The department shall, in consultation with the Florida Hospital Cost Containment Board, develop a uniform system of financial reporting consistent with the reporting system for hospital blood service departments under s. 395.507. Existing reporting systems and data developed by the Florida Hospital Cost Containment Board shall be utilized by the department whenever applicable in carrying out the provisions of this section. Appropriate professional advisory bodies, existing proposed systems of accounting and reporting utilized by hospital and community blood banks and other blood service operations may be considered but every attempt should be made to develop a reporting system consistent with that developed under s. 395.507. No system of financial reporting required hereunder shall require the filing of reports which duplicate existing cost containment reporting requirements. The system shall be based on a uniform chart of accounts and generally accepted accounting principles for all facilities in the state which collect, store, process, or transfuse blood. Information relating to the consumer and provider, costs, percentage of profits, fees obtained from nonreplacement assessments, the quantity of blood replaced under the individual responsibility concept, recruitment costs, and other appropriate information may be included within the system as provided in s. 395.507.

(b) All reports filed under this section, except privileged medical information, shall be open to public inspection.

(c) All facilities in the state which collect, store, process, or transfuse blood shall submit reports to the department on forms adopted by the department, effective at such time and date as the department may direct. In determining the initial effective date and subsequent dates for reporting requirements, the department shall consider both the immediate need for uniform facility reporting information and the administrative and economic difficulties which facilities face in compliance. In no case shall the effective date be later than July 1, 1981.

(8) ~~(5)~~ **ADMINISTRATION OF ACT.**—

(a) The Department of Health and Rehabilitative Services shall promulgate rules necessary to carry out the provisions of this section. Such rules shall be promulgated in accordance with the provisions of chapter 120.

(b) The Department of Health and Rehabilitative Services may inspect the collecting, labeling, and storage facilities of any blood bank, hospital, or other entity that withdraws or stores blood, at any reasonable time, to assure compliance with this section.

(9) ~~(6)~~ **VIOLATION; PENALTY.**—A violation of any provision of subsection (3) shall be a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent violation of any provision of subsection (3) shall be a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(10) ~~(7)~~ **VIOLATION; INJUNCTION.**—In addition to any other remedy provided by law, the Department of Health and Rehabilitative Services may apply to a circuit court for, and such court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction restraining any person from violating any provision of subsection (3), irrespective of whether or not there exists an adequate remedy at law.

Section 6. (1) There is hereby created an Interim Task Force Study Group consisting of 15 members to be appointed by the President of the Senate and the Speaker of the House of Representatives. The study group shall be composed of the following:

- (a) Two representatives of free standing community blood banks.
- (b) One representative of hospital blood banks.
- (c) Two representatives of the American Red Cross.
- (d) One representative of one of the largest in-state blood banks.
- (e) One representative of blood bank centers which have demonstrated high levels of blood replacement.
- (f) One licensed physician.
- (g) Three consumers, one of whom shall represent groups with special blood needs, one of whom shall represent donor group accounts, and one who is concerned with blood banking.
- (h) Two members of the Senate.
- (i) Two members of the House of Representatives.

(2) The study group shall study and prepare recommendations with respect to the availability of blood and blood products in the state, the use of nonreplacement fees, and the need for blood and various blood products, and special need situations which may exist in the state. The study group shall hold its initial meeting by August 31, 1980, and shall file a report with the Legislature on or before March 15, 1981. The study group shall expire upon filing the report with the Legislature. Members of the study group shall be entitled to per diem and travel expenses, as provided in s. 112.061, Florida Statutes, while engaged in the performance of their duties.

Section 8. This act shall take effect October 1, 1980, except that section 6 shall take effect upon becoming a law. and renumber subsequent sections

Amendment 2—On page 1, line 6 in title, insert: amending s. 381.601, Florida Statutes; changing the title of the "Florida Blood Labeling Act of 1977" to the "Florida Blood Transfusion Act"; providing definitions; prohibiting the use of paid blood transfusions except under certain circumstances; providing that policy of state is to maintain adequate supply of donated blood;

providing for reciprocal exchange of blood and charges; restricting the transfusion of blood obtained from a paid donor; establishing a uniform system of financial reporting; providing for public records; providing for time of reporting; providing penalties; providing remedies for violations; creating an interim study group; providing an effective date.

Amendment 3—On page 2, line 4, insert: (and renumber the subsequent sections)

Section 7. Subsections (6) and (7) of section 395.01, Florida Statutes, are created to read:

395.01 Definitions.—As used in this chapter:

- (6) "Active beds" means patient rooms with beds and equipment ready for patient occupancy.
- (7) "Available beds" means patient rooms, vacant or converted for other than patient occupancy, which can be reconverted, with in-house beds and equipment for patient occupancy.

Section 8. Subsection (2) of section 395.04, Florida Statutes is amended and subsequent subsections are renumbered to read:

395.04 Application for license; disposition of fees; expenses.

- (2) Each application for a hospital license, or a renewal thereof, shall include bed capacity. Bed capacity shall be the total of active and available beds. Licenses shall only be issued for bed capacity.

~~(2)~~(3) Each application for a hospital or ambulatory surgical center license, or renewal thereof, shall be accompanied by a license fee, in accordance with the following schedule:

- (a) The annual license fee required of a hospital or ambulatory surgical center facility licensed by this chapter shall be at the rate of \$1 per bed; except that the minimum license fee hereunder shall be \$35 and the maximum fee \$200.
- (b) Such fees shall be payable to the Department of Health and Rehabilitative Services to be deposited with the State Treasurer into the General Revenue Fund.

~~(3)~~(4) The expenses of the Department of Health and Rehabilitative Services incurred in carrying out the provisions of this chapter shall be paid from moneys appropriated for that purpose. The Department of Health and Rehabilitative Services shall include a sufficient amount in its legislative budget request to properly carry out the provisions of this chapter.

Amendment 4—On page 1, line 6 in title, after the semi-colon "," insert: adding subsections (6) and (7) to s. 395.01, Florida Statutes, providing definitions of hospital beds; amending s. 395.04, Florida Statutes, relating to application for license, requiring bed capacity to be included;

On motions by Senator Tobiassen, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 601 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative O'Malley—

HB 601—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.311(3)(e), Florida Statutes;

increasing the number of members of the board of governors of the joint underwriting association; providing for conditional repeal; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB's 880 & 1053 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Insurance and Representatives O'Malley and Ward—

CS for HB's 880 & 1053—A bill to be entitled An act relating to insurance; adding s. 627.311(3)(f), Florida Statutes; providing that the joint underwriting plan for automobile liability insurance require agents appointed as servicing agents to meet certain conditions; providing an effective date.

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

On motions by Senator Anderson, by two-thirds vote HB 601 and CS for HB's 880 and 1053 were withdrawn from the Committee on Commerce.

ENROLLING REPORTS

SB 342	SB 63	SB 493
SB 568	SB 430	CS for SB 102
SB 607	SB 1219	SB 382
SB 624	CS for CS	CS for SB 807
SB 1061	for SB 357	
SB 566		

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 5, 1980.

Joe Brown, Secretary

SCR 481 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 5, 1980.

Joe Brown, Secretary

CS for SB 1052, SB 1251 and CS for SB 762 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 4, 1980.

Joe Brown, Secretary

CS for SB 93	SB 721
SB 90	CS for SB 297
CS for SB 304	SB 792
CS for SB 628	CS for SB 1260

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 3, 1980.

Joe Brown, Secretary

SJR 1349 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 2, 1980.

Joe Brown, Secretary

SB 73	CS for SB 559	SB 395	SB 1063
SB 85	SB 92	SB 492	SB 1064
SB 413	CS for SB 100	SB 529	SB 1074
SB 444	SB 132	SB 95	SB 1147
SB 470	SB 173	SB 1062	SB 1332

SB 397 SB 649 SB 715 SB 1156
SB 477 SB 693 SB 1154

—have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 2, 1980.

Joe Brown, Secretary

SB 46 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 4, 1980.

Joe Brown, Secretary

CO-INTRODUCERS

Senators Thomas and Fechtel—SB 118; Senator Barron—CS for Senate Bills 796 and 914

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 4 was corrected and approved.

The Senate adjourned at 7:05 p.m. to convene at 8:30 a.m., Friday, June 6, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.