



Journal of the Senate

Number 11

Wednesday, April 30, 1980

The Senate was called to order by Senator Neal at 8:30 a.m. 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. Senator Johnston represented the Committee on Rules and Calendar and Senator Henderson represented the Minority Party.

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 CS for HB 6 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representatives M. E. Hawkins, J. H. Smith and others—

CS for HB 6—A bill to be entitled An act relating to drug abuse prevention and control; creating s. 893.145, Florida Statutes, defining the term "drug paraphernalia"; creating s. 893.146, Florida Statutes, providing a procedure for determining whether or not an object is drug paraphernalia; creating s. 893.147, Florida Statutes, prohibiting the possession, manufacture, delivery, or advertisement of drug paraphernalia; amending s. 893.12(2), Florida Statutes, providing for the forfeiture of drug paraphernalia; amending s. 893.13(3)(a), Florida Statutes, deleting provisions relating to drug paraphernalia to conform to the act; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal 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 21, HB 198, HB 1094 and HB 24 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Eckhart—

HB 21—A bill to be entitled An act relating to venue; creating s. 910.15, Florida Statutes, providing alternative venue for certain criminal prosecutions involving theft and fraudulent practices; providing an effective date.

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

By Representative Easley and others—

HB 198—A bill to be entitled An act relating to traffic infractions; amending s. 318.14(1), Florida Statutes, authorizing arrests for traffic infractions outside the arresting officer's jurisdiction when made in fresh pursuit; providing an effective date.

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

By Representative Gallagher—

HB 1094—A bill to be entitled An act relating to the Florida Patient's Compensation Fund; amending s. 768.54(3)(b), Florida Statutes, providing terms for members of the board of

governors; providing for alternates; providing for conditional repeal; providing for an effective date.

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

By Representative Lippman and others—

HB 24—A bill to be entitled An act relating to automobile liability insurance; requiring an insurer to provide a premium discount to certain persons who have had no chargeable accidents or points in the past 36 months and who have successfully completed any driving training course approved by the Department of Highway Safety and Motor Vehicles; providing for temporary cancellation of discounts; providing an effective date.

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

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 9:00 a.m.

A quorum present—39:

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

Prayer by Dr. Eugene Zimmerman, Pastor, Trinity Methodist Church, Tallahassee:

Gracious and loving God, we pray for these who represent us all. We ask that you grant them wisdom for the facing of complex decisions; that you grant them courage to stand when they see that which is right and should be done; and that you grant to them a stability, Father, that would not allow those of us who have special interest to deter them in our behalf, at the loss of so many others who seek and need their help and representation.

We pray for all of us here this morning who come to assist in some way for the direction of our State and our people. Grant us the very best of intention, and in these ominous times when the world is so troubled, when people are held hostage and others lose their lives seeking their freedom, we ask you to bless us all.

Save us from anger and hostility that would thrust the whole world into conflict. Give us patience, but resolution; give us strength and determination; give us guidance, O God, that we might not only seek our interest but the interest of all peoples. Bless especially today those who guide us in national government as well as this our state government; and have mercy upon us all, for in our best efforts we sometimes fail and need thy forgiveness. Amen.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 30, 1980:

CS for SB 825	SB 90	SB 448
SB 92	CS for SB 98	SB 430
SB 164	SB 114	SB 458
SB 259	SB 159	SB 477
SB 560	SB 166	SB 482
SB 561	SB 175	SB 488
SB 568	CS for SB 176	SB 618
SB 569	SB 292	SB 470
SB 571	SB 397	SB 205

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar determined that Senate Bills 518, 727, 782, 787 and 788 do not comply with requirements for local bills and pursuant to Rule 4.6 were re-referred to substantive committees. The bills were re-referred as follows: Senate Bills 518, 782 and 788—Committee on Economic, Community and Consumer Affairs; SB 727—Committee on Commerce and SB 787—Judiciary-Criminal.

The Committee on Ways and Means recommends that the Senate confirm the appointment made by the Governor of William E. Powers, Jr., Tallahassee, Chairman of the Public Employees Relations Commission, for term ending January 1, 1984.

The appointment contained in the foregoing report was referred to the Committee on Executive Business under the original reference.

The Committee on Agriculture recommends the following pass: SB 714

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

The Committee on Natural Resources and Conservation recommends the following pass: SB 763

The Committee on Health and Rehabilitative Services recommends the following pass: SB 409

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

The Committee on Agriculture recommends the following pass: HB 713

The Committee on Commerce recommends the following pass: SB 512 with 4 amendments

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 455

The Committee on Education recommends the following pass:
SB 663 with 2 amendments SB 464 SB 487

The Committee on Governmental Operations recommends the following pass:

SB 177	SB 415
SB 341 with 1 amendment	SB 539 with 2 amendments
SB 363 with 1 amendment	

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 538 with 3 amendments	SB 587
SB 585 with 1 amendment	

The Committee on Judiciary-Civil recommends the following pass:

SB 146 with 3 amendments	SB 485
SB 147 with 3 amendments	SB 522
SB 149	SB 658

The Committee on Transportation recommends the following pass:

SB 810	SE 830
SJR 824 with 1 amendment	

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

The Committee on Commerce recommends the following pass: SB 566, SB 570

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

The Committee on Agriculture recommends the following pass: SB 405 with 2 amendments

The Committee on Commerce recommends the following pass:
SB 57 with 3 amendments SE 270 with 2 amendments
SB 136 with 1 amendment

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

SB 92	SE 259
SB 164 with 1 amendment	SE 607 with 1 amendment
SB 205	

The Committee on Governmental Operations recommends the following pass:

SB 395 with 3 amendments	SB 472 with 3 amendments
SB 453 with 3 amendments	SB 557

The Committee on Health and Rehabilitative Services recommends the following pass: SB 411

The Committee on Judiciary-Criminal recommends the following pass: SB 372, SB 408 with 2 amendments

The Committee on Ways and Means recommends the following pass:

SB 250	SB 568
SB 321 with 3 amendments	SB 569
SB 560	SB 571 with 1 amendment
SB 561	

The Committee on Judiciary-Civil recommends the following pass:

CS for SB 400	SB 778 with 3 amendments	SB 851
SB 490		HB 292 with 3 amendments
SB 702		

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

SB 10 with 1 amendment SB 508 with 1 amendment SB 632

The Committee on Transportation recommends the following pass:

SB 654	SB 793	HB 99
SB 730	SB 831 with	HB 447
SB 781	3 amendments	HB 653

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

The Committee on Agriculture recommends the following not pass: SB 639

The Committee on Natural Resources and Conservation recommends the following not pass, pursuant to Rule 2.18: SB 112

The Committee on Natural Resources and Conservation recommends the following not pass: SB 203

The bills contained in the foregoing reports were laid on the table.

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 172

The bill with Committee Substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 286

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

The Committee on Health and Rehabilitative Services recommends Committee Substitutes for the following: SB 119, SB 168

The bills with Committee Substitutes attached were referred to the Committee on Governmental Operations under the original reference.

The Committee on Commerce recommends Committee Substitutes for the following: SB 233, SB 400

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 491

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

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 533

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

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 167

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 176

The Committee on Economic, Community and Consumer Affairs recommends Committee Substitutes for the following: Senate Bills 825, 107, 229, 374 and 636; SB 383

The Committee on Governmental Operations recommends Committee Substitutes for the following: SB 420, SB 476, SB 425

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 628

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: CS for SB 357

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 263

The Committee on Ways and Means recommends Committee Substitutes for the following: SB 559, SB 562

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 572

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

Reports of Subcommittees

Ways and Means Subcommittee D recommends favorably to the Committee on Ways and Means:

- SB 27
- SB 275
- CS for SB 304 with 1 amendment
- SB 317
- HB 862
- HB 869

Ways and Means Subcommittee C recommends favorably to the Committee on Ways and Means:

- SB 250
- SB 260 with 2 amendments
- SB 321 with 1 amendment

Ways and Means Subcommittee E recommends favorably to the Committee on Ways and Means: Senate Bills 808, 836, 427, 837, 592 with 1 amendment and SB 746 with 3 amendments.

Ways and Means Subcommittee E recommends favorably, with a committee substitute, to the Committee on Ways and Means: SB 83

Bills Referred to Subcommittees

SB 427 has been referred to Ways and Means Subcommittee E which will report to the full committee within 30 days.

SB 769 has been referred to Ways and Means Subcommittee D which will report to the full committee within 24 days.

On motion by Senator MacKay, by two-thirds vote SCR 421 was withdrawn from the Committee on Rules and Calendar.

Commendation

SCR 421—A concurrent resolution recognizing the accomplishments of Dr. Erich A. Farber in the field of solar energy.

—was read the second time in full. On motion by Senator MacKay SCR 421 was adopted and certified to the House. The vote on adoption was:

Yeas—38

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

Nays—None

The President appointed Senator MacKay to escort Dr. Erich A. Farber, professor of mechanical engineering at the University of Florida and research professor and director of the Solar Energy and Energy Conversion Laboratories, to the rostrum. Dr. Farber addressed the Senate briefly.

On motion by Senator MacKay, the rules were waived and SCR 421 was ordered immediately certified to the House.

In addition to the original sponsor, Senators voting in the affirmative were recorded as co-introducers of SCR 421.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, by two-thirds vote SB 1067 was referred to the Committee on Economic, Community and Consumer Affairs as the first committee of reference.

On motions by Senator Ware, the rules were waived and by two-thirds vote SCR 1044 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motions by Senator Myers, the rules were waived and by two-thirds vote SB 809 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Frank, the rules were waived and by two-thirds vote SB 993 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Beard, the rules were waived and by two-thirds vote SB 412 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Poole, by two-thirds vote SB 1119 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Hair, by two-thirds vote SB 1251 was withdrawn from the Committees on Judiciary-Civil and Governmental Operations.

On motions by Senator Hair, the rules were waived and by two-thirds vote Senate Bills 491 and 233 and HB 472 were withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Vogt, by two-thirds vote SB 473 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Barron, the rules were waived and the Committee on Education was granted permission to extend time of adjournment of the meeting May 5 until 6:00 p.m.

On motion by Senator Vogt, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to consider Senate Bills 338 and 46 this day.

REQUESTS FOR EXTENSION OF TIME

April 23, 1980

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

SB 589 by Senator Anderson	SB 603 by Senator Hill
SB 590 by Senator Ware	SB 604 by Senator McClain
SB 593 by Senator Anderson	SB 605 by Senator Holloway
SB 598 by Senator Johnston	SB 609 by Senator Steinberg
SB 601 by Senator Hill	

April 28, 1980

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

SB 327 by Senator Trask	SB 662 by Senator McClain
SB 431 by Senator Trask	SB 675 by Senator Anderson
SB 616 by Senator Gordon	SB 706 by Senator Thomas and others
SB 630 by Senator Carlucci	SB 709 by Senator Ware and others
SB 641 by Senator Henderson	SB 710 by Senator Anderson
SB 656 by Senator Dunn	

April 28, 1980

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

SB 414 by Senator Holloway	SB 680 by Senator Vogt
SB 614 by Senator Myers	SB 693 by Senator Scott
SB 620 by Senator Vogt	SB 700 by Senator Henderson
SB 622 by Senator Vogt	
SB 625 by Senator Anderson	HB 368 by Committee on Agriculture & Gen. Legislation
SB 640 by Senator Henderson	
SB 649 by Senator Scarborough	SB 718 by Senator Fechtel
SB 651 by Senator Gorman	SB 731 by Senator Fechtel
SB 659 by Senator Holloway	SB 732 by Senator Fechtel
SB 666 by Senator Thomas	SB 749 by Senator Gordon
SB 667 by Senator Stuart	SB 754 by Senator Hair
SJR 670 by Senator Stuart	SB 756 by Senator Carlucci
SB 671 by Senator Anderson	SB 758 by Senator Hill
SB 678 by Senator Vogt	SB 761 by Senator Anderson

April 24, 1980

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

SB 608 by Senator Tobiassen

April 28, 1980

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

SCR 617 by Senator Tobiassen	SB 627 by Senator Barron and others
SB 626 by Senators Barron and Trask	SB 633 by Senator Steinberg

April 28, 1980

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

SB 646 by Senator Dunn	SB 692 by Senator Dunn
SB 664 by Senator Fechtel	SB 694 by Senator Dunn
SB 676 by Senator Frank	SB 696 by Senator Dunn
SB 682 by Senator Vogt	SB 705 by Senators Henderson and Skinner
SB 684 by Senator Steinberg	

April 29, 1980

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

SB 373 by Senator Vogt

April 25, 1980

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following:

SB 647 by Senator McKnight	SB 708 by Senator Don Childers
SB 648 by Senator McKnight	
SB 681 by Senator McKnight	SB 711 by Senator Carlucci
SB 685 by Senator Winn	SB 613 by Senator Trask

April 28, 1980

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

CS for SB 237 by Governmental Operations Committee, Senators Dunn and Carlucci	SB 251 by Senators Dunn and Carlucci
	SB 615 by Senator Myers
	SB 658 by Senator McClain
	SB 701 by Senator Hair
CS for SB 242 by Governmental Operations Committee, Senators Dunn and Carlucci	SB 702 by Senator Hair
	SB 704 by Senator MacKay
	SB 707 by Senator Hair

April 24, 1980

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

SB 602 by Senator Beard

April 23, 1980

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

SB 596 by Senator Holloway SB 597 by Senator Holloway

April 25, 1980

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

SB 624 by Senator Vogt HCR 7.6 by Representative Hodges

April 30, 1980

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

SB 11 by Senator Steinberg	SCR 294 by Senator Fechtel and others
SJR 25 by Senator Henderson	
SB 31 by Senator Tobiassen	SJR 306 by Senator Frank
SB 73 by Senator Henderson	SCR 314 by Senator MacKay
SB 85 by Senator MacKay	SB 353 by Senator Dunn
SB 121 by Senator Frank and others	SB 394 by Senator Fechtel
	SB 413 by Senator Neal
SB 157 by Senator Carlucci	SCR 421 by Senator MacKay
SR 210 by Senator Skinner and others	SB 433 by Senator Maxwell
	SCR 443 by Senator Hair and others
SJR 249 by Senator Grizzle	
SB 265 by Senator Henderson	SB 444 by Senator MacKay
SJR 274 by Senator Frank and others	SB 471 by Senator Grizzle
SB 289 by Senator Thomas	SM 480 by Senator Fechtel

SB 497 by Senator Vogt
 SB 498 by Senator Vogt
 SB 500 by Senator Vogt
 SM 513 by Senator McClain
 and others

SCR 516 by Senator Gordon
 SB 518 by Senator Trask
 SR 519 by Senator Henderson
 SB 529 by Senator Vogt
 SB 543 by Senator Vogt

April 29, 1980

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

SB 644 by Senator Scott
 SB 650 by Senator Scarborough
 SB 699 by Senator Vogt
 SB 740 by Senator Holloway
 SB 743 by Senator Anderson

SB 755 by Senator Hill
 SB 58 by Senator Skinner
 SB 356 by Senator Winn
 SB 362 by Senator Maxwell
 SB 457 by Senator Holloway

April 28, 1980

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

SB 655 by Senator Myers
 SB 688 by Senator Maxwell

April 29, 1980

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

SB 653 by Senator Maxwell
 SB 657 by Senator Gordon
 and others
 SB 672 by Senator Frank
 SB 673 by Senator Frank
 SB 686 by Senator Maxwell

SB 687 by Senator Maxwell
 SB 690 by Senator Frank
 SB 691 by Senator Frank
 SB 697 by Senator McKnight
 SB 660 by Senator Tobiassen

April 28, 1980

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

SB 406 by Senator Beard
 SB 612 by Senator Steinberg
 SB 619 by Senator Beard

SB 629 by Senator Vogt
 SB 631 by Senator Carlucci

April 29, 1980

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

SB 668 by Senator Poole

April 30, 1980

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

SB 19 by Senator Tobiassen
 SB 61 by Senator Vogt
 SB 101 by Senator Dunn
 and others
 SB 106 by Senator Skinner
 SB 156 by Senator Scarborough
 SB 163 by Senator Hair
 SB 230 by Senator Hill
 SB 282 by Senators McKnight,
 Hair
 SB 330 by Governmental Op-
 erations Committee

SB 325 by Senator Winn
 SB 375 by Senator Carlucci
 SB 450 by Senator Don
 Childers
 SB 501 by Senator Holloway
 SB 524 by Senator Poole
 SB 565 by Senator Myers (by
 request)
 SB 581 by Senator Hill and
 others
 SB 713 by Senator Frank
 SB 748 by Senator Henderson
 SB 752 by Senator Henderson

April 30, 1980

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

SB 750 by Senator Henderson
 SB 760 by Senator Vogt

SB 764 by Senator Vogt

April 30, 1980

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

SB 3 by Senator Steinberg
 SB 9 by Senator Johnston
 SB 82 by Senator Hill
 SB 140 by Senator Anderson
 SB 160 by Senator Neal
 SB 239 by Senator Dunn
 SB 298 by Senator Myers

SB 350 by Senator Jenne
 SB 358 by Senator Skinner
 SB 392 by Senator Vogt
 SB 514 by Senator Gordon
 SB 757 by Senator
 Scarborough

On motion by Senator Barron, the Senate withdrew from the chamber and proceeded to the House of Representatives for a memorial service for American servicemen who died in Iran in connection with the hostage rescue mission on April 25.

Following the memorial service, the Senate returned to the Senate chamber and was called to order by the President at 9:59 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
Fechtcl	Johnston	Scott	Winn

**MOTIONS RELATING TO COMMITTEE REFERENCE, con-
 tinued**

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 169, 218, 219, 415, 304 and HB 713 were withdrawn from the Committee on Ways and Means.

On motion by Senator Gordon, the rules were waived and by two-thirds vote HCR 1011 was withdrawn from the Committee on Rules and Calendar.

Commendation

HCR 1011—A concurrent resolution honoring Isaac Bashevis Singer, a resident of Surfside, Florida, for his significant contributions to world literature and culture, which have brought him critical acclaim and the 1978 Nobel Prize for Literature.

—was read the second time in full. On motion by Senator Gordon, HCR 1011 was adopted and certified to the House. The vote was:

Yeas—38

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

Nays—None

On motion by Senator Holloway, the rules were waived and SB 503 was ordered immediately certified to the House.

**MESSAGES FROM THE GOVERNOR AND OTHER EXECU-
 TIVE COMMUNICATIONS**

Appointments Subject to Confirmation by the Senate

The Secretary of State on April 22, 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:

- Kenneth D. Kienth, Maitland, Member of the Greater Orlando Aviation Authority, for term ending April 16, 1982
- Charles M. Potter, Orlando, Member of the Greater Orlando Aviation Authority, for term ending April 16, 1984
- Sherman S. Dantzler, Orlando, Member of the Greater Orlando Aviation Authority, for term ending April 16, 1984
- William E. Potter, Orlando, Member of the Greater Orlando Aviation Authority, for term ending April 16, 1982
- Linda W. Chapin, Winter Park, Member of the Greater Orlando Aviation Authority, for term ending April 16, 1984
- E. Everette Huskey, Maitland, Member of the Board of Real Estate, for term ending March 5, 1984

The Secretary of State on April 23, 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:

George A. Michael, West Palm Beach, Member of the Board of Trustees of the Palm Beach Junior College, for term ending May 31, 1983

John R. Wyatt, Vero Beach, Member of the Board of Trustees of the Indian River Community College, for term ending May 31, 1982

The Secretary of State on April 28, 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:

R. F. Luckey, Jr., Bonita Springs, Member of the Board of Landscape Architecture, for term ending March 4, 1984

[Referred to the Committee on Executive Business.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 141, SB 66.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 576.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 1142.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 1192.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1175.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 545.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1079.

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 2 amendments—

By the Committee on Education and Senator Peterson—

CS for SB 170—A bill to be entitled An act relating to the district school system; amending s. 232.01(1)(d), Florida Statutes, as amended; removing the compulsory attendance exemption for students who are married and, under certain circumstances, for students who are unmarried parents; providing that married students, pregnant students, and unmarried parents may voluntarily be assigned to certain programs; adding s. 232.06(5), Florida Statutes; providing an unmarried parent exemption from compulsory attendance; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 24 and on page 2, line 1, strike “unmarried” and on page 1, lines 26-27 and on page 2, line 15 strike “an unmarried” and insert: on page 1, line 26 and on page 2, line 15 “a”

Amendment 2—On page 1, line 7 and on page 1, line 8, strike “unmarried” and on line 11 strike “an unmarried” and insert: on line 11 “a”

On motions by Senator Peterson, the Senate refused to concur in the House amendments to CS for SB 170 and the House was requested to recede. The action of the Senate was certified to the House.

MATTERS ON RECONSIDERATION

The motion by Senator Johnston on April 23 that the Senate reconsider the vote by which—

HB 25—A bill to be entitled An act relating to health facilities; amending s. 154.205(8), Florida Statutes, 1978 Supplement; including certain entities authorized to provide life care services within the definition of “health facility”; amending s. 154.245, Florida Statutes, 1978 Supplement; exempting portions of life care facilities from certificate of need requirements; providing an effective date.

—passed on April 23, was taken up and adopted; and the Senate reconsidered.

Senators Frank and Johnston offered the following amendments which were moved by Senator Johnston and adopted:

Amendment 1—On page 2, between lines 8 and 9, insert: Section 3, Subsection (3) is added to section 651.021, Florida Statutes, to read:

651.021 Certificate of authority required; designation of net worth.—

(3) *The Department of Insurance shall not issue a certificate of authority under this act to any facility which does not have a component of the facility licensed pursuant to Part I or Part II of Chapter 400, Florida Statutes or Chapter 395, Florida Statutes.*

(Renumber subsequent section.)

Amendment 2—On page 1 in title, line 9, after the semicolon insert: adding s. 651.021(3), Florida Statutes; prohibiting the Department of Insurance from issuing a certificate of authority to any facility which does not have a component of the facility licensed to certain provisions of law;

HB 25 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Hair, the rules were waived and by two-thirds vote SCR 443 was withdrawn from the Committee on Rules and Calendar.

Commendation

SCR 443—A concurrent resolution commending the school system of Duval County, Florida and the teachers, students, administrators, parents and School Board members as the largest fully-accredited school system in the nation.

—was read the second time in full. On motion by Senator Hair, SCR 443 was adopted and certified to the House. The vote was:

Yeas—37

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

Nays—None

Votes after roll call:

Yea—Chamberlin, Lewis

Senator Hair introduced the following representatives of the Duval County teachers, students, parents and school administration to the Senate: Dr. James Corwin, chairman of the school board; Herb Sang, superintendent of schools; Ms. Luanne Bennett, president, Duval Teachers United and Mrs. Joanne DiGiandomenico, president, Duval Council PTA.

On motion by Senator Hair, the rules were waived and SCR 443 was ordered immediately certified to the House.

SPECIAL ORDER

By the Committee on Economic, Community and Consumer Affairs and Senators Steinberg and Thomas—

CS for SB's 825, 107, 229, 374 and 636—A bill to be entitled An act relating to the conversion of existing improvements to condominiums and cooperatives; creating part VI of chapter 718, Florida Statutes; creating part VI of chapter 719, Florida Statutes; providing a short title; providing for the extension and termination of rental agreements; providing for notice of intended conversion and other notices; providing the right of first refusal; providing for civil action; providing for damages, costs, and attorneys' fees; providing for the provision of economic information to tenants; providing for the disclosure of condition of building and estimated replacement costs; providing for converter reserve accounts, warranties, or surety bonds; providing for the prohibition of discrimination against nonpurchasing tenants; adding s. 718.103(21), Florida Statutes; defining "rental agreement"; adding s. 719.103(17), Florida Statutes; defining "rental agreement"; amending s. 718.402, Florida Statutes; providing for the conversion of existing improvements to condominium; amending s. 719.402, Florida Statutes; providing for the conversion of existing improvements to cooperative; amending ss. 718.503(2)(1), 718.504(15), 719.503(2)(1), 719.504(15), Florida Statutes; providing for the disclosure of specified information to buyers; amending ss. 718.507,

719.507, Florida Statutes; specifying the effect of zoning and building regulations on condominiums and cooperatives; providing severability; providing an effective date.

—was read the first time by title and SB's 825, 107, 229, 374 and 636 were laid on the table.

On motion by Senator Steinberg, by two-thirds vote CS for SB's 825, 107, 229, 374 and 636 was read the second time by title.

Senator Scarborough presiding

Senators Steinberg and Thomas offered the following amendments which were moved by Senator Steinberg and adopted:

Amendment 1—On page 11, line 4, and on page 32, line 21 strike the period (.) and insert: ; or

Amendment 2—On page 10, line 16, and on page 32, line 2, strike "or (d)"

Amendment 3—On page 5, line 1, and on page 26, line 21, strike "the Florida and United States Constitutions,"

Amendment 4—On page 28, lines 28-31, strike all of said lines and on page 29 lines 1-5, strike all of said lines and insert: 6. If you have continuously been a resident of these apartments during the last 180 days: a. You have the right to purchase your apartment, and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends, or when you waive this right in writing.

b. Within 90 days you will be provided purchase

(Renumber subsequent subparagraph.)

Amendment 5—On page 7, strike all of lines 10 through 18 and insert: 6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends, or when you waive this right in writing.

b. Within 90 days you will be provided purchase

(Renumber subsequent subparagraph.)

Amendment 6—On page 8, between lines 12 and 13 insert:

"(c) When the rental agreement extension provisions of s. 718.606(6) are applicable to a conversion, subparagraphs 1.a. and b. of the notice of intended conversion shall read as follows:

"1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 360 days, you may extend your rental agreement for up to 360 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice."

Amendment 7—On page 29, between lines 29 and 30 insert: "(c) When the rental agreement extension provisions of s. 719.606(6) are applicable to a conversion, subparagraphs 1.a.

and b. of the notice of intended conversion shall read as follows:

"1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 360 days, you may extend your rental agreement for up to 360 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice."

Amendment 8—On page 45 between lines 14 and 15, insert: Section 13. Section 718.622, Florida Statutes is created to read:

718.622 Saving clause.—

(1) All notices of intended conversion given subsequent to the effective date of this part shall be subject to the requirements of s. 718.606, s. 718.608 and s. 718.610. Tenants given such notices shall have a right of first refusal as provided by s. 718.612.

(2) The disclosure provided by s. 718.616 and required by s. 718.503 and s. 718.504 to be furnished to each prospective buyer or lessee for a period of more than 5 years shall be provided to all such persons who have not, prior to the effective date of this part, been furnished the documents or prospectus or offering circular required by s. 718.503 and s. 718.504.

(3) The provisions of s. 718.618 do not affect a conversion of existing improvements when a developer has filed with the division prior to the effective date of this part, provided:

- (a) The documents are proper for filing purposes; and
- (b) Not later than six months after such filing the developer:
 1. Records a declaration for such filing in accordance with part I of this chapter, and
 2. Gives a notice of intended conversion.

Section 14. Section 719.622, Florida Statutes, is created to read:

719.622 Saving clause.—

(1) All notices of intended conversion given subsequent to the effective date of this part shall be subject to the requirements of s. 719.606, s. 719.608 and s. 719.610. Tenants given such notices shall have a right of first refusal as provided by s. 719.612.

(2) The disclosure provided by s. 719.616 and required by s. 719.503 and s. 719.504 to be furnished to each prospective buyer or lessee for a period of more than 5 years shall be provided to all such persons who have not, prior to the effective date of this part, been furnished the documents or prospectus or offering circular required by s. 719.503 and s. 719.504.

(3) The provisions of s. 719.618 do not affect a conversion of existing improvements when a developer has filed with the division prior to the effective date of this part, provided:

- (a) The documents are proper for filing purposes; and
- (b) Not later than six months after such filing the developer gives a notice of intended conversion.

(Renumber subsequent sections.)

Amendment 9—On page 2 in title, line 3 insert after "cooperatives;": providing a saving clause;

Pending further consideration of CS for SB's 825, 107, 229, 374 and 636, on motion by Senator Steinberg, 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 1591 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representatives Richmond, Silver, Kirkwood, and others:—

HB 1591—A bill to be entitled An act relating to the conversion of existing improvements to condominiums and cooperatives; creating part VI of chapter 718, Florida Statutes; creating part VI of chapter 719, Florida Statutes; providing a short title; providing for the extension and termination of rental agreements; providing for notice of intended conversion and other notices; providing the right of first refusal; providing for civil action; providing for damages, costs, and attorney's fees; providing for the provision of economic information to tenants; providing for the disclosure of condition of building and replacement costs; providing for converter reserve accounts or warranties; providing for the prohibition of discrimination against nonpurchasing tenants; adding s. 718.103(21), Florida Statutes; defining "rental agreement"; adding s. 719.103(17), Florida Statutes; defining "rental agreement"; amending s. 718.402, Florida Statutes; providing for the conversion of existing improvements to condominium; amending s. 719.402, Florida Statutes; providing for the conversion of existing improvements to cooperative; amending ss. 718.503(2)(1), 718.504(15), 719.503(2)(1), 719.504(15), Florida Statutes; providing for the disclosure of specified information to buyers; amending ss. 718.507, 719.507, Florida Statutes; specifying the effect of zoning and building regulations on condominiums and cooperatives; providing severability; providing an effective date.

—was read the first time by title. On motion by Senator Steinberg, the rules were waived and the bill was placed on the Calendar.

SPECIAL ORDER, continued

The Senate resumed consideration of CS for SB's 825, 107, 229, 374 and 636 as amended, and on motion by Senator Steinberg, HB 1591, a companion measure, was substituted therefor. On motion by Senator Steinberg, by two-thirds vote HB 1591 was read the second time by title.

Consideration of HB 1591 was deferred.

SB 92—A bill to be entitled An act relating to service warranty associations; amending s. 634.401(2), Florida Statutes, excluding from the definition of "service warranty" certain service contracts entered into between consumers and nonprofit organizations or cooperatives whose members consist of condominium associations and condominium owners; providing an effective date.

—was read the second time by title. On motion by Senator Steinberg, by two-thirds vote SB 92 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

The President presiding

Votes after roll call:

Yea—Hair, Lewis, Peterson

SB 164—A bill to be entitled An act relating to condominiums; amending s. 718.103(13), Florida Statutes; excluding certain persons from the definition of "developer"; amending s. 718.401, Florida Statutes; exempting the conversion of certain residential cooperatives to condominiums from provisions

regulating the creation of condominiums from leaseholds; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 2, strike “by a developer”

On motion by Senator Scott, by two-thirds vote SB 164 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Jenne, Peterson, Stuart, Thomas

SB 259—A bill to be entitled An act relating to condominiums; amending s. 718.112(2)(b), Florida Statutes, relating to condominium bylaws, to prohibit persons from being designated to hold more than five proxies for any purpose; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 259 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Votes after roll call:

Yea—Fechtel, Peterson, Steinberg, Stuart

SB 560 was taken up and on motion by Senator Myers, the rules were waived and by two-thirds vote HB 863 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Myers—

HB 863—A bill to be entitled An act relating to taxation; amending s. 624.509(3)(c), Florida Statutes, increasing the annual rate of interest with respect to premium taxes; providing an effective date.

—a companion measure, was substituted for SB 560 and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 863 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dunn	Hill	Myers
Anderson	Frank	Jenne	Neal
Beard	Gordon	Johnston	Peterson
Carlucci	Gorman	MacKay	Poole
Chamberlin	Grizzle	Maxwell	Scarborough
Childers, D.	Hair	McClain	Scott
Childers, W. D.	Henderson	McKnight	Skinner

Steinberg	Tobiassen	Vogt	Williamson
Stuart	Trask	Ware	Winn
Thomas			

Nays—None

Votes after roll call:

Yea—Holloway, Fechtel

SB 560 was laid on the table.

SB 561 was taken up and on motion by Senator Myers, by two-thirds vote HB 857 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Myers—

HB 857—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03(1)(h) and (2)(c), Florida Statutes, defining the term “Internal Revenue Code” as used in the Florida Income Tax Code; providing an effective date.

—a companion measure, was substituted for SB 561 and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 857 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—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

Nays—None

SB 561 was laid on the table.

SCR 1044 was taken up and on motion by Senator Ware, by two-thirds vote HCR 1583 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Ware—

HCR 1583—A resolution recognizing the national honors received by the Florida chapters of the Phi Theta Kappa Fraternity as a result of their high academic achievement in community and junior colleges and extensive support of their institutions and communities through outstanding projects benefiting thousands of Florida citizens.

—a companion measure, was substituted for SCR 1044, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—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

Nays—None

On motion by Senator Ware, the rules were waived and HCR 1583 was ordered immediately certified to the House.

SCR 1044 was laid on the table.

SB 568—A bill to be entitled An act relating to the intangible tax; amending s. 199.112, Florida Statutes; providing that all bills, notes or accounts receivable, obligations, or credits, where-soever situated, arising out of, or issued in connection with,

the sale of services are subject to such tax; providing that sales of services are in this state if the service is rendered in this state; providing an effective date.

—was read the second time by title.

Senators McKnight, Anderson and Myers offered the following amendments which were moved by Senator McKnight and adopted:

Amendment 1—On page 2, between lines 6 and 7, insert: Section 2. Subsection (4) is added to section 199.072, Florida Statutes, to read:

199.072 Exemptions.—

(4) All intangible personal property issued in or arising out of any international banking transaction and owned by a banking organization shall be exempt from the tax imposed by s. 199.032(1).

Section 3. Subsection (4) is added to section 201.23, Florida Statutes, to read:

201.23 Foreign notes and other written obligations exempt.—

(4) The excise taxes imposed by this chapter shall not apply to the documents, notes, evidences of indebtedness, financing statements or other taxable items dealt with, made, issued, delivered, shipped, received, signed, executed, assigned, transferred or sold by or to a banking organization as defined in s. 199.023(9), in the conduct of an international banking transaction, as defined in s. 199.023(10). Nothing in this subsection shall be construed to change the application of subsection (2).

(Renumber subsequent section.)

Amendment 2—On page 1 in title, line 2, strike “the intangible tax;” and insert: taxation; adding subsection (4) to s. 199.072, Florida Statutes, and subsection (4) to s. 201.23, Florida Statutes, to exempt international financing transactions from intangible tax and excise tax on documents;

On motion by Senator Myers, further consideration of SB 568 was deferred.

SB 569 was taken up and on motions by Senator Myers, the rules were waived and by two-thirds vote HB 858 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Myers—

HB 858—A bill to be entitled An act relating to estate taxes; amending s. 198.35, Florida Statutes, conforming Florida law to the most recent changes in the United States Internal Revenue Code; providing an effective date.

—a companion measure, was substituted for SB 569 and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 858 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
Barron	Grizzle	McClain	Stuart
Beard	Hair	McKnight	Thomas
Carlucci	Henderson	Myers	Tobiassen
Chamberlin	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Frank	Johnston	Scott	Winn

Nays—1

Trask

Votes after roll call:

Yea—Neal

Nay to Yea—Trask

SB 569 was laid on the table.

SB 571 was taken up and on motions by Senator Myers, the rules were waived and by two-thirds vote HB 860 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Myers—

HB 860—A bill to be entitled An act relating to estate taxes; amending s. 198.15, Florida Statutes, increasing the monthly rate of interest on certain estate taxes; providing an effective date.

—a companion measure, was substituted for SB 571 and read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 1, line 3, strike “executor” and insert: personal representative ~~executer~~

Amendment 2—On page 1 in title, line 5, after the “semicolon” insert: providing for payment of such tax by the personal representative;

On motion by Senator Myers, by two-thirds vote HB 860 as amended 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	Maxwell	Tobiassen
Barron	Gorman	McKnight	Trask
Beard	Hair	Myers	Vogt
Carlucci	Henderson	Peterson	Ware
Chamberlin	Hill	Poole	Williamson
Childers, D.	Holloway	Scarborough	Winn
Childers, W. D.	Jenne	Steinberg	
Dunn	Johnston	Stuart	

Nays—4

Grizzle	McClain	Scott	Skinner
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Votes after roll call:

Yea—Neal

SB 571 was laid on the table.

On motions by Senator Thomas, by two-thirds vote HB 472 was withdrawn from the Committee on Ways and Means and by two-thirds vote placed next on the special order calendar.

HB 472—A bill to be entitled An act relating to tax collections and tax sales; amending s. 197.062(1), Florida Statutes, as amended; providing requirements for advertising the sale of real or personal property with delinquent taxes; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 472 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Thomas, the rules were waived and HB 472 was ordered immediately certified to the House.

SB 90—A bill to be entitled An act relating to the Florida Council on Criminal Justice; amending s. 23.152(3)(g), Florida Statutes; adding to the membership of the council; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 90 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Stuart

CS for SB 98 by the Committee on Commerce and Senator Carlucci was read the first time by title and SB 98 was laid on the table.

Pending further consideration of CS for SB 98, the rules were waived and on motion by Senator Carlucci, by two-thirds vote CS for HB 132 was withdrawn from the Committee on Commerce.

On motion by Senator Carlucci—

CS for HB 132—A bill to be entitled An act relating to cancellation of mortgages; amending s. 701.04, Florida Statutes, deleting provision for entering satisfaction on margin of mortgage, lien or judgment; requiring that recorded satisfaction be sent to the person who has made full payment following receipt of full payment of a mortgage, lien or judgment; providing for payment of attorney fees and costs; providing an effective date.

—a companion measure was substituted for CS for SB 98 and read the second time by title. On motion by Senator Carlucci, by two-thirds vote CS for HB 132 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Myers, Stuart, Winn

CS for SB 98 was laid on the table.

Senator Scarborough presiding

SB 114—A bill to be entitled An act relating to the Beverage Law; amending ss. 561.15(1), 562.11, and 562.111, Florida Statutes; prohibiting the consumption or possession of alcoholic beverages by persons under age 21 and the selling or serving of alcoholic beverages to such persons; providing that such

persons shall not be licensed under the Beverage Law; amending s. 743.07(1), Florida Statutes, relating to rights of persons 18 and older, to provide an exemption for the Beverage Law; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 20, 23, and 30, and on page 2, lines 3, 9, 10, and 31, and on page 3, lines 7, 14, and 22, strike "21" and insert: 19

Senators Don Childers, Maxwell and Trask offered the following amendment to Amendment 1 which was moved by Senator Don Childers:

Amendment 1A—On page 1, line 1, strike "19" and insert: 20

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

Senator Steinberg moved that further consideration of SB 114 be deferred. The motion failed.

Amendment 1A was adopted. The vote was:

Yeas—26

Mr. President	Gorman	MacKay	Skinner
Barron	Grizzle	Maxwell	Steinberg
Beard	Hair	McKnight	Thomas
Carlucci	Hill	Myers	Tobiassen
Childers, D.	Holloway	Neal	Trask
Childers, W. D.	Jenne	Peterson	
Fechtcl	Johnston	Poole	

Nays—13

Anderson	Gordon	Stuart	Williamson
Chamberlin	McClain	Vogt	Winn
Dunn	Scarborough	Ware	
Frank	Scott		

Amendment 1 as amended was adopted.

Senator Gordon raised a point of order that SB 114 as amended had substantial fiscal impact and should be referred to the Committee on Ways and Means.

The Presiding Officer ruled the point well taken. Pursuant to rule 4.8 the bill was referred to the Committee on Ways and Means.

On motion by Senator Barron, the rules were waived and the Committee on Rules and Calendar was granted permission to meet Tuesday, May 6, at 1:00 p.m.

On motions by Senator Barron, the rules were waived and time of adjournment was extended until final action on HB 1591 and SB 568.

The Senate resumed consideration of—

HB 1591—A bill to be entitled An act relating to the conversion of existing improvements to condominiums and cooperatives; creating part VI of chapter 718, Florida Statutes; creating part VI of chapter 719, Florida Statutes; providing a short title; providing for the extension and termination of rental agreements; providing for notice of intended conversion and other notices; providing the right of first refusal; providing for civil action; providing for damages, costs, and attorney's fees; providing for the provision of economic information to tenants; providing for the disclosure of condition of building and replacement costs; providing for converter reserve accounts or warranties; providing for the prohibition of discrimination against nonpurchasing tenants; adding s. 718.103(21), Florida Statutes; defining "rental agreement"; adding s. 719.103(17), Florida Statutes; defining "rental agreement"; amending s. 718.402, Florida Statutes; providing for the conversion of existing improvements to condominium; amending s. 719.402, Florida Statutes; providing for the conversion of existing improve-

ments to cooperative; amending ss. 718.503(2)(1), 718.504(15), 719.503(2)(1), 719.504(15), Florida Statutes; providing for the disclosure of specified information to buyers; amending ss. 718.507, 719.507, Florida Statutes; specifying the effect of zoning and building regulations on condominiums and cooperatives; providing severability; providing an effective date.

Senator Steinberg moved the following amendments which were adopted:

Amendment 1—Strike everything after the enacting clause and insert: Section 1. Part VI of Chapter 718, Florida Statutes, consisting of sections 718.604, 718.606, 718.608, 718.610, 718.612, 718.614, 718.616, 718.618, and 718.620, is created to read:

PART VI

ROTH ACT

CONDOMINIUM CONVERSIONS

718.604 Short title.—This part shall be known and may be cited as the "Roth Act" in memory of Mr. James S. Roth, Director, Division of Florida Land Sales and Condominiums, 1979-80.

718.606 Conversion of existing improvements to condominium; rental agreements.—When existing improvements are converted to ownership as a residential condominium:

(1)(a) Each residential tenant who has resided in the existing improvements for at least the 180 days preceding the date of the written notice of intended conversion shall have the right to extend an expiring rental agreement upon the same terms for a period that will expire no later than 270 days after the date of the notice. If the rental agreement expires more than 270 days after the date of the notice, the tenant may not unilaterally extend the rental agreement.

(b) Each other residential tenant shall have the right to extend an expiring rental agreement upon the same terms for a period that will expire no later than 180 days after the date of the written notice of intended conversion. If the rental agreement expires more than 180 days after the date of the notice, the tenant may not unilaterally extend the rental agreement.

(2)(a) In order to extend the rental agreement as provided in subsection (1), a tenant shall, within 45 days after the date of the written notice of intended conversion, give written notice to the developer of the intention to extend the rental agreement.

(b) If the rental agreement will expire within 45 days following the date of the notice, the tenant may remain in occupancy for the 45-day decision period upon the same terms by giving the developer written notice and paying rent on a pro rata basis from the expiration date of the rental agreement to the end of the 45-day period.

(c) The tenant may extend the rental agreement for the full extension period or a part of the period.

(3) After the date of a notice of intended conversion, a tenant may terminate the rental agreement, or any extension period, upon 30 days' written notice to the developer. However, unless the rental agreement was entered into, extended, or renewed after the effective date of this part, the tenant may not unilaterally terminate the rental agreement but may unilaterally terminate any extension period upon 30 days' written notice.

(4) A developer may elect to provide tenants who have been continuous residents of the existing improvements for at least 180 days preceding the date of the written notice of intended conversion and whose rental agreements expire within 180 days of the date of the written notice of intended conversion the option of receiving in cash an optional tenant relocation payment at least equal to 1 month's rent in consideration for extending the rental agreement for not more than 180 days rather than extending the rental agreement for up to 270 days.

(5) A rental agreement may provide for termination by the developer upon 60 days' written notice if the rental agreement is entered into subsequent to the delivery of the written notice of intended conversion to all tenants and conspicuously

states that the existing improvements are to be converted. No other provision in a rental agreement shall be enforceable to the extent that it purports to reduce the extension period provided by this section or otherwise would permit a developer to terminate a rental agreement in the event of a conversion. This subsection applies to rental agreements entered into, extended, or renewed after the effective date of this part; the termination provisions of all other rental agreements are governed by the provisions of s. 718.402(3) [F.S. 1979].

(6) Any provision of this section or of the rental agreement or other contract or agreement to the contrary notwithstanding, whenever a county, including charter counties, determines that there exists within the county a vacancy rate in rental housing of 3 percent or less, the county may adopt an ordinance or other measure extending the 270-day extension period described in (1)(a) of this section and the 180-day extension described in (1)(b) of this section for an additional 90 days, if:

(a) Such measure was duly adopted, after notice and public hearing, in accordance with all applicable provisions of the charter governing such county, and any other applicable laws; and

(b) Such governing body has made and recited in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency.

A county ordinance or other measure adopting an additional 90-day extension under the provisions of this section is controlling throughout the entire county, including charter counties, where adopted, including all municipalities, unless a municipality votes not to have it apply within its boundaries.

718.608 Notice of intended conversion; time of delivery; content.—

(1) Prior to or simultaneous with the first offering of individual units to any person each developer shall deliver a notice of intended conversion to all tenants of the existing improvements being converted to residential condominium. All such notices shall be given within a 72-hour period.

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in UPPER CASE printed in conspicuous type:

"These apartments are being converted to condominium by ... (name of developer) ..., the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS:

You may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after ... (effective date of part) ..., you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after ... (effective date of part) ..., you may not cancel the rental agreement without the consent of the developer. You may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: ... (name and address of developer)

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends, or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you don't want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Condominium Act, you may contact the developer or you may contact the state agency which regulates condominiums: The Division of Florida Land Sales and Condominiums, ... (Tallahassee address and telephone number of division)

(b) When a developer offers tenants an optional tenant relocation payment pursuant to s. 718.606(4), the notice of intended conversion shall contain a statement substantially as follows:

"If you have been a continuous resident of these apartments for the last 180 days and your lease expires during the next 180 days: you may extend your rental agreement for up to 270 days, or you may extend your rental agreement for up to 180 days and receive a cash payment at least equal to 1 month's rent. You must make your decision and inform the developer in writing within 45 days after the date of this notice."

(c) When the rental agreement extension provisions of s. 718.606(6) are applicable to a conversion, subparagraphs 1.a. and b. of the notice of intended conversion shall read as follows:

"1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 360 days, you may extend your rental agreement for up to 360 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice."

(3) Notice of intended conversion may not be waived by a tenant unless the tenant's lease conspicuously states that the building is to be converted and the other tenants residing in the building have previously received a notice of intended conversion.

(4) Upon the request of a developer and payment of a fee prescribed by the rules of the division and not to exceed

\$50, the division may verify to a developer that a notice complies with this section.

(5) Each developer shall file with the division a copy of the notice of intended conversion. The copy of the notice shall be filed with the division no later than the time when the notice is given to the tenants.

718.610 Notices.—

(1) All notices from tenants to a developer shall be deemed given when deposited in the United States mail, addressed to the developer's address stated in the notice of conversion, and sent postage prepaid, return receipt requested; or when personally delivered in writing by the tenant to the developer at such address. The date of a notice is the date when it is mailed or personally delivered by the tenant.

(2) All notices from developers to tenants shall be deemed given when deposited in the United States mail addressed to the tenant's last known residence, which may be the address of the property subject to the rental agreement, sent by certified or registered mail, postage prepaid. The date of a notice is the date when it is mailed to the tenant.

718.612 Right of first refusal.—

(1) Each tenant, who for the 180 days preceding a notice of intended conversion has been a residential tenant of the existing improvements, shall have the right of first refusal to purchase the unit in which such tenant resides on the date of the notice, under the following terms and conditions:

(a) Within 90 days following the written notice of the intended conversion, the developer shall deliver to the tenant the following purchase materials: an offer to sell stating the price and terms of purchase; the economic information required by s. 718.614; and the disclosure documents required by ss. 718.503 and 718.504. Failure by the developer to deliver such purchase materials within 90 days following the written notice of the intended conversion shall automatically extend the rental agreement, any extension of the rental agreement provided for in s. 718.606, or any other extension of the rental agreement. The extension shall be for that number of days in excess of 90 days that has elapsed from the date of the written notice of the intended conversion to the date when the purchase materials are delivered.

(b) The tenant shall have the right of first refusal to purchase the unit for a period of not less than 45 days after mailing or personal delivery of the purchase materials.

(c) If, after any right of first refusal has expired, the developer offers the unit at a price lower than that offered to the tenant, the developer shall in writing notify the tenant prior to the publication of the offer. The tenant shall have the right of first refusal at such lower price for a period of not less than an additional 10 days after the date of such notice. Thereafter, the tenant shall have no additional right of first refusal. As used in this paragraph, "offer" includes any solicitation to the general public by means of newspaper advertisement, radio, television, or written or printed sales literature or price list.

(2) Prior to closing on the sale of the unit, a tenant alleging a developer's violation of paragraph (1)(c) may bring an action for equitable or other relief, including specific performance. Subsequent to closing, the tenant's sole remedy for such a violation shall be damages. In addition to any damages otherwise recoverable by law, the tenant shall be entitled to an amount equal to the difference between the price last offered in writing to the tenant pursuant to this section, and the price at which the unit was sold to a third party, plus court costs and attorney's fees.

(3) It is against the public policy of this state for any developer to seek to enforce any provision of any contract which purports to waive the right of a purchasing tenant to bring an action for specific performance.

(4) A tenant's right of first refusal terminates upon:

(a) The termination of the rental agreement and all extensions thereof; or

(b) Waiver of the right in writing by the tenant, if the waiver is executed subsequent to the date of the notice of

intended conversion. A tenant who waives the right of first refusal waives the right to receive the purchase information; or

(c) The running of the tenant's 45-day right of first refusal and the additional 10-day period provided for by (1)(c) of this section, if applicable.

718.614 Economic information to be provided.—The developer shall distribute to tenants having a right of first refusal, if any:

(1) Information in summary form regarding mortgage financing, estimated down payment, alternative financing and down payments, monthly payments of principal, interest, and real estate taxes, and federal income tax benefits.

(2) Market information, if any, compiled from developers on a voluntary basis and prepared by the division describing condominium units which have been offered for sale within the last 12 months in the county in which the tenant resides. The market information shall include a statement substantially as follows: "This information is from the files of the Division of Florida Land Sales and Condominiums. It is believed correct but is not warranted by the Division of Florida Land Sales and Condominiums or the condominium developers. If you desire additional information, you may contact the developer or a real estate agent."

(3) Any other information which the division publishes and by rule determines will assist tenants in making a decision, and which the division makes available to the developer.

718.616 Disclosure of condition of building and estimated replacement costs.—

(1) Each developer creating a residential condominium by converting existing, previously occupied improvements to such form of ownership shall disclose the condition of the improvements and the condition of certain components and their current estimated replacement cost.

(2) The following information shall be stated concerning the improvements:

- (a) The date and type of construction.
- (b) The prior use.
- (c) Whether there is termite damage or infestation, and whether the termite damage or infestation, if any, has been properly treated. The statement shall be substantiated by including, as an exhibit, an inspection report by a certified pest control operator.

(3)(a) Disclosure of condition shall be made for each of the following components that the existing improvements may include:

1. Roof;
2. Elevators;
3. Heating and cooling systems;
4. Plumbing;
5. Electrical systems;
6. Swimming pool;
7. Seawalls;
8. Pavement, and parking areas; and
9. Drainage systems.

(b) For each component, the following information shall be disclosed, substantiated by attaching a copy of a certificate under seal of an architect or engineer authorized to practice in this state:

1. The age of the component.
2. The estimated remaining useful life of the component.
3. The estimated current replacement cost of the component, expressed:
 - a. As a total amount; and
 - b. As a per unit amount, based upon each unit's proportional share of the common expenses.

4. The structural soundness of the component.

718.6188 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection (7), or post a surety bond as provided by subsection (8). The developer shall fund the reserve accounts in amounts calculated as follows:

(a)1. When the existing improvements include an air conditioning system serving more than one unit or property which the association is responsible to repair, maintain, or replace, the developer shall fund an air conditioning reserve account. When such air conditioning system includes a central air or water cooling system, the amount of the reserve account shall be not less than \$0.72 for each square foot of floor area served by the air conditioning system, multiplied by a fraction, the numerator of which shall be the lesser of the age of the system in years or 18, and the denominator of which shall be 20. In addition, when such air conditioning system includes a compressor, the amount of the reserve account funding shall be increased by not less than \$0.19 for each square foot of floor space served by the air conditioning system, multiplied by a fraction, the numerator of which shall be the lesser of the age of the system in years or 18, and the denominator of which shall be 20.

2. When water is supplied to the existing improvements through galvanized plumbing, the developer shall fund a plumbing reserve account. The amount of the funding shall be not less than \$0.63 for each square foot of floor area in the existing improvements, multiplied by a fraction, the numerator of which shall be the lesser of the age of the plumbing in years or 18, and the denominator of which shall be 20.

3. Each developer converting existing improvements to ownership as a residential condominium shall fund a roof reserve account. The amount of the funding shall be not less than the unit amount for each square foot of roof, multiplied by a fraction, the numerator of which shall be the lesser of the age of the roof in years or 18, and the denominator of which shall be 20. The unit amount shall be determined based on the roof type, as follows:

Roof Type	Unit Amount
a. Built up roof without insulation	\$1.00 per square foot
b. Built up roof with insulation	\$1.85 per square foot
c. Cement tile roof	\$2.00 per square foot
d. Asphalt shingle roof	\$1.00 per square foot
e. Copper	\$0.00 per square foot
f. All other types	\$1.00 per square foot

(b) The age of any component or structure, for which the developer is required to fund a reserve account, shall be measured in years from the later of:

1. The date when the component or structure was replaced or substantially renewed, if the replacement or renewal of the component at least met the requirements of the then applicable building code; or
2. The date when the installation or construction of the existing component or structure was completed.

(c) When the age of a component or structure is to be measured from the date of replacement or renewal, the developer shall provide the division with a certificate, in affidavit form, of the developer, its agent, or an engineer authorized to practice in this state, verifying:

1. The date of the replacement or renewal; and
2. That the replacement or renewal at least met the requirements of the then applicable building code.

(2)(a) The developer shall fund the reserve account on a pro rata basis upon the sale of each unit. The developer shall deposit in the reserve account not less than a percentage of the total amount to be deposited in the reserve account equal to the percentage of ownership of the common elements allocable to the unit sold. When a developer deposits amounts in excess of the minimum reserve account funding, later deposits may be reduced

to the extent of the excess funding. For the purposes of this subsection, a unit is considered as sold when a fee interest in the unit is transferred to a third party or the unit is leased for a period in excess of 5 years.

(b) When an association makes an expenditure of reserve account funds before the developer has sold all units, the developer shall make a deposit in the reserve account. Such deposit shall be at least equal to that portion of the expenditure which would be charged against the reserve account deposit which would have been made for any such unit, had the unit been sold. Such deposit may be reduced to the extent the developer has funded the reserve account in excess of the minimum reserve account funding required by this subsection. This paragraph applies only when the developer has funded reserve accounts as provided by paragraph (a).

(3) The use of reserve account funds is limited as follows:

(a) Reserve account funds may be spent prior to the assumption of control of the association by unit owners other than the developer; and

(b) Reserve account funds may be expended only for repair or replacement of the specific components for which the funds were deposited, unless, after assumption of control of the association by unit owners other than the developer, it is determined by a three-fourths vote of all unit owners to expend the funds for other purposes.

(4) The developer shall establish the reserve account in the name of the association at a bank or trust company located in this state.

(5) A developer may establish and fund additional reserve accounts.

(6) The division shall annually review the funding amounts established by paragraph (1)(a). In reviewing the funding amounts, the division shall consider changes in the cost and availability of labor and materials; advances in construction techniques; technological changes; interest rates; inflation; published construction cost estimating tables; and the comments of members of the public, including representatives of the construction industry and apartment industry, particularly general contractors, air conditioning contractors, plumbing contractors, roofing contractors, architects, and engineers. When the division determines that the funding amounts require adjustment, the division shall conduct public hearings and make recommendations to the Legislature regarding the adjustment and revision of any funding amounts.

(7) A developer makes no implied warranties when existing improvements are converted to ownership as a residential condominium and reserve accounts are funded in accordance with this section. As an alternative to establishing such reserve accounts, or when a developer fails to establish the reserve accounts in accordance with this section, the developer shall be deemed to have granted to the purchaser of each unit an implied warranty of fitness and merchantability for the purposes or uses intended, as to the roof and structural components of the improvements and as to mechanical, electrical, and plumbing elements serving the improvements, except mechanical elements serving only one unit. Such warranty shall be for a period beginning with the notice of intended conversion and continuing for 3 years thereafter, or the recording of the declaration to condominium and continuing for 3 years thereafter, or 1 year after owners other than the developer obtain control of the association, whichever occurs last, but in no event more than 5 years.

(a) The warranty provided for in this section is conditioned upon routine maintenance being performed, unless the maintenance is an obligation of the developer or a developer-controlled association.

(b) The warranty shall inure to the benefit of each owner and successor owners.

(c) Nothing in this section affects conversions of existing improvements for which the developer has filed with the division prior to the effective date of this part.

(d) Existing improvements converted to residential condominium may be covered by an insured warranty program underwritten by an insurance company authorized to do business in this state, if such warranty program meets the minimum

requirements of this chapter. To the degree that such warranty program does not meet the minimum requirements of this chapter, such requirements shall apply.

(8) When a developer desires to post a surety bond, the developer shall, after notification to the buyer, acquire a surety bond issued by a company licensed to do business in this state, if such a bond is readily available in the open market, in an amount which would be equal to the total amount of all reserve accounts required under subsection (1), payable to the association.

718.620 Prohibition of discrimination against nonpurchasing tenants.—When existing improvements are converted to condominium, tenants who have not purchased a unit in the condominium being created shall, during the remaining term of the rental agreement and any extension thereof, be entitled to the same rights, privileges, and services that were enjoyed by all tenants prior to the date of the written notice of conversion and are granted, offered, or provided to purchasers.

Section 2. Subsection (21) is added to section 718.103, Florida Statutes, to read:

718.103 Definitions.—As used in this chapter:

(21) "Rental agreement" means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.

Section 3. Section 718.402, Florida Statutes, is amended to read:

718.402 Conversion of existing improvements to condominium.—

(1) A developer may create a condominium by converting existing, previously occupied improvements to such ownership by complying with parts ~~part~~ I and VI of this chapter.

(2)(a) If existing improvements are converted to ownership as a residential condominium, each residential tenant of the existing improvements shall have the right to extend an expiring lease or tenancy upon the same terms for a period that will expire no later than 100 days after written notice to the tenant of the intended conversion. A tenant must give written notice to the developer of his intention to extend his lease or tenancy within 30 days after he receives notice of the intended conversion.

(b) Any discount to an existing tenant on the purchase price of a condominium parcel in a conversion of existing improvements shall be offered for a period of not less than 60 days from the date of first offering to such tenant.

(3)(a) It is the policy of this state that provisions of contracts, leases, or other undertakings which allow landlords or developers, at their option, to cancel and terminate the terms of such leases upon the conversion of the property and improvements to condominium ownership upon less than 120 days' notice to the tenant are against public policy. Any provisions in any contract, lease, or undertaking which provides for cancellation or termination of the term of any lease for an apartment or other residence at the option of the landlord or developer for reason of its intended conversion to a condominium form of ownership without at least 120 days' notice shall be unenforceable except in the following cases:

1. If the term of the lease has less than 150 days remaining after such notification is given.

2. If the lease grants the tenant an option to purchase the apartment or other residence in which he resides at a price equal to or less than that offered to nontenants, which option is exercisable by the tenant during a period of not less than 90 days after the mailing of a notice of the intended conversion to the tenant.

3. If the lease provides that the lessor or developer shall not convert to condominium ownership except with the consent of the tenants of not less than 60 percent of the apartments or other dwellings in improvements intended to be converted. For the purpose of this vote, unoccupied apartments or dwellings shall be counted and the developer or lessor may vote these apartments.

(b) If the lease provides for a notification to the tenant of less than 120 days and if the term of the lease has more than 150 days remaining after notification is given, notifica-

tion of termination to the tenant will be effective if the notice provides that the tenant shall have 150 days or more before cancellation or termination becomes effective.

(c) Leases executed subsequent to the developer's or landlord's announcement of intention to convert to condominium ownership may provide for cancellation or termination upon not less than 60 days' notice to the tenant, provided the landlord conspicuously discloses in the lease the intention to convert the property containing the leased premises to condominium ownership and that the lease may be cancelled upon 60 days' notice to the tenant.

(d) The notice requirements of this subsection shall not apply to a lease entered into simultaneously with, or subsequent to, a contract to purchase the unit.

(4) All notices to tenants shall be given when deposited in the United States mail addressed to the tenant at his last known residence, which may be the address of the property subject to the lease, sent by certified or registered mail, postage prepaid. Notice may not be waived by a tenant unless the tenant's lease states that the building is to be converted.

Section 4. Paragraph (1) of subsection (2) of section 718.503, Florida Statutes, is amended to read:

718.503 Disclosure prior to sale.—

(2) COPIES OF DOCUMENTS TO BE FURNISHED TO PROSPECTIVE BUYER OR LESSEE.—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a unit or lease it for more than 5 years, the contract may be voided by such person, entitling such person to a refund of any deposit together with interest thereon as provided in s. 718.202. The contract may be terminated by written notice from the proposed buyer or lessee delivered to the developer within 15 days after the buyer or lessee receives all of the documents required by this section. The documents to be delivered to the prospective buyer are the prospectus or disclosure statement with all exhibits, if the development is subject to the provisions of s. 718.504, or, if not, then copies of the following which are applicable:

(1) If the condominium is a conversion of existing improvements, the statements and disclosure required by s. 718.616 a statement of the condition of the improvements and of inspection for termite damage and treatment thereof.

Section 5. Subsection (15) of section 718.504, Florida Statutes, is amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than twenty residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than twenty residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales and Condominiums prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years, and furnish a copy of the prospectus or offering circular to each buyer. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If the condominium is created by conversion of existing improvements, the following information shall be stated concerning the improvements:

(a) The information required by s. 718.616 date and type of construction.

(b) The prior use.

(c) The condition of the roof and the mechanical, electrical, plumbing, and structural elements, which statement shall be substantiated by attaching a copy of a certificate of a registered architect or engineer.

(d) Whether there is termite damage, and that termite infestation, if any, has been properly treated. The statement shall be substantiated by including, as an exhibit, a copy of an inspection report by a certified pest control operator.

(b)(c) A caveat that there are no express warranties unless they are expressly stated in writing by the developer.

Section 6. Section 718.507, Florida Statutes, is amended to read:

718.507 Zoning and building.—All laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership. No law, ordinance, or regulation shall establish any requirement concerning the use, location, placement, or construction of buildings or other improvements which are, or may thereafter be, subjected to the condominium form of ownership, unless such requirement shall be equally applicable to all buildings and improvements of the same kind not then, or thereafter to be, subjected to the condominium form of ownership. This section does not apply if the owner in fee of any land enters into and records a covenant that existing improvements or improvements to be constructed shall not be converted to the condominium form of residential ownership prior to 5 years after the later of the date of the covenant or completion date of the improvements. Such covenant shall be entered into with the governing body of the municipality in which the land is located, or, if the land is not located in a municipality, with the governing body of the county in which the land is located.

Section 7. Part VI of Chapter 719, Florida Statutes, consisting of sections 719.604, 719.606, 719.608, 719.610, 719.612, 719.614, 719.616, 719.618, and 719.620, is created to read:

PART VI

ROTH COOPERATIVE CONVERSION ACT

719.604 Short title.—This part shall be known and may be cited as the "Roth Cooperative Conversion Act" in memory of Mr. James S. Roth, Director, Division of Florida Land Sales and Condominiums, 1979-80.

719.606 Conversion of existing improvements to cooperative; rental agreements.—When existing improvements are converted to ownership as a residential cooperative:

(1)(a) Each residential tenant who has resided in the existing improvements for at least the 180 days preceding the date of the written notice of intended conversion shall have the right to extend an expiring rental agreement upon the same terms for a period that will expire no later than 270 days after the date of the notice. If the rental agreement expires more than 270 days after the date of the notice, the tenant may not unilaterally extend the rental agreement.

(b) Each other residential tenant shall have the right to extend an expiring rental agreement upon the same terms for a period that will expire no later than 180 days after the date of the written notice of intended conversion. If the rental agreement expires more than 180 days after the date of the notice, the tenant may not unilaterally extend the rental agreement.

(2)(a) In order to extend the rental agreement as provided in subsection (1), a tenant shall, within 45 days after the date of the written notice of intended conversion, give written notice to the developer of the intention to extend the rental agreement.

(b) If the rental agreement will expire within 45 days following the date of the notice, the tenant may remain in occupancy for the 45-day decision period upon the same terms by giving the developer written notice and paying rent on a pro rata basis from the expiration date of the rental agreement to the end of the 45-day period.

(c) The tenant may extend the rental agreement for the full extension period or a part of the period.

(3) After the date of a notice of intended conversion, a tenant may terminate the rental agreement, or any extension period, upon 30 days' written notice to the developer. However, unless the rental agreement was entered into, extended, or renewed after the effective date of this part, the tenant may not unilaterally terminate the rental agreement but may unilaterally terminate any extension period upon 30 days' written notice.

(4) A developer may elect to provide tenants who have been continuous residents of the existing improvements for at

least 180 days preceding the date of the written notice of intended conversion and whose rental agreements expire within 180 days of the date of the written notice of intended conversion, the option of receiving in cash an optional tenant relocation payment at least equal to 1 month's rent in consideration for extending the rental agreement for not more than 180 days rather than extending the rental agreement for up to 270 days.

(5) A rental agreement may provide for termination by the developer upon 60 days' written notice if the rental agreement is entered into subsequent to the delivery of the written notice of intended conversion to all tenants and conspicuously states that the existing improvements are to be converted. No other provision in a rental agreement shall be enforceable to the extent that it purports to reduce the extension period provided by this section or otherwise would permit a developer to terminate a rental agreement in the event of a conversion. This subsection applies to rental agreements entered into, extended, or renewed after the effective date of this part; the termination provisions of all other rental agreements are governed by the provisions of s. 719.402(3) [F.S. 1979].

(6) Any provision of this section or of the rental agreement or other contract or agreement to the contrary notwithstanding, whenever a county, including charter counties, determines that there exists within the county a vacancy rate in rental housing of 3 percent or less, the county may adopt an ordinance or other measures extending the 270-day extension period described in (1)(a) of this section and the 180-day extension described in (1)(b) of this section for an additional 90 days, if;

(a) Such measure was duly adopted, after notice and public hearing, in accordance with all applicable provisions of the charter governing such county, and any other applicable laws; and

(b) Such governing body has made and recited in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency.

A county ordinance or other measure adopting an additional 90-day extension under the provisions of this section is controlling throughout the entire county, including charter counties, where adopted, including all municipalities, unless a municipality votes not to have it apply within its boundaries.

719.608 Notice of intended conversion; time of delivery; content.—

(1) Prior to or simultaneous with the first offering of individual units to any person each developer shall deliver a notice of intended conversion to all tenants of the existing improvements being converted to residential cooperative. All such notices shall be given within a 72-hour period.

(2)(a) Each notice of intended conversions shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in UPPER CASE printed in conspicuous type:

"These apartments are being converted to cooperative by ... (name of developer) ..., the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. **IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.**

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS:

You may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after ... (effective date of part) ..., you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice you may cancel any extension of the rental agreement.

b. If your rental agreement was not begun or was not extended or renewed after ... (effective date of part) ..., you may not cancel the rental agreement without the consent of the developer. You may, however, upon 30 days' written notice cancel any extension of the rental agreement.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: ... (name and address of developer) ...

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment, and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends, or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you don't want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Cooperative Act, you may contact the developer or you may contact the state agency which regulates cooperatives: The Division of Florida Land Sales and Condominiums, ... (Tallahassee address and telephone number of division) ...

(b) When a developer offers tenants an optional tenant relocation payment pursuant to s. 719.606(4), the notice of intended conversion shall contain a statement substantially as follows:

"If you have been a continuous resident of these apartments for the last 180 days and your lease expires during the next 180 days: you may extend your rental agreement for up to 270 days, or you may extend your rental agreement for up to 180 days and receive a cash payment at least equal to 1 month's rent. You must make your decision and inform the developer in writing within 45 days after the date of this notice."

(c) When the rental agreement extension provisions of s. 719.606(6) are applicable to a conversion, subparagraphs 1.a. and b. of the notice of intended conversion shall read as follows:

"1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 360 days, you may extend your rental agreement for up to 360 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires

during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice."

(3) Notice of intended conversion may not be waived by a tenant unless the tenant's lease conspicuously states that the building is to be converted and the other tenants residing in the building have previously received a notice of intended conversion.

(4) Upon the request of a developer and payment of a fee prescribed by the rules of the division and not to exceed \$50, the division may verify to a developer that a notice complies with this section.

(5) Each developer shall file with the division a copy of the notice of intended conversion. The copy of the notice shall be filed with the division no later than the time when the notice is given to the tenants.

719.610 Notices.—

(1) All notices from tenants to a developer shall be deemed given when deposited in the United States mail, addressed to the developer's address stated in the notice of conversion, and sent by mail, postage prepaid, return receipt requested; or when personally delivered in writing by the tenant to the developer at such address. The date of a notice is the date when it is mailed or personally delivered by the tenant.

(2) All notices from developers to tenants shall be deemed given when deposited in the United States mail addressed to the tenant's last known residence, which may be the address of the property subject to the rental agreement, sent by certified or registered mail, postage prepaid. The date of a notice is the date when it is mailed to the tenant.

719.612 Right of first refusal.—

(1) Each tenant, who for the 180 days preceding a notice of intended conversion has been a residential tenant of the existing improvements, shall have the right of first refusal to purchase the unit in which such tenant resides on the date of the notice, under the following terms and conditions:

(a) Within 90 days following the written notice of the intended conversion the developer shall deliver to the tenant the following purchase materials: an offer to sell stating the price and terms of purchase; the economic information required by s. 719.614; and the disclosure documents required by ss. 719.503 and 719.504. Failure by the developer to deliver such purchase materials within 90 days following the written notice of the intended conversion shall automatically extend the rental agreement, any extension of the rental agreement provided for in s. 719.606, or any other extension of the rental agreement. The extension shall be for that number of days in excess of 90 days that has elapsed from the date of the written notice of the intended conversion to the date when the purchase materials are delivered.

(b) The tenant shall have the right of first refusal to purchase the unit for a period of not less than 45 days after mailing or personal delivery of the purchase materials.

(c) If, after any right of first refusal has expired, the developer offers the unit at a price lower than that offered to the tenant, the developer shall in writing notify the tenant prior to the publication of the offer. The tenant shall have the right of first refusal at such lower price for a period of not less than an additional 10 days after the date of such notice. Thereafter, the tenant shall have no additional right of first refusal. As used in this paragraph, "offer" includes any solicitation to the general public by means of newspaper advertisement, radio, television, or written or printed sales literature or price list.

(2) Prior to closing on the sale of the unit, a tenant alleging a developer's violation of paragraph (1)(c) may bring an action for equitable or other relief, including specific performance. Subsequent to closing, the tenant's sole remedy for such a violation shall be damages. In addition to any damages otherwise recoverable by law, the tenant shall be entitled to an amount equal the difference between the price last offered in writing to the tenant pursuant to this section, and the price at which the unit was sold to a third party, plus court costs and attorney's fees.

(3) It is against the public policy of this state for any developer to seek to enforce any provision of any contract

which purports to waive the right of a purchasing tenant to bring an action for specific performance.

(4) A tenant's right of first refusal terminates upon:

(a) The termination of the rental agreement and all extensions thereof; or

(b) Waiver of the right in writing by the tenant, if the waiver is executed subsequent to the date of the notice of intended conversion. A tenant who waives the right of first refusal waives the right to receive the purchase information; or

(c) The running of the tenant's 45-day right of first refusal and the additional 10-day period provided for by (1)(c) of this section, if applicable.

719.614 Economic information to be provided.—The developer shall distribute to tenants having a right of first refusal, if any:

(1) Information in summary form regarding mortgage financing, estimated down payment, alternative financing and down payments, monthly payments of principal, interest, and real estate taxes, and federal income tax benefits.

(2) Market information, if any, compiled from developers on a voluntary basis and prepared by the division describing cooperative units which have been offered for sale within the last 12 months in the county in which the tenant resides. The market information shall include a statement substantially as follows: "This information is from the files of the Division of Florida Land Sales and Condominiums. It is believed correct but is not warranted by the Division of Florida Land Sales and Condominiums or the cooperative developers. If you desire additional information, you may contact the developer or a real estate agent."

(3) Any other information which the division publishes and by rule determines will assist tenants in making a decision, and which the division makes available to the developer.

719.616 Disclosure of condition of building and estimated replacement costs.—

(1) Each developer creating a residential cooperative by converting existing, previously occupied improvements to such form of ownership shall disclose the condition of the improvements and the condition of certain components and their current estimated replacement cost

(2) The following information shall be stated concerning the improvements:

(a) The date and type of construction.

(b) The prior use.

(c) Whether there is termite damage or infestation, and whether the termite damage or infestation, if any, has been properly treated. The statement shall be substantiated by including, as an exhibit, an inspection report by a certified pest control operator.

(3)(a) Disclosure of condition shall be made for each of the following components that the existing improvements may include:

1. Roof;
2. Elevators;
3. Heating and cooling systems;
4. Plumbing;
5. Electrical systems;
6. Swimming pool;
7. Seawalls;
8. Pavement, and parking areas; and
9. Drainage systems.

(b) For each component, the following information shall be disclosed, substantiated by attaching a copy of a certificate under seal of an architect or engineer authorized to practice in this state:

1. The age of the component.
2. The estimated remaining useful life of the component.
3. The estimated current replacement cost of the component, expressed:
 - a. As a total amount, and
 - b. As a per unit amount, based upon each unit's proportional share of the common expenses.
4. The structural soundness of the component.

719.618 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential cooperative, the developer shall establish reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection (7), or post a surety bond as provided by subsection (8). The developer shall fund the reserve accounts in amounts calculated as follows:

(a)1. When the existing improvements include an air conditioning system serving more than one unit or property which the association is responsible to repair, maintain, or replace, the developer shall fund an air conditioning reserve account. When such air conditioning system includes a central air or water cooling system, the amount of the reserve account shall be not less than \$0.72 for each square foot of floor area served by the air conditioning system, multiplied by a fraction, the numerator of which shall be the lesser of the age of the system in years or 18, and the denominator of which shall be 20. In addition, when such air conditioning system includes a compressor, the amount of the reserve account funding shall be increased by not less than \$0.19 for each square foot of floor space served by the air conditioning system, multiplied by a fraction, the numerator of which shall be the lesser of the age of the system in years or 18, and the denominator of which shall be 20.

2. When water is supplied to the existing improvements through galvanized plumbing, the developer shall fund a plumbing reserve account. The amount of the funding shall be not less than \$0.63 for each square foot of floor area in the existing improvements, multiplied by a fraction, the numerator of which shall be the lesser of the age of the plumbing in years or 18, and the denominator of which shall be 20.

3. Each developer converting existing improvements to ownership as a residential cooperative shall fund a roof reserve account. The amount of the funding shall be not less than the unit amount for each square foot of roof, multiplied by a fraction, the numerator of which shall be the lesser of the age of the roof in years or 18, and the denominator of which shall be 20. The unit amount shall be determined based on the roof type, as follows:

Roof Type	Unit Amount
a. Built up roof without insulation	\$1.00 per square foot
b. Built up roof with insulation	\$1.85 per square foot
c. Cement tile roof	\$2.00 per square foot
d. Asphalt shingle roof	\$1.00 per square foot
e. Copper	\$0.00 per square foot
f. All other types	\$1.00 per square foot

(b) The age of any component or structure, for which the developer is required to fund a reserve account, shall be measured in years from the later of:

1. The date when the component or structure was replaced or substantially renewed, if the replacement or renewal of the component at least met the requirements of the then applicable building code; or
2. The date when the installation or construction of the existing component or structure was completed.

(c) When the age of a component or structure is to be measured from the date of replacement or renewal, the de-

veloper shall provide the division with a certificate, in affidavit form, of the developer, its agent, or an engineer authorized to practice in this state, verifying:

1. The date of the replacement or renewal; and
2. That the replacement or renewal at least met the requirements of the then applicable building code.

(2)(a) The developer shall fund the reserve account on a pro rata basis upon the sale of each unit. The developer shall deposit in the reserve account not less than a percentage of the total amount to be deposited in the reserve account equal to the percentage of ownership of the common elements allocable to the unit sold. When a developer deposits amounts in excess of the minimum reserve account funding, later deposits may be reduced to the extent of the excess funding. For the purposes of this subsection, a unit is considered as sold when a fee interest in the unit is transferred to a third party or the unit is leased for a period in excess of 5 years.

(b) When an association makes an expenditure of reserve account funds before the developer has sold all units, the developer shall make a deposit in the reserve account. Such deposit shall be at least equal to that portion of the expenditure which would be charged against the reserve account deposit which would have been made for any such unit, had the unit been sold. Such deposit may be reduced to the extent the developer has funded the reserve account in excess of the minimum reserve account funding required by this subsection. This paragraph applies only when the developer has funded reserve accounts as provided by paragraph (a).

(3) The use of reserve account funds is limited as follows:

(a) Reserve account funds may be spent prior to the assumption of control of the association by unit owners other than the developer; and

(b) Reserve account funds may be expended only for repair or replacement of the specific components for which the funds were deposited, unless, after assumption of control of the association by unit owners other than the developer, it is determined by a three-fourths vote of all unit owners to expend the funds for other purposes.

(4) The developer shall establish the reserve account in the name of the association at a bank or trust company located in this state.

(5) A developer may establish and fund additional reserve accounts.

(6) The division shall annually review the funding amounts established by paragraph (1)(a). In reviewing the funding amounts, the division shall consider changes in the cost and availability of labor and materials; advances in construction techniques; technological changes; interest rates; inflation; published construction cost estimating tables; and the comments of members of the public, including representatives of the construction industry and apartment industry, particularly general contractors, air conditioning contractors, plumbing contractors, roofing contractors, architects, and engineers. When the division determines that the funding amounts require adjustment, the division shall conduct public hearings and make recommendations to the Legislature regarding the adjustment and revision of any funding amounts.

(7) A developer makes no implied warranties when existing improvements are converted to ownership as a residential cooperative and reserve accounts are funded in accordance with this section. As an alternative to establishing such reserve accounts, or when a developer fails to establish the reserve accounts in accordance with this section, the developer shall be deemed to have granted to the purchaser of each unit an implied warranty of fitness and merchantability for the purposes or uses intended, as to the roof and structural components of the improvements and as to mechanical, electrical, and plumbing elements serving the improvements, except mechanical elements serving only one unit. Such warranty shall be for a period beginning with the notice of intended conversion and continuing for 3 years thereafter, or the recording of the declaration to cooperative and continuing for 3 years thereafter, or 1 year after owners other than the developer obtain control of the association, whichever occurs last, but in no event more than 5 years.

(a) The warranty provided for in this section is conditioned upon routine maintenance being performed, unless the maintenance is an obligation of the developer or a developer-controlled association.

(b) The warranty shall inure to the benefit of each owner and successor owners.

(c) Nothing in this section affects conversions of existing improvements for which the developer has filed with the division prior to the effective date of this part.

(d) Existing improvements converted to residential cooperative may be covered by an insured warranty program underwritten by an insurance company authorized to do business in this state, if such warranty program meets the minimum requirements of this chapter. To the degree that such warranty program does not meet the minimum requirements of this chapter, such requirements shall apply.

(8) When a developer desires to post a surety bond, the developer shall, after notification to the buyer, acquire a surety bond issued by a company licensed to do business in this state, if such a bond is readily available in the open market, in an amount which would be equal to the total amount of all reserve accounts required under subsection (1), payable to the association.

719.620 Prohibition of discrimination against nonpurchasing tenants.—When existing improvements are converted to cooperative, tenants who have not purchased a unit in the cooperative being created shall, during the remaining term of the rental agreement and any extension thereof, be entitled to the same rights, privileges, and services that were enjoyed by all tenants prior to the date of the written notice of conversion and are granted, offered, or provided to purchasers.

Section 8. Subsection (17) is added to section 719.103, Florida Statutes, to read:

719.103 Definitions.—As used in this chapter:

(17) "Rental agreement" means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.

Section 9. Section 719.402, Florida Statutes, is amended to read:

719.402 Conversion of existing improvements to cooperative.—

(1) A developer may create a cooperative by converting existing, previously occupied improvements to such ownership by complying with parts I and VI of this chapter.

(2)(a) If existing improvements are converted to ownership as a residential cooperative, each residential tenant of the existing improvements shall have the right to extend an expiring lease or tenancy upon the same terms for a period that will expire no later than 180 days after written notice to the tenant of the intended conversion. A tenant must give written notice to the developer of his intention to extend his lease or tenancy within 30 days after he receives notice of the intended conversion.

(b) Any discount to an existing tenant on the purchase price of a cooperative parcel in a conversion of existing improvements shall be offered for a period of not less than 60 days from the date of first offering to such tenant.

(3)(a) It is the policy of this state that provisions of contracts, leases, or other undertakings which allow landlords or developers, at their option, to cancel and terminate the terms of such leases upon the conversion of the property and improvements to cooperative ownership upon less than 120 days' notice to the tenant are against public policy. Any provisions in any contract, lease, or undertaking which provides for cancellation or termination of the term of any lease for an apartment or other residence at the option of the landlord or developer for reason of its intended conversion to a cooperative form of ownership without at least 120 days' notice shall be unenforceable except in the following cases:

1. If the term of the lease has less than 150 days remaining after such notification is given.

2. If the lease grants the tenant an option to purchase the apartment or other residence in which he resides at a price

equal to or less than that offered to non-tenants, which option is exercisable by the tenant during a period of not less than 90 days after the mailing of a notice of the intended conversion to the tenant.

3. If the lease provides that the lessor or developer shall not convert to cooperative ownership except with the consent of the tenants of not less than 60 percent of the apartments or other dwellings in improvements intended to be converted. For the purpose of this vote, unoccupied apartments or dwellings shall be counted and the developer or lessor may vote those apartments.

(b) If the lease provides for a notification to the tenant of less than 120 days and if the term of the lease has more than 150 days remaining after notification is given, notification of termination to the tenant will be effective if the notice provides that the tenant shall have 150 days or more before cancellation or termination becomes effective.

(c) Leases executed subsequent to the developer's or landlord's announcement of intention to convert to cooperative ownership may provide for cancellation or termination upon not less than 60 days' notice to the tenant, provided the landlord conspicuously discloses in the lease the intention to convert the property containing the leased premises to cooperative ownership and that the lease may be canceled upon 60 days' notice to the tenant.

(d) The notice requirements of this subsection shall not apply to a lease entered into simultaneously with, or subsequent to, a contract to purchase the unit.

(4) All notices to tenants shall be given when deposited in the United States mail addressed to the tenant at his last known residence, which may be the address of the property subject to the lease, sent by certified or registered mail, postage prepaid. Notice may not be waived by a tenant unless the tenant's lease states that the building is to be converted.

Section 10. Paragraph (1) of subsection (2) of section 719.503, Florida Statutes, is amended to read:

719.503 Disclosure prior to sale.—

(2) COPIES OF DOCUMENTS TO BE FURNISHED TO PROSPECTIVE BUYER OR LESSEE.—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a unit or lease it for more than 5 years, the contract may be voided by such person, entitling such person to a refund of any deposit together with interest thereon as provided in s. 719.202. The contract may be terminated by written notice from the proposed buyer or lessee delivered to the developer within 15 days after the buyer or lessee receives all of the documents required by this section. The documents to be delivered to the prospective buyer are the prospectus or disclosure statement with all exhibits, if the development is subject to the provisions of s. 719.504, or, if not, then copies of the following which are applicable:

(1) If the cooperative is a conversion of existing improvements, the statements and disclosure required by s. 719.616 a statement of the condition of the improvements and of inspection for termite damage and treatment thereof.

Section 11. Subsection (15) of section 719.504, Florida Statutes, is amended to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales and Condominiums prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years, and furnish a copy of the prospectus or offering circular to each buyer. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(15) If the cooperative is created by conversion of existing improvements, the following information shall be stated concerning the improvements:

(a) The information required by s. 719.616 ~~date and type of construction.~~

(b) ~~The prior use.~~

(c) ~~The condition of the roof and the mechanical, electrical, plumbing, and structural elements, which statement shall be substantiated by attaching a copy of a certificate of a registered architect or engineer.~~

(d) ~~Whether there is termite damage and that termite infestation, if any, has been properly treated. The statement shall be substantiated by including, as an exhibit, a copy of an inspection report by a certified pest control operator.~~

(b)(e) A caveat that there are not *express* warranties unless they are *expressly* stated in writing by the developer.

Section 12. Section 719.507, Florida Statutes, is amended to read:

719.507 Zoning and building.—All laws, ordinances and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership. No law, ordinance, or regulation shall establish any requirement concerning the use, location, placement, or construction of buildings or other improvements which are, or may thereafter be, subjected to the cooperative form of ownership, unless such requirements shall be equally applicable to all buildings and improvements of the same kind not then, or thereafter to be, subjected to the cooperative form of ownership. *This section does not apply if the owner in fee of any land enters into and records a covenant that existing improvements or improvements to be constructed shall not be converted to the cooperative form of residential ownership prior to 5 years after the later of the date of the covenant or completion date of the improvements. Such covenant shall be entered into with the governing body of the municipality in which the land is located, or, if the land is not located in a municipality, with the governing body of the county in which the land is located.*

Section 13. Section 718.622, Florida Statutes is created to read:

718.622 Saving clause.—

(1) All notices of intended conversion given subsequent to the effective date of this part shall be subject to the requirements of s. 718.606, s. 718.608 and s. 718.610. Tenants given such notices shall have a right of first refusal as provided by s. 718.612.

(2) The disclosure provided by s. 718.616 and required by s. 718.503 and s. 718.504 to be furnished to each prospective buyer or lessee for a period of more than 5 years shall be provided to all such persons who have not, prior to the effective date of this part, been furnished the documents or prospectus or offering circular required by s. 718.503 and s. 718.504.

(3) The provisions of s. 718.618 do not affect a conversion of existing improvements when a developer has filed with the division prior to the effective date of this part, provided:

(a) The documents are proper for filing purposes; and

(b) Not later than six months after such filing the developer:

1. Records a declaration for such filing in accordance with part I of this chapter, and

2. Gives a notice of intended conversion.

Section 14. Section 719.622, Florida Statutes, is created to read:

719.622 Saving clause.—

(1) All notices of intended conversion given subsequent to the effective date of this part shall be subject to the requirements of s. 719.606, s. 719.608 and s. 719.610. Tenants given such notices shall have a right of first refusal as provided by s. 719.612.

(2) The disclosure provided by s. 719.616 and required by s. 719.503 and s. 719.504 to be furnished to each prospective buyer or lessee for a period of more than 5 years shall be

provided to all such persons who have not, prior to the effective date of this part, been furnished the documents or prospectus or offering circular required by s. 719.503 and s. 719.504.

(3) The provisions of s. 719.618 do not affect a conversion of existing improvements when a developer has filed with the division prior to the effective date of this part, provided:

(a) The documents are proper for filing purposes; and

(b) Not later than six months after such filing the developer gives a notice of intended conversion.

Section 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 16. This act shall take effect upon becoming a law.

Amendment 2—Strike everything before the enacting clause and insert: A bill to be entitled An act relating to the conversion of existing improvements to condominiums and cooperatives; creating part VI of chapter 718, Florida Statutes; creating part VI of chapter 719, Florida Statutes; providing a short title; providing for the extension and termination of rental agreements; providing for notice of intended conversion and other notices; providing the right of first refusal; providing for civil action; providing for damages, costs, and attorney's fees; providing for the provision of economic information to tenants; providing for the disclosure of condition of building and estimated replacement costs; providing for converter reserve accounts, warranties, or surety bonds; providing for the prohibition of discrimination against nonpurchasing tenants; adding s. 718.103(21), Florida Statutes; defining "rental agreement"; adding s. 719.103(17), Florida Statutes; defining "rental agreement"; amending s. 718.402, Florida Statutes; providing for the conversion of existing improvements to condominium; amending s. 719.402, Florida Statutes; providing for the conversion of existing improvements to cooperative; amending ss. 718.503(2)(1), 718.504(15), 719.503(2)(1), 719.504(15), Florida Statutes; providing for the disclosure of specified information to buyers; amending ss. 718.507, 719.507, Florida Statutes; specifying the effect of zoning and building regulations on condominiums and cooperatives; providing a saving clause; providing severability; providing an effective date.

On motion by Senator Steinberg, by two-thirds vote HB 1591 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Votes after roll call:

Yeas—Gordon, Stuart

CS for SB's 825, 107, 229, 374 and 636 was laid on the table.

On motion by Senator Steinberg, the rules were waived and HB 1591 was ordered immediately certified to the House.

The President presiding

The Senate resumed consideration of—

SB 568—A bill to be entitled An act relating to the intangible tax; amending s. 199.112, Florida Statutes; providing that all

bills, notes or accounts receivable, obligations, or credits, where-soever situated, arising out of, or issued in connection with, the sale of services are subject to such tax; providing that sales of services are in this state if the service is rendered in this state; providing an effective date.

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

Amendment 3—On page 2, between lines 6 and 7, insert: Section 4. Subsections (9), (10), and (11) are added to section 199.023, Florida Statutes, to read:

199.023 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:

(9) "Banking organization" means:

(a) A bank organized and existing under the laws of this state;

(b) A national bank organized and existing as a national banking association pursuant to the provisions of the National Bank Act (12 U.S.C. s. 21 et seq.) and maintaining its principal office in this state;

(c) An Edge Act Corporation organized pursuant to the provisions of s. 25(a) of the Federal Reserve Act (12 U.S.C. s. 21 et seq.) and maintaining its principal office in this state;

(d) An international bank agency licensed pursuant to the laws of this state; or

(e) A federal agency licensed pursuant to the International Banking Act of 1978 (12 U.S.C. s. 3101 et seq.) and licensed to maintain an office in this state.

(10) "International banking transaction" means the financing of:

(a) The exportation from or the importation into the United States of tangible personal property or services;

(b) The production, preparation, storage, or transportation of tangible personal property or services which are identifiable as being directly for export from or import into the United States; or

(c) Contracts, projects or activities to be performed substantially abroad.

(11) "Abroad" means in one or more foreign nations, the colonies, dependencies, possessions or territories thereof of the United States or the Commonwealth of Puerto Rico.

Section 5. Subsections (8) and (9) of section 199.052, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to said section to read:

199.052 Returns.—

(8) Every banking organization otherwise required to file a return under this chapter shall certify to the department the character, description, location and just valuation by category of all intangible personal property issued in or arising out of international banking transactions and owned by such banking organizations.

(Renumber subsequent sections.)

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

Amendment 4—On page 1 in title, line 9, after the semicolon insert: adding subsections (9), (10), and (11) to s. 199.023, Florida Statutes; providing definitions; adding a new subsection (8) to s. 199.052, Florida Statutes; requiring certification of certain intangible personal property;

Senator Myers moved that the rules be waived and SB 568 as amended be read the third time by title. The motion failed.

SB 568 was ordered engrossed.

On motions by Senator Thomas, the rules were waived and by two-thirds vote House Bills 368 and 449 were withdrawn

from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator MacKay, the rules were waived and by two-thirds vote HB 309 was withdrawn from the Committee on Education.

ENROLLING REPORTS

SB 545 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 24, 1980.

Joe Brown, Secretary

SB 1142 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 28, 1980.

Joe Brown, Secretary

SB 1192 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 28, 1980.

Joe Brown, Secretary

SB 312 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 28, 1980.

Joe Brown, Secretary

SB 454 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 28, 1980.

Joe Brown, Secretary

SB 576 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 28, 1980.

Joe Brown, Secretary

SCR 1175 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on April 28, 1980.

Joe Brown, Secretary

SCR 1079 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on April 28, 1980.

Joe Brown, Secretary

SCR 611 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on April 28, 1980.

Joe Brown, Secretary

CO-INTRODUCERS

Senator Thomas—Senate Bills 539, 114, 291; Senator Beard—SB 513; Senators Barron and Tobiassen—CS for SB 526; Senator McClain—Senate Bills 539 and 715; Senator Peterson—SB 581; Senator Winn—SB 865; Senator Frank—SB 870; Senator Gorman—Senate Bills 981 and 982; Senators Skinner and Stuart—SB 998; Senator Williamson—SB 943; Senators McKnight, Hill, Skinner—SB 1099; Senators Hill, Carlucci, Peterson, Scarborough, Beard, Tobiassen, Fechtel, Henderson—SB 626; Senator Hill—SB 948; Senator Scott—SB 291; Senator Carlucci—SB 715; Senator Stuart—SB 1219; Senator Neal—SB 667

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 25 and 24 were corrected and approved.

The Journal of April 23 was corrected and approved as follows: Page 118, column 1, from bottom, insert at end of line 25: provisions of this act by legal proceeding; providing attorney fees; providing that this act shall be recorded in the public records of Lee and Charlotte Counties; providing for a referendum; providing an effective date.

The Senate adjourned at 12:50 p.m.