



Journal of the Senate

Number 26

Thursday, May 29, 1980

The Senate was called to order by Senator Scott 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.

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 1519 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Retirement, Personnel & Collective Bargaining and Representative Hazouri and others—

HB 1519—A bill to be entitled An act relating to retirement; amending s. 112.362(1)(a), (4)(a) and (5)(a), Florida Statutes, providing that the \$9.50 minimum benefit factor and the \$14.50 minimum benefit factor are increased to \$10.50 and \$16.50, respectively, with regard to the supplemental retirement act for retired members of state retirement systems; amending s. 121.051(2)(a), Florida Statutes, reopening the Florida Retirement System to members of certain existing retirement systems and extending survivor benefits for members transferring from the Teachers' Retirement System of Florida to the Florida Retirement System; amending s. 121.091(4)(a), Florida Statutes, providing that any member with less than 5 years of creditable service on July 1, 1980, or any person who becomes a member after such date, must have completed 10 years of creditable service in order to receive other than in-the-line-of-duty disability retirement benefits; providing an exception; amending s. 121.101, Florida Statutes; providing that on July 1, 1980, and every July 1 thereafter, the benefit received by all retirees and annuitants shall be adjusted by a cost-of-living factor, regardless of age; providing a cost-of-living adjustment formula; providing a one-time bonus to certain retired members of state sponsored retirement systems during fiscal year 1980-1981; providing an appropriation; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1754 and CS for HB 874 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

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

for establishment of salaries for such positions; amending s. 216.251(2)(a), Florida Statutes, relating to payment of salaries, to conform; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations, Ways and Means Subcommittee E and the Committee on Ways and Means.

By the Committee on Natural Resources and Representative McPherson and others—

CS for HB 874—A bill to be entitled An act relating to saltwater fishing; creating a Saltwater Fisheries Study and Advisory Council; providing for membership and duties; providing for development of a comprehensive saltwater fishery conservation and management policy; providing for public hearings; providing for coordination with federal councils and interstate commissions; providing effective and expiration dates.

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

The Honorable Philip D. Lewis, President

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

CS for HB 373 CS for HB 769 HB 1099
HB 1674 HB 1744

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation and Representative Mills—

CS for HB 373—A bill to be entitled An act relating to the excise tax on documents; creating s. 201.132, Florida Statutes; authorizing clerks of the circuit court to collect the tax without affixing stamps to the document involved in the transaction; requiring such clerks to maintain certain records and to submit a report to the Department of Revenue each month together with a remittance of the tax due; providing that such clerks shall be subject to audit; requiring certain information to be maintained and reported on nontaxable transactions; authorizing the department to prohibit any clerk from using such system of tax payment if such person fails, refuses, or neglects to file the proper reports and tax payments; amending ss. 201.13 and 201.17(2), Florida Statutes, to conform provisions relating to the collection of taxes and providing penalties; providing an effective date.

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

By the Committee on Education, K-12 and Representative Rosen—

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

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

By Representative Young—

HB 1099—A bill to be entitled An act relating to education; amending section 232.04, Florida Statutes, requiring the Depart-

ment of Education to adopt standards for early admission to kindergarten; providing an effective date;

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

By the Committee on Governmental Operations—

HB 1674—A bill to be entitled An act relating to the Division of Cultural Affairs of the Department of State; creating ss. 265.281 through 265.286, Florida Statutes, the "Florida Fine Arts Act of 1980"; providing intent; providing definitions; designating the Secretary of State as Florida's Chief Cultural Officer; providing authority for the division to administer programs, accept and administer grants, contract, provide consulting services, and accept donations; creating the Florida Fine Arts Trust Fund; creating the Florida Fine Arts Council; providing for membership and duties thereof; authorizing the division to award grants; providing for State Orchestra, Dance, and Opera Programs; providing for reports to the Legislature; repealing ss. 265.28, 265.29, and 265.30, Florida Statutes, relating to the Fine Arts Council, its powers and duties, and art grants; providing for repeal of s. 265.285, Florida Statutes, and legislative review in accordance with the Sundown Act; providing an effective date.

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

By the Committee on Retirement, Personnel & Collective Bargaining—

HB 1744—A bill to be entitled An act relating to state-administered retirement systems; amending s. 121.091(4)(d), Florida Statutes; providing that a disability retiree may elect to receive a reduced disability benefit which shall be payable to a designated beneficiary if death occurs within 10 years of the date of disability retirement; adding subsection (3) to s. 112.05, Florida Statutes; adding paragraph (g) to s. 121.091(6), Florida Statutes; amending s. 121.1815, Florida Statutes; adding subsection (10) to s. 122.08, Florida Statutes; adding subsection (9) to s. 123.07, Florida Statutes; adding subsection (8) to s. 238.08, Florida Statutes; adding subsection (6) to s. 250.22, Florida Statutes; amending s. 291.32, Florida Statutes; and adding subsection (6) to s. 321.20, Florida Statutes; providing that upon the death of a retired member or beneficiary, the monthly benefit being paid shall be paid through the last day of the month of death and shall terminate, or be adjusted, if appropriate, as of said date in accordance with the optional form of benefit selected at the time of retirement; providing an effective date.

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

The Honorable Philip D. Lewis, President

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

HB 1192	HB 1057	HB 1379
HB 109	HB 294	HB 1745
HB 659		

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Kiser—

HB 1192—A bill to be entitled An act relating to the Administrative Procedure Act; creating s. 120.571, Florida Statutes; providing for the issuance of a final order rather than a recommended order by the hearing officer with respect to certain proceedings; providing an effective date.

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

By Representative Cox—

HB 1057—A bill to be entitled An act relating to regulation of advertising signs; amending s. 335.13(3), Florida Statutes; exempting waste disposal receptacles of less than 2 cubic yard

capacity from the provisions regulating advertising signs along road rights-of-way; providing an effective date.

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

By Representative Morgan and others—

HB 1379—A bill to be entitled An act relating to educational television and public broadcasting; amending ss. 229.805 (3)(b) and (c) and 229.8051(1), Florida Statutes, to provide support for specified educational radio and television stations in the state; limiting the development of additional educational radio and television systems; correcting a cross reference; providing an effective date.

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

By Representative Bush—

HB 109—A bill to be entitled An act relating to mopeds; adding a new subsection (5) to s. 320.0803, Florida Statutes, to require display of moped license tags; amending s. 316.1995, Florida Statutes; prohibiting anyone from driving any moped upon any sidewalk or sidewalk area; amending s. 316.272(1), Florida Statutes; requiring any moped to be equipped with an exhaust system and prohibiting anyone from using a muffler cutout, bypass, or similar device upon any moped; providing an effective date.

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

By the Committee on Insurance—

HB 1745—A bill to be entitled An act relating to the Florida Insurance Exchange; amending s. 629.401, Florida Statutes, authorizing the creation of one or more insurance exchanges; modifying time periods regarding transmitting the proposed constitution and bylaws of the exchange to the Insurance Commissioner and Treasurer and to the Legislature; increasing the size and composition of the initial board of governors of any exchange, giving the Governor three appointments and the Speaker of the House of Representatives and the President of the Senate an additional appointment each; providing for application of certain laws; providing for regulation of the exchange by the Department of Insurance; providing for examinations and investigations; providing duties and obligations of underwriting members; providing for hearings; providing for admissibility of examination reports as evidence; providing for confidentiality; providing for reimbursement of expenses to department; providing powers of examiners; providing for contempt and perjury penalties; providing certain immunity; requiring certain paid-in capital and surplus; providing requirements with regard to risk limitation, premium and loss reserves, profit distribution, dividends and borrowing; providing department powers to restrict or suspend certain member's or associate brokers' right to transact business; specifying prohibited conduct; providing for involuntary withdrawal, suspension, reprimand, censure, and fines; providing applicability of fees and fines of other jurisdictions; providing requirements for eligibility for export; providing for noncomplying policies; providing time limitations for judgements or decrees; providing conditions for certain tender offers, exchange offers, and purchases; providing penalties; providing for conditional repeal; providing an effective date.

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

By Representatives Ward and T. F. Lewis—

HB 659—A bill to be entitled An act relating to the Construction Industry Licensing Board; amending s. 439.105(3), the introductory paragraph, and adding subsection (m) thereto, defining "plumbing contractor" and providing for the inclusion of such contractors among Division II contractors supervised by the board; amending s. 489.107(2), (5), and (6), Florida Statutes; increasing regular and alternate membership of the board to provide for representation of plumbing contractors; increasing from four to five the number of votes needed for a quorum; providing for conditional repeal; amending s. 489.113(3), Florida

Statutes; providing an exception to the requirement of general contractors to subcontract certain work relating to sewer and water mains; providing an effective date.

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

By Representative McPherson—

HB 294—A bill to be entitled An act relating to the Department of Natural Resources; amending s. 370.021(7), Florida Statutes, conforming to general public record provisions, the authority of the department to retain and destroy certain documents and records; providing that copies of such reproduced records shall be admissible in evidence as originals; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 942, HB 555 and HB 1023 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Sample—

HB 942—A bill to be entitled An act relating to the solicitation of charitable funds; amending s. 496.03(1)(f), Florida Statutes, exempting consideration of devises and bequests; providing for conditional repeal; providing an effective date.

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

By Representative Crotty—

HB 555—A bill to be entitled An act relating to postsecondary education; adding paragraph (m) to section 240.209(3), Florida Statutes, to require the Board of Regents to specify circumstances for establishment of binding contracts between a student and university; specifying conditions which may require amendment of contract; amends s. 240.401(3)(a) and (c), Florida Statutes, to revise the eligibility requirements for receipt of a tuition voucher; providing an effective date.

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

By Representative Crawford—

HB 1023—A bill to be entitled An act relating to state attorneys; amending s. 27.181(3), Florida Statutes; deleting obsolete provisions prohibiting an assistant state attorney from signing an information; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, by the required Constitutional three-fifths vote of the membership of the House HJR 1526 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Tourism & Economic Development and Representative Kutun and others—

HJR 1526—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution relating to ad valorem tax assessment.

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

The Honorable Philip D. Lewis, President

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

HB 513	CS for HB 524
HB 1753	CS for HB's 815 and 767
HB 162	HB 621
HB 1670	HB 536

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative McPherson—

HB 513—A bill to be entitled An act relating to public officers and employees; creating s. 112.3148, Florida Statutes; providing for an automatic extension of filing date upon notification by any person required to file disclosure under the code of ethics for public officers and employees or the State Constitution; providing that the Commission on Ethics may grant time extensions under certain conditions; providing for delegation of such authority to the chairman or executive director of the commission; providing limitations; providing an exemption from the Administrative Procedure Act; providing an effective date.

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

By Representatives Kutun and Reynolds—

HB 162—A bill to be entitled An act relating to the Florida National Guard; creating s. 250.315, Florida Statutes, prohibiting employers and postsecondary institutions from penalizing any member of the guard because of absence occasioned by a call to active service; providing an effective date.

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

By the Committee on Retirement, Personnel & Collective Bargaining and Representative Patterson and others—

CS for HB's 815 and 767—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(6)(a) and (c), Florida Statutes, revising rates of per diem allowance for certain travelers; providing an effective date.

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

By the Committee on Appropriations—

HB 1753—A bill to be entitled An act relating to state finance; creating s. 216.325, Florida Statutes; prohibiting advance payments by state agencies unless otherwise provided by law; providing exceptions for certain funds; authorizing advance payments for certain programs; providing an effective date.

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

By the Committee on Judiciary—

HB 1670—A bill to be entitled An act relating to circuit courts; amending s. 26.012(1), Florida Statutes; providing an exception to circuit court jurisdiction of appeals from county courts; providing an effective date.

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

By Representative Burned—

HB 621—A bill to be entitled An act relating to motor vehicles; amending s. 320.084(1), Florida Statutes, providing that the free motor vehicle license plate currently available to disabled veterans shall also be issued with respect to motor vehicles leased by such veterans; providing an effective date.

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

viding a penalty; amending s. 371.791, Florida Statutes; prohibiting issuance of fraudulent certificates of origin by manufacturers and providing a penalty; amending s. 371.81(6), Florida Statutes; modifying the fees for recording a lien or the satisfaction of a lien; amending s. 371.82, Florida Statutes; providing for resolution of conflicts in imposition of penalties; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 929 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative McPherson—

HB 929—A bill to be entitled An act relating to arrests; amending s. 258.024(1)(a), Florida Statutes, granting Department of Natural Resources park officers arrest powers without a warrant, as provided for peace officers, under certain circumstances; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, by the required Constitutional three-fifths vote of the membership of the House HJR 1782 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation and Representative Kutun—

HJR 1782—A joint resolution proposing an amendment to Section 3, Article VII of the State Constitution, relating to ad valorem taxation.

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

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

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

A quorum present—40:

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

Prayer by Senator Carlucci:

I Am a Policeman

The framework of law within which I operate is not an exact measure. As imperfect laws of men, I find them difficult to apply with exactitude in every situation. I fear that in the exercising of my authority, I might do injustice to one of those whom God has commended that I love. So frequently I am called upon to make judgments beyond my wisdom for which the book of laws has not given precise answers. It is in these moments of doubt and indecision that I remember the admonition of James (1:5-6):

By the Committee on Education, K-12 and Representative Silver—

CS for HB 524—A bill to be entitled An act relating to educational facilities; requiring the Commissioner of Education to define "hazardous area" for the purpose of transportation by a school district within the 2-mile limit; requiring a projected 1981-1983 appropriation for such transportation; amending s. 235.19(5) and (6), Florida Statutes, providing clarification with respect to the area around a school site for which the school board is responsible for traffic control; providing a time limit within which certain agencies or officials must either correct reported hazards in the vicinity of schools or notify the school board of the impracticability of such correction; providing for liability; providing an effective date.

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

By Representative Flinn—

HB 586—A bill to be entitled An act relating to depositories; adding subsection (5) to s. 237.211, Florida Statutes; authorizing district school boards to contract with an approved service organization to provide self-insurance services and to advance money to such service organization to be deposited in a special checking account for paying claims against the school board under its self-insurance program; providing that the special checking account may be maintained in a depository other than a district school depository; authorizing reimbursement of such advance upon the presentation of documentation for claims paid; creating section 136.09, Florida Statutes; authorizing counties to contract with an approved service organization to provide self-insurance services and to advance money to such service organization to be deposited in a special checking account for paying claims against the county under its self-insurance program; providing that the special checking account shall be maintained in a county depository; authorizing replenishment of such account upon the presentation of documentation for claims paid; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 954 and CS for HB 791 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Young—

HB 954—A bill to be entitled An act relating to education; amending s. 229.57 (2)(a) and (b), Florida Statutes; providing for flexibility in testing schedules and the effective term for student performance standards; adding subsection (3) to s. 283.10, Florida Statutes; permitting contracts relating to the development of certain tests to include printing under certain circumstances; providing an effective date.

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

By the Committee on Criminal Justice and Representative McPherson—

CS for HB 791—A bill to be entitled An act relating to registration of boats; amending s. 371.051(2) and (5), Florida Statutes, and adding a subsection; providing requirements for boat registration and hull identification and prohibiting fraudulent registration decals and the unauthorized transfer of decals; providing a penalty; amending s. 371.65(1), Florida Statutes; clarifying the applicability of certain prescribed fees; amending s. 371.68(2), Florida Statutes; providing for resolution of conflicts in imposition of penalties; amending s. 371.75, Florida Statutes; providing for boat registration and hull identification; prohibiting purchase, possession, or transfer of illegal title, and providing a penalty; amending s. 371.77, Florida Statutes; requiring all vessels to display a hull identification number or hull serial number; prohibiting the destruction of such number; prohibiting the possession or transfer of vessels with altered hull numbers; establishing probable cause for inspection and pro-

"If any of you lack wisdom, let him ask of God, that giveth to all men liberally, and upbraideth not: And it shall be given him. But let him ask in faith, nothing wavering, for he that wavereth is like a wave of the sea driven with the wind and tossed."

So it is that I turn to God in prayer, invoking higher power whose laws are exact because they are eternal and draw from a wisdom greater than mine to find a solution.

Since I am a lesser being than most, I must make use of this source, not daily but many times each day: For this is the most sure means of solving the perplexing problems of my daily life.

Prayer is the release of divine power in our lives so that we may gain clear direction to do God's will—that which is right. Prayer is the way we put ourselves in relationship to God, not to do our will, but so he may do his will through our lives. It is our means of obtaining God's alliance with us so that he can give unity and direction to our noblest aims.

(Speech given by the late D. K. Brown, Jacksonville. He was under-sheriff of the City of Jacksonville and bishop of the Sixth Ward at that time. October 1968-December 1975)

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills for a special and continuing order for May 29, 1980:

- CS for CS for SB 1104
- HB 161
- CS for SB 1076

To be followed by a consent calendar:

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|------------------|------------------|---------------|
| SB 109 | CS for CS for SB | SB 496 |
| SB 264 | 83 | CS for SB 526 |
| CS for SB 286 | CS for SB's 417, | SB 590 |
| CS for SB 317 | 429, 432, 475, | SB 604 |
| CS for CS for SB | and 608 | SB 679 |
| 357 | SB 558 | CS for SB 722 |
| SB 388 | SB 565 | SB 787 |
| SCR 481 | SB 566 | CS for SB 815 |
| SB 493 | SB 570 | SB 829 |
| SB 577 | SB 836 | SB 831 |
| SB 587 | SB 837 | SB 905 |
| SB 610 | HB 1703 | SB 923 |
| SB 620 | CS for SB 1052 | SB 943 |
| CS for SB 623 | CS for SB 23 | SB 954 |
| SB 705 | CS for SB 93 | SB 89 |
| SB 709 | SB 245 | HB 430 |
| SB 718 | SB 247 | SB 727 |
| CS for SB 1284 | SB 464 | SB 1329 |
| SB 842 | SB 483 | |
| SB 874 | SB 484 | |

Then to be followed by a local bill calendar:

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|---------|---------|---------|---------|
| SB 471 | SB 1371 | HB 1458 | HB 1628 |
| SB 1361 | SB 1372 | HB 1494 | HB 1629 |
| SB 1363 | SB 1374 | HB 1495 | HB 1630 |
| SB 1364 | SB 1375 | HB 1499 | HB 1742 |
| SB 1387 | HB 884 | HB 1564 | HB 666 |
| SB 1368 | HB 995 | HB 1582 | HB 934 |
| SB 1369 | HB 1008 | HB 1594 | HB 1216 |
| SB 1370 | HB 1222 | HB 1599 | SB 1338 |

Then any bills objected to on the Consent Calendar will automatically be placed on the top of the Special Order Calendar for Thursday, May-29, 1980.

special order calendar:

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|------------------|---------------|---------------|
| HB 1506 | SB 1304 | HB 310 |
| CS for SB 146 | SB 1219 | CS for SB 603 |
| SB 287 | SB 1342 | SB 613 |
| CS for CS for SB | HB 1165 | SB 366 |
| 172 | CS for SB 324 | SJR 948 |
| SB 512 | SB 813 | |

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Education recommends a Committee Substitute for the following: SB 1298

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 61

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

The Committee on Ways and Means recommends Committee Substitutes for the following:

- CS for SB 80
- SB 564
- SB 625
- SB 671

The bills with Committee Substitutes attached were placed on the calendar.

The Special Master-Claims recommends the following not pass: SB 350

The bill was referred to the Committee on Natural Resources and Conservation under the original reference.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 1190 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Carlucci, by two-thirds vote Senate Bills 556, 252 and 375 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Carlucci, by two-thirds vote SB 88 was removed from the calendar and indefinitely postponed.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 468, 130, 738, 666, 1126, 1277, 685, 1299 and 1312 were withdrawn from the Committee on Ways and Means.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 379 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Vogt, the rules were waived and by two-thirds vote CS for HB 874 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Thomas, the rules were waived and by two-thirds vote House Bills 1651 and 535 and CS for HB 1112 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Maxwell, by two-thirds vote Senate Bills 111, 272, 494, 856 and 1094 were withdrawn from the committees of reference and indefinitely postponed.

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 342.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2 and passed SB 792.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Philip D. Lewis, President

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

By the Committee on Health and Rehabilitative Services and Senators Vogt and Gordon—

CS for SB 628—A bill to be entitled An act relating to public health; amending ss. 400.601(2), 400.602(1), 400.603, 400.604, Florida Statutes; removing "hospice program" from the definition of hospice; removing the requirement that hospice programs or organizations providing hospice services must obtain a license; extending the deadline for implementation of home-like inpatient and outpatient hospice care; providing an exemption for volunteer hospices that have been in existence; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 31, after "pay." insert: (9) "Autonomous" means a separate and distinct operational entity which functions under its own administration and bylaws, either within or independent of a parent organization.

Amendment 2—On page 2, line 26, after "giver" insert: , or under the Community Care for the Elderly Act,

Amendment 3—On page 3, line 1, after "program." strike all language beginning with the word "Existing" through line 8 and insert: Existing organizations incorporated as hospices or as research centers offering hospice services, which, with the exception of a volunteer coordinator and secretary, are staffed only by volunteers and do not charge for their services or receive third party reimbursement for those services, and which have been operational prior to December 31, 1979, shall be exempt from the provisions of this act. In the event that these organizations initiate a system of charges or receive third party reimbursement, or if any services described by this act as integral to hospice care are provided through their organization by contract, or written affiliation, or by acting as an agent for an entity licensed pursuant to chapter 395 or parts I and III of this chapter which receive third party reimbursement or charge for those services, they shall immediately be required to comply with the provisions of this act.

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

CS for SB 628 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

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

By the Committee on Transportation—

CS for CS for SB 299—A bill to be entitled An act relating to motor vehicle dealers, manufacturers, importers, distributors, factory representatives, and factory branches; amending s.

320.131(1), Florida Statutes; providing for issuance of temporary motor vehicle tags; amending s. 320.27(1), (3), (4), (6), (9), (10), Florida Statutes, and adding subsection (12) to said section; providing definitions; specifying required application information; providing for license certificate and record-keeping procedures; providing for denial, suspension, or revocation of licenses; providing for surety bonds and civil fines for motor vehicle dealers; amending ss. 320.61(1), 320.62, Florida Statutes; deleting provisions relating to licensure of factory representatives; providing renewal procedures and fees; requiring delinquent licensees to cease engaging in business; creating s. 320.312, Florida Statutes; providing for maintenance of records by the Department of Highway Safety and Motor Vehicles; amending s. 320.8255(1), Florida Statutes; creating s. 320.8256, Florida Statutes; providing for inspection of recreational vehicles by persons approved by the department; providing for legislative review; repealing s. 320.60(4), Florida Statutes, as amended, relating to definition of "factory representative"; reviving and readopting, notwithstanding the Regulatory Reform Act of 1976, as amended, ss. 320.27-320.31 and ss. 320.60-320.70, Florida Statutes, as amended; providing a retroactive effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 2, line 8, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 320.131, Florida Statutes, is amended to read:

320.131 Temporary tags.—

(1) The department is hereby authorized and empowered to design, issue, and regulate the use of temporary tags to be designated "temporary tags," for use in cases in which dealer tags may not be lawfully used and in cases in which the sale of a motor vehicle constitutes a casual or private sale. A casual or private sale means ~~shall be construed to mean~~ any sale other than that by a licensed dealer. No such temporary tag shall be valid for more than 20 days after it is affixed to a motor vehicle.

Section 2. Subsections (1), (3), (4), (6), (9), and (10) of section 320.27, Florida Statutes, are amended and subsection (12) is added to said section to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms and phrases when used in this section shall have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(a) "Department" means the Department of Highway Safety and Motor Vehicles.

(b) "Motor vehicle" means any motor vehicle of the type and kind required to be registered and titled under chapters 319 and 320, except recreational vehicles and mobile homes.

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail. Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. *The classifications of motor vehicle dealers are defined as follows:*

1. "Franchised motor vehicle dealer" means any person who engages in the business of buying, selling or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(13)

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling or dealing in motor vehicles at wholesale or with automobile auctions.

The term "motor vehicle dealer" does not include: persons not engaged in the purchase or sale of motor vehicles as a business, who are disposing of vehicles acquired for their own use or for use in their businesses when the same were acquired and used in good faith and not for the purpose of avoiding the provisions of this law; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; new motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section.

(d) "New motor vehicle broker" means any person engaged in the business of offering to procure or procuring new motor vehicles for the general public or who holds himself out through solicitation, advertisement, or otherwise as one who offers to procure or procures new motor vehicles for the general public, and who does not store or display any new or used vehicles for the purpose of selling said vehicles.

(e) "Person" means any natural person, firm, partnership, association, or corporation.

(3) APPLICATION AND FEE.—The application for the said license shall be in such form as may be prescribed by the department and subject to such rules and regulations with respect thereto as may be so prescribed by it. Such application shall be verified by oath or affirmation and shall contain a full statement of the name and birth date of the person or persons applying therefor; the name of the firm or copartnership, with the names and places of residence of all members thereof, if such applicant is a firm or copartnership; the names and places of residence of the principal officers, if the applicant is a body corporate or other artificial body; the name of the state under whose laws the corporation is organized; the present and former place or places of residence of the said applicant; and prior business or businesses in which the said applicant has been engaged and the location thereof. Such application shall describe the exact location of the place of business and shall state whether the place of business is owned in fee simple by the applicant and when acquired or, if leased, a true copy of the lease shall be attached to the application. The applicant shall certify that the location provides an adequately equipped office and is a permanent one, is not the residence of the applicant, is not a tent or a temporary stand or other temporary quarters, that the location affords sufficient unoccupied space upon and within which adequately to store all motor vehicles offered and displayed for sale, and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business, which will be available at all reasonable hours to inspection by the department or any of its inspectors or other employees. The applicant shall certify that the business of a motor vehicle dealer is the principal business which shall be conducted at the said location. Such certification shall not apply to any applicant who held a current license as a motor vehicle dealer on January 1, 1964. Such application shall contain a statement that the applicant is either franchised by a manufacturer of motor vehicles, in which case the name of each motor vehicle that the applicant is franchised to sell shall be included, or an independent (nonfranchised) motor vehicle dealer. Such application shall contain such other relevant information as may be required by the department. The application shall be accompanied by an official credit report and a sworn statement of two reputable persons of the community in which the principal place of business is to be located certifying to the good moral character of the applicant and that the facts set forth in the application are true. Upon making such initial application, the person applying therefor shall pay to the department a fee of \$100 in addition to any other fees now required by law; upon making subsequent renewal applications, the person applying therefor shall pay to the department a fee of \$25 in addition to any other fees now required by law. Upon making an application for a change of location, the person shall pay a fee of \$25 in addition to any other fees now required by law. The department shall, in the case of every application for initial licensure, verify whether certain facts set forth in the application are true. At a minimum, the department shall verify those items in the application relating to the applicant's

past criminal record and his financial references if it deems it necessary, cause an investigation to be made to ascertain if the facts set forth in such application are true and shall not issue a license to the applicant until it is satisfied that the facts set forth in the said application are true.

(4) LICENSE CERTIFICATE.—A license certificate shall be issued by the department in accordance with such application when the same shall be regular in form and in compliance with the provisions of this section. Such license, when so issued, shall entitle the licensee to carry on and conduct the business of a motor vehicle dealer. The license expires annually on December 31 unless revoked or suspended prior to that date. Not less than 60 days prior to the license expiration date, the department shall deliver to each licensee the necessary renewal forms. Any licensee who does not file his application, fees, and any other requisite documents, as required by law, with the department by the license expiration date shall cease to engage in business as a motor vehicle dealer until such documents and fees are filed. Renewals made subsequent to the expiration date shall be accompanied by a delinquent fee of \$100 for a period of 1 year from January 1 of the current year only at the location set forth in said license.

(6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall keep a book or record in such form as shall may be prescribed or approved by the department, in which the licensee shall keep a record of the purchase, sale, or exchange, or receipt for the purpose of sale, of any motor vehicle, the date upon which any temporary tag was issued, the date of title transfer, and a description of such motor vehicle, together with the name and address of the seller, the purchaser, and the alleged owner or other person from whom such motor vehicle was purchased or received or to whom it was sold or delivered, as the case may be. Such description shall include the identification or engine number, maker's number, if any, chassis number, if any, and such other numbers or identification marks as may be thereon and shall also include a statement that a number has been obliterated, defaced or changed, if such is the fact.

(9) DENIAL, SUSPENSION, OR REVOCATION.—The department may deny, suspend, or revoke any license issued hereunder for the violation by the licensee of any of the provisions of this section or on any of the following grounds:

(a) Willful violation of any other law of this state having to do with dealing in motor vehicles or willful failure to comply with any administrative rules promulgated by the department.

(b) Commission of fraud or willful misrepresentation in application for or in obtaining a license.

(c)(b) Perpetration of a fraud upon any person as a result of dealing in motor vehicles.

(d)(e) Representation that a "demonstrator" is a new motor vehicle or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a "demonstrator," a "new motor vehicle," and a "used motor vehicle" shall be defined as under s. 320.60.

(e)(d) Unjustifiable refusal to comply with a licensee's responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the said manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

(f)(e) Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

(g)(f) Requirement by any motor vehicle dealer that a customer or purchaser accept equipment on his motor vehicle which was not ordered by the customer or purchaser.

(h)(g) Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

(i)(h) Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract

or agreement of purchase connected with the purchase of the motor vehicle purchased by the said customer or purchaser.

(j) Failure of any motor vehicle dealer to comply with the terms of any bona fide written, executed agreement, pursuant to the sale of a motor vehicle.

(k) Requirement by the motor vehicle dealer that the purchaser of a motor vehicle contract with the dealer for physical damage insurance.

(l) Violation of any of the provisions of s. 319.35 by any motor vehicle dealer.

(m) Either a history of bad credit or an unfavorable credit rating as revealed by the applicant's official credit report or by investigation by the department.

(n) Any dealer having actual knowledge of and who fails to disclose damage to a new motor vehicle as defined in s. 320.60(9) if the dealer's actual cost of repair, excluding tires, bumpers and glass, exceeds 3 percent of the manufacturer's suggested retail price.

(10) BOND.—Annually, before any license shall be issued to a motor vehicle dealer, the applicant-dealer of new or used motor vehicles shall deliver to the department a good and sufficient surety bond, executed by the applicant-dealer as principal and by a surety company qualified to do business in the state as surety, in the sum of \$5,000. Such bond shall be in a form to be approved by the department and shall be conditioned that the motor vehicle dealer shall comply with the conditions of any written contract made by such dealer in connection with the sale or exchange of any motor vehicle and shall not violate any of the provisions of chapters 319 and 320 in the conduct of the business for which he is licensed. Such bond shall be to the department and in favor of any retail or wholesale customer who shall suffer any loss as a result of any violation of the conditions hereinabove contained. When the department determines that a retail or wholesale customer has incurred a loss as a result of a violation of chapter 319 or chapter 320, it shall notify the customer in writing of the existence of the bond. Such bond shall be for the license period, and a new bond or a proper continuation certificate shall be delivered to the department at the beginning of each license period. However, the aggregate liability of the surety in any one year shall, in no event, exceed the sum of the such bond.

(a) The department shall, upon denial, suspension, or revocation of any license, notify the surety company of the licensee, in writing, that the license has been denied, suspended, or revoked, and shall state the reason for such denial, suspension, or revocation.

(b) Any surety company which pays any claim against the bond of any licensee shall notify the department, in writing, that it has paid such a claim, and shall state the amount of the claim.

(c) Any surety company which cancels the bond of any licensee shall notify the department, in writing, of such cancellation, giving reason for the cancellation.

(12) CIVIL FINES; PROCEDURE.—In addition to the exercise of other powers provided in this section, the department may levy and collect a civil fine in an amount not to exceed \$1,000 for each violation, against any licensee if it finds that a licensee has violated any provisions of this section, or has violated any other law of this state related to dealing in motor vehicles. Any licensee shall be entitled to a hearing pursuant to chapter 120 if the licensee contests the fine levied, or about to be levied, upon him.

Section 3. Section 320.312, Florida Statutes, is created to read:

320.312 Maintenance of records by the department.—The department shall maintain uniform records of all complaints filed against licensees licensed under the provisions of ss. 320.27, 320.61, 320.77, and 320.8225, any other provision of this chapter to the contrary notwithstanding. The records shall contain all enforcement actions taken against licensees and against unlicensed persons acting in the capacity as are required to be licensed in the aforesaid sections. The permanent file of each licensee and unlicensed person shall contain a record of any complaints filed against him and a record of any enforcement actions taken against him. All complaints, satisfactions thereof and enforcement actions on each licensee and unlicensed person shall be entered into the central data

base in such a manner that rapid retrieval will be facilitated. The complainant and referring agency, if there is one, shall be advised of the department's disposition of the complaint within 10 days of such action.

Section 4. Subsection (1) of section 320.61, Florida Statutes, is amended to read:

320.61 Licenses required of motor vehicle manufacturers, factory branches, factory representatives, distributors, importers, etc.—

(1) No manufacturer, factory branch, factory representative, distributor, or importer (all sometimes referred to hereinafter as "licensee") shall engage in business as such in this state without a license therefor as provided in ss. 320.60-320.70. No such licensee's vehicles shall be sold in this state unless either the manufacturer or factory branch, on direct dealerships of domestic vehicles, the importer of foreign manufactured vehicles, on direct dealerships, or the distributor, on indirect dealerships of either domestic or foreign vehicles, is licensed under ss. 320.60-320.70.

Section 5. Section 320.62, Florida Statutes, is amended to read:

320.62 Licenses; amount; disposition of proceeds.—The annual license for each manufacturer, factory branch, factory representative, distributor, or importer shall be \$100 \$10 and shall be in addition to all other licenses or taxes now or hereafter levied, assessed, or required of the applicant. The proceeds from all licenses under ss. 320.60-320.70 shall be paid into the State Treasury to the credit of the General Revenue Fund. All licenses shall be payable on or before October 1 of each year and shall expire, unless sooner revoked or suspended, on the following September 30.

Section 6. Subsection (4) of section 320.641, Florida Statutes, is renumbered as subsection (5) and a new subsection (4) is added to said section to read:

320.641 Unfair cancellation of franchise agreements.—

(4) Notwithstanding any other provisions of this section, the failure of a motor vehicle dealer to be engaged in business with the public for 10 consecutive business days shall constitute abandonment by the dealer of his franchise agreement. If any motor vehicle dealer abandons his franchise agreement, he shall have no cause of action under this section. However, it shall not be considered abandonment if such failure to engage in business is due to acts of God, work stoppages, or delays due to strikes or labor difficulties, freight embargoes, or other causes over which the motor vehicle dealer has no control including any violations of ss. 320.60-320.70.

Section 7. Section 320.643, Florida Statutes, is created to read:

320.643 Transfer, assignment or sale of franchise agreements.—A motor vehicle dealer shall not transfer, assign or sell a franchise agreement to another person unless the dealer first notifies the licensee of his decision to make such transfer, by written notice setting forth the prospective transferee's name and address and financial qualification and business experience during the previous 5 years. The licensee shall, in writing, within 60 days after receipt of such notice, either inform the dealer of his approval of the transfer, assignment or sale, or of the unacceptability of the proposed transferee, setting forth the material reasons for the rejection. If the licensee does not so inform the dealer within the 60-day period, his approval to the proposed transfer is deemed granted. No such transfer, assignment or sale shall be valid unless the transferee agrees in writing to comply with all requirements of the franchise then in effect. Acceptance by the licensee of the proposed transferee shall not be unreasonably withheld.

Section 8. Section 320.77, Florida Statutes, is amended to read:

320.77 License required of mobile home and recreational vehicle dealers.—

(1) DEFINITIONS.—As used in this section: The following words, terms, and phrases, when used in this section, shall have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning.

(a) "Director" means the director of the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles.

(a)(b) "Mobile home Dealer" means any person engaged in the business of buying, selling, or dealing in mobile homes or recreational vehicles or offering or displaying mobile homes or recreational vehicles for sale. Any person who buys, sells, or deals in, or offers or displays for sale, three or more mobile homes or recreational vehicles in any 12-month period or who offers or displays for sale three or more mobile homes or recreational vehicles in any 12-month period shall be prima facie presumed to be engaged in the business of mobile home dealer. The terms "selling" and "sale" include lease-purchase transactions. The term "mobile home dealer" does not include banks and finance companies that acquire mobile homes or recreational vehicles as an incident to their regular business and does not include mobile home rental and leasing companies that sell mobile homes or recreational vehicles to mobile home dealers licensed under this section.

(b)(c) For the purposes of this section, the term "recreational vehicle" shall not include camping trailers as defined in subparagraph 320.01(1)(b)2.

(2) LICENSE REQUIRED.—No person shall engage in business as, or serve in the capacity of, a mobile home dealer in this state unless such person possesses a valid, current ~~without first obtaining~~ a license as provided in this section. Motor vehicle dealers licensed under s. 320.27 shall not be required to obtain the license provided in this section to sell motor vehicles ~~homes~~ as defined in s. ~~subparagraph~~ 320.01(1)(b)4.

(3) APPLICATION AND FEE.—The application for said license shall be in the form prescribed by the department and subject to such rules and regulations as may be so prescribed by it. The application shall be verified by oath or affirmation and shall contain:

(a) A full statement of the name and the date of birth of the person or persons applying therefor.

(b) The name of the firm or copartnership with the names and places of residence of all its members, if the applicant is a firm or copartnership.

(c) The names and places of residence of the principal officers, if the applicant is a body corporate or other artificial body.

(d) The name of the state under whose laws the corporation is organized.

(e) The former place or places of residence of the applicant.

(f) The prior ~~business or businesses~~ in which the applicant has been engaged, ~~the dates during which the applicant was engaged in such businesses~~, and the ~~locations~~ ~~location~~ thereof.

(g) A description of ~~The application shall describe~~ the exact location of the place of business, when it was acquired, and whether it is owned in fee simple by the applicant. If leased, a true copy of the lease shall be attached to the application.

(h) Certification by the applicant shall certify that the location is a permanent one, not a tent or a temporary stand or other temporary quarters, and that the location affords sufficient unoccupied space ~~upon and within which adequately~~ to store all mobile homes and recreational vehicles offered and displayed for sale, and that the location is a suitable place in which the applicant can in good faith carry on business and keep and maintain books, records and files necessary to conduct such business, which will be available at all reasonable hours to inspection by the department or any of its inspectors or other employees.

(i) Certification by the applicant shall certify that the business of a mobile home or recreational vehicle dealer is the principal business which shall be conducted at the said location; however, this provision shall not apply to mobile home park operators licensed as mobile home dealers.

(j) The application shall contain A statement that the applicant is either an independent (nonfranchised) dealer, or is franchised by a manufacturer of mobile homes or recreational vehicles, in which case the name of each mobile home or

recreational vehicle that the applicant is franchised to sell shall be included; or an independent (nonfranchised) mobile home dealer. The application shall contain

(k) Such other relevant information as may be required by the department.

The application shall be accompanied by a sworn statement of two reputable persons from the community in which the applicant's principal place of business is to be located, certifying to the good moral character of the person or persons applying for the license and certifying that the facts set forth in the application are true. Upon making such application, the applicant shall pay to the department a fee of \$100 in addition to any other fees now required by law. The department shall, if it deems it necessary, cause an investigation to be made to ascertain if the facts set forth in the application are true and shall not issue a license to the applicant until it is satisfied that the facts set forth in the application are true. Upon making an application for a change of location, the applicant shall pay a fee of \$25 in addition to any other fees required by law.

(4) FEES.—Upon making initial application, the applicant shall pay to the department a fee of \$100 in addition to any other fees now required by law. The fee for renewal application shall be \$100. The fee for application for change of location shall be \$25. Any applicant for renewal who has failed to submit his renewal application by October 1 shall pay a renewal application fee equal to twice the amount of the regular renewal application fee. No fee is refundable. All fees shall be deposited into the General Revenue Fund.

(5) DENIAL OF LICENSE.—The department may deny any applicant a license on the ground that:

(a) The applicant has made a material misstatement in his application for a license.

(b) The applicant has failed to comply with any applicable provision of this chapter.

(c) The applicant has failed to provide warranty service.

(d) The applicant or one or more of his principals or agents has violated any law, rule, or regulation relating to the sale of mobile homes or recreational vehicles.

(e) The department has proof of unfitness of the applicant.

(f) The applicant or licensee has engaged in previous conduct in any state which would have been a ground for revocation or suspension of a license in this state.

(g) The applicant or licensee has violated any of the provisions of the National Mobile Home Construction and Safety Standards Act of 1974 or any rule or regulation of the Department of Housing and Urban Development promulgated thereunder.

Upon denial of a license, the department shall notify the applicant within 10 days, stating in writing its grounds for denial. The applicant is entitled to a public hearing and may request that such hearing be held within 45 days of denial of the license. All proceedings shall be pursuant to chapter 120.

(6)(4) LICENSE CERTIFICATE.—A license certificate shall be issued by the department in accordance with the application when the same shall be regular in form and in compliance with the provisions of this section. The license, when so issued, shall entitle the licensee to carry on and conduct the business of a mobile home dealer or recreation vehicle dealer at the location set forth in the license for a period of 1 year from October 1, preceding the date of issuance.

(7)(5) SUPPLEMENTAL LICENSE.—Any person licensed pursuant to this section shall be entitled to operate one or more additional places of business under a supplemental license for each such business, if the ownership of each business is identical to that of the principal business for which the original license is issued. Each supplemental license shall run concurrently with the original license and shall be issued upon application by the licensee on a form to be furnished by the department and payment of a fee of \$25 for each such license. Only one licensed dealer shall operate at the same place of business.

(8)(6) RECORDS TO BE KEPT BY LICENSEE.—Each ~~Every~~ licensee shall keep records ~~a book or record~~ in such form

as shall ~~may~~ be prescribed ~~or approved~~ by the department. Such records shall include: ~~in which he shall keep~~

(a) A record of the purchase, sale or exchange, or receipt for the purpose of sale, of any mobile home or recreational vehicle,

(b) The description of each such mobile home or recreational vehicle, including the identification or serial number and such other numbers or identification marks as may be thereon, and a statement that a number has been obliterated, defaced, or changed, if such fact is apparent, and a description thereof, together with

(c) The name and address of the seller, the purchaser, and the alleged owner or other person from whom the mobile home or recreational vehicle was purchased or received and the person or to whom it was sold or delivered, as the case may be. ~~The description shall include the identification or serial number and such other numbers or identification marks as may be thereon. The description shall also include a statement that a number has been obliterated, defaced, or changed, if such is the fact.~~

(9)~~(7)~~ EVIDENCE OF TITLE REQUIRED.—The licensee shall also have in his possession for each new mobile home or recreational vehicle a manufacturer's invoice or statement of origin, and for each used mobile home or recreational vehicle, a properly assigned certificate of title, or registration certificate, if the used mobile home or recreational vehicle was previously registered in a nontitle state, from the time the mobile home or recreational vehicle is delivered to him until it has been disposed of by him.

(10)~~(8)~~ PENALTY.—Violation of any provision of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. ~~Any person found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$250 or more than \$1,000 or by imprisonment in the county jail for not less than 30 or more than 90 days, or both, as the court may decree.~~

(11)~~(9)~~ INJUNCTION.—In addition to the remedies provided in this chapter, and notwithstanding the existence of any adequate remedy at law, the department is authorized to make application to any Circuit Court of the state, and the circuit court shall have jurisdiction, upon a hearing and for cause shown, to grant a temporary or permanent injunction, ~~or both~~, restraining any person from acting as a mobile home dealer under the terms of this section who is not properly licensed or who violates or fails or refuses to comply with any of the provisions of chapters 319 and 320, or any rule or regulation adopted thereunder. Such injunction shall be issued without bond. A single act in violation of the provisions of chapter 319 or chapter 320 shall be sufficient to authorize the issuance of an injunction.

(12)~~(10)~~ SUSPENSION OR REVOCATION.—The department shall, as it deems necessary, either ~~may~~ suspend or revoke any license issued hereunder upon a finding that the license violated for a violation of any provision of this section or of any other law of this state having to do with dealing in mobile homes or recreational vehicles or perpetrated for perpetrating a fraud upon any person as a result of said dealing in mobile homes or recreational vehicles.

(13) CIVIL PENALTIES PROCEDURE.—In addition to the exercise of other powers provided in this section, the department is authorized to assess, impose, levy, and collect by legal process fines in an amount not to exceed \$1,000 for each violation, against any licensee if it finds that a licensee has violated any provision of this section, or has violated any other law of this state having to do with dealing in motor vehicles. Any licensee shall be entitled to a hearing pursuant to chapter 120 should the licensee wish to contest the fine levied, or about to be levied, upon him.

(14)~~(11)~~ BOND.—

(a) ~~Annually~~, Before any license shall be issued or renewed to a mobile home or recreational vehicle dealer, the applicant shall deliver to the department a good and sufficient surety bond, executed by the applicant as principal and by a surety company qualified to do business in the state as surety, ~~in an amount as provided in this section~~. The bond shall be in a form to be approved by the department and shall be conditioned upon

the mobile home dealer's complying with the conditions of any written contract made by him in connection with the sale or exchange of any mobile home or recreational vehicle and his not violating any of the provisions of chapters 319 or 320 in the conduct of the business for which he is licensed. The bond shall be to the department and in favor of any retail customer who shall suffer any loss as a result of any violation of the conditions hereinabove contained. The bond shall be for the license period, and a new bond or a proper continuation certificate shall be delivered to the department at the beginning of each license period. However, the aggregate liability of the surety in any license one year shall, in no event, exceed the sum of such bond. The amount of the bond required shall be ~~determined~~ as follows:

1.~~(a)~~ A single dealer who buys, sells, or deals in mobile homes and who has more than four or less supplemental licenses shall provide a surety bond in the amount of \$25,000.

2.~~(b)~~ A single dealer who buys, sells, or deals in mobile homes and who has more than four supplemental licenses shall provide a surety bond in the amount of \$50,000.

3.~~(c)~~ A single dealer who buys, sells, or deals in recreational vehicles and has four or less supplemental licenses shall provide a surety bond in the amount of \$10,000.

4.~~(d)~~ A single dealer who buys, sells, or deals in recreational vehicles and who has more than four supplemental licenses shall provide a surety bond in the amount of \$20,000. For the purposes of this paragraph ~~subsection~~, any person who buys, sells, or deals in both mobile homes and recreational vehicles shall provide the same surety bond required of dealers who buy, sell, or deal only in mobile homes.

(b) The department shall, upon denial, suspension, or revocation of any license, notify the surety company of the licensee, in writing, that the license has been denied, suspended, or revoked, and shall state the reason for such denial, suspension, or revocation.

(c) Any surety company which pays any claim against the bond of any licensee shall notify the department, in writing, that it has paid such a claim, and shall state the amount of the claim.

(d) Any surety company which cancels the bond of any licensee shall notify the department, in writing, of such cancellation, giving reason for the cancellation.

Section 9. Section 320.8225, Florida Statutes, is amended to read:

320.8225 Mobile home and recreational vehicle manufacturer's license.—

(1) LICENSE REQUIRED.—Any person who engages in the business of a mobile home or recreational vehicle manufacturer in this state, or who manufactures mobile homes or recreational vehicles out-of-state which are ultimately offered for sale in this state, shall obtain annually a license for each factory location in this state and for each factory location out of state which manufactures mobile homes or recreational vehicles for sale in this state, prior to distributing mobile homes or recreational vehicles for sale in this state.

(2) APPLICATION.—The application for a license shall be in the form prescribed by the department and shall contain sufficient information to disclose the identity, location, and responsibility of the applicant. The application shall also include a copy of the warranty and a complete statement of any service agreement or policy to be utilized by the applicant, any information relating to the applicant's solvency and financial standing, and any other pertinent matter commensurate with safeguarding the public. The department may prescribe an abbreviated application for renewal of a license if the licensee had previously filed an initial application pursuant to this section. The application for renewal shall include any information necessary to bring current the information required in the initial application.

(3) FEES ~~FEES~~.—Upon making initial application or renewal application, the applicant shall pay to the department a fee of \$100. Any applicant for renewal who has failed to submit his renewal application by October 1 shall pay a renewal application fee equal to twice the amount of the regular application fee. No fee is refundable. All fees shall be deposited into the General Revenue Fund.

(4) **NONRESIDENT.**—Any person applying for a license who is not a resident of this state shall have designated an agent for service of process pursuant to s. 48.181.

(5) **REQUIREMENT OF ASSURANCE.**—

(a) Annually, prior to the receipt of a license to manufacture mobile homes, the applicant or licensee shall submit a surety bond, or a proper continuation certificate, ~~evidence of an insurance program~~, sufficient to assure satisfaction of claims against the licensee for failure to comply with appropriate code standards, failure to provide warranty service, or violation of any provisions of this section. The amount of the surety bond ~~or program of insurance~~ shall be \$2,000 per mobile home ~~manufactured in the prior license year, up to a maximum of \$50,000. When no mobile homes were produced in the prior year, the amount of bond or insurance program required shall be based on the estimated number of mobile homes to be produced during the current year.~~ The surety bond ~~or insurance program~~ shall be to the department, in favor of any retail customer who shall suffer loss arising out of noncompliance with code standards or failure to honor or provide warranty service. The department shall have the right to disapprove any bond ~~or insurance program~~ which does not provide assurance as provided in this section. ~~The department is authorized to promulgate rules and regulations pursuant to chapter 120 consistent with this section in providing assurance of satisfaction of claims.~~

(b) Annually, prior to the receipt of a license to manufacture recreational vehicles, the applicant or licensee shall submit a surety bond, or a proper continuation certificate ~~evidence of an insurance program~~, sufficient to assure satisfaction of claims against the licensee for failure to comply with appropriate code standards, failure to provide warranty service, or violation of any provisions of this section. The amount of the surety bond ~~or program of insurance~~ shall be \$10,000 per year. The surety bond ~~or insurance program~~ shall be to the department, in favor of any retail customer who shall suffer loss arising out of noncompliance with code standards or failure to honor or provide warranty service. The department shall have the right to disapprove any bond ~~or insurance program~~ which does not provide assurance as provided in this section.

(c) ~~The department shall adopt is authorized to promulgate rules and regulations pursuant to chapter 120 consistent with this section in providing assurance of satisfaction of claims.~~

(d) ~~The department shall, upon denial, suspension, or revocation of any license, notify the surety company of the licensee, in writing, that the license has been denied, suspended, or revoked and shall state the reason for such denial, suspension, or revocation.~~

(e) ~~Any surety company which pays any claim against the bond of any licensee shall notify the department, in writing, that it has paid such a claim, and shall state the amount of the claim.~~

(f) ~~Any surety company which cancels the bond of any licensee shall notify the department, in writing, of such cancellation, giving reason for the cancellation.~~

(6) **LICENSE YEAR.**—A license issued to a mobile home or recreational vehicle manufacturer entitles the licensee to conduct the business of a mobile home or recreational vehicle manufacturer for a period of 1 year from October 1 preceding the date of issuance.

(7) **DENIAL OF LICENSE.**—The department may deny a mobile home or recreational vehicle manufacturer's license on the ground that:

(a) The applicant has made a material misstatement in his application for a license.

(b) The applicant has failed to comply with any applicable provision of this chapter.

(c) The applicant has failed to provide warranty service.

(d) The applicant or one or more of his principals or agents has violated any law, rule, or regulation relating to the manufacture or sale of mobile homes or recreational vehicles.

(e) The department has proof of unfitness of the applicant.

(f) The applicant or licensee has engaged in previous conduct in any state which would have been a ground for revocation or suspension of a license in this state.

(g) *The applicant or licensee has violated any of the provisions of the National Mobile Home Construction and Safety Standards Act of 1974 or any rule or regulation of the Department of Housing and Urban Development promulgated thereunder.*

Upon denial of a license, the department shall notify the applicant within 10 days, stating in writing its grounds for denial. The applicant is entitled to a public hearing and may request that such hearing be held within 45 days of denial of the license. All proceedings shall be pursuant to chapter 120.

(8) **REVOCAION OR SUSPENSION OF LICENSE.**—The department shall suspend, or in the case of a subsequent offense shall revoke, any license upon a finding that the licensee violated any provision ~~may revoke or suspend any license for a violation~~ of this chapter or any other law of this state regarding the manufacturing, warranty, or sale of mobile homes or recreational vehicles. When any license has been revoked or suspended by the department, it may be reinstated if the department finds that the former licensee has complied with all applicable requirements of this chapter and an application for a license is refiled pursuant to this section.

(9) **CIVIL PENALTIES; PROCEDURE.**—*In addition to the exercise of other powers provided in this section, the department is authorized to assess, impose, levy, and collect by legal process a civil penalty in an amount not to exceed \$1,000 for each violation, against any licensee if it finds that a licensee has violated any provision of this section, or has violated any other law of this state having to do with dealing in motor vehicles. Any licensee shall be entitled to a hearing pursuant to chapter 120 should the licensee wish to contest the fine levied, or about to be levied, upon him.*

Section 10. Subsection (1) of section 320.8255, Florida Statutes, is amended to read:

320.8255 Mobile home ~~and recreational vehicle~~ inspection.—

(1) In order to insure the highest degree of quality control in the construction of mobile homes ~~and recreational vehicles~~, each new or used mobile home ~~or recreational vehicle~~ sold in the state shall be inspected by the department pursuant to procedures developed by the department which assure compliance with code provisions. The department may ~~adopt make~~ reasonable rules and regulations pursuant to chapter 120 for the implementation and enforcement of this inspection.

Section 11. Section 320.8256, Florida Statutes, is created to read:

320.8256 Recreational vehicle inspection.—

(1) In order to insure the highest degree of quality control in the construction of recreational vehicles, each new or used recreational vehicle sold in the state shall be inspected by the department or inspected by a private firm, person, or agency approved by the department to conduct such inspections. Such approval and all inspections shall be pursuant to procedures developed by the department which assure compliance with code provisions. The department may adopt reasonable rules pursuant to chapter 120 for the implementation and enforcement of this inspection.

(2) Department inspectors shall make unannounced visits to manufacturing plants or take any other appropriate action which assures compliance with the code.

(3) The department shall determine a fee for the seal authorized under s. 320.827 which is sufficient to cover the cost of inspection and administration under this section. Fees collected for the seals shall be deposited in the General Revenue Fund.

Section 12. Section 320.831, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 320.831, F.S., for present text.)

320.831 Penalties.—

(1) Whoever violates any provision of the National Mobile Home Construction and Safety Standards Act of 1974, 42

USC 5401 et seq., or any rules, regulations or final order issued thereunder shall be liable for a civil penalty not to exceed \$1,000 for each such violation. Each violation of a provision of the act or any rule, regulation or order issued thereunder shall constitute a separate violation with respect to each mobile home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed \$1 million for any related series of violations occurring within 1 year from the date of the first violation.

(2) Any individual, or a director, officer or agent of a corporation who knowingly and willfully violates the provisions of section 610 of the National Mobile Home Construction and Safety Standards Act of 1974 in a manner which threatens the health or safety of any purchaser is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any manufacturer, dealer, or inspector who violates or fails to comply with any of the provisions of ss. 320.822-320.862 or any of the rules adopted by the department is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 provided that such violation is not also a violation of the National Mobile Home Construction and Safety Standards Act of 1974 or any rules, regulations or final order issued thereunder.

Section 13. Section 320.861, Florida Statutes, is amended to read:

320.861 Inspection of records; production of evidence; subpoena power books, etc., of licensee.—

(1) The department may inspect the pertinent books, records, letters, and contracts of any a licensee, whether dealer or manufacturer, relating to any written complaint made to it against such licensee.

(2) ~~In the exercise of its duties under this section, The department is granted and authorized to exercise the power of subpoena for the attendance of witnesses and the production of any documentary evidence necessary to the disposition by it of any written complaint against any licensee, whether dealer or manufacturer under this section. Information obtained may not be used against the licensee as the basis for a criminal prosecution under the laws of this state.~~

Section 14. Subsection (7) of section 320.011, Florida Statutes, is hereby repealed.

Section 15. No motor vehicle displaying a valid Florida license plate shall display any license plate from another state, or a foreign country, territory, or federal district, on any part of the motor vehicle, except antique vehicles and those commercial vehicles otherwise required by law to display additional tags.

Section 16. Notwithstanding the Regulatory Reform Act of 1976, as amended, sections 320.27, 320.271, 320.273, 320.28, 320.30, and 320.31, Florida Statutes, shall not stand repealed on July 1, 1980, as scheduled by said act, but sections 320.27, 320.271, 320.273, 320.28, 320.30, and 320.31, Florida Statutes, as amended, are hereby revived and readopted.

Section 17. Notwithstanding the Regulatory Reform Act of 1976, as amended, sections 320.60, 320.61, 320.615, 320.62, 320.63, 320.64, 320.641, 320.642, 320.664, 320.67, 320.68, 320.69, 320.694, 320.695, 320.696, 320.697, 320.698, 320.70, 320.77, 320.832, 320.861, and 320.862, Florida Statutes, shall not stand repealed on July 1, 1980, as scheduled by said act, but sections 320.60, 320.61, 320.615, 320.62, 320.63, 320.64, 320.641, 320.642, 320.664, 320.67, 320.68, 320.69, 320.694, 320.695, 320.696, 320.697, 320.698, 320.70, 320.77, 320.832, 320.861, and 320.862, Florida Statutes, are hereby revived and readopted.

Section 18. Legislative review.—Sections 320.27, 320.271, 320.273, 320.28, 320.30, 320.31, 320.60, 320.61, 320.615, 320.62, 320.63, 320.64, 320.641, 320.642, 320.664, 320.67, 320.68, 320.69, 320.694, 320.695, 320.696, 320.697, 320.698, 320.70, 320.77, 320.832, 320.861, and 320.862, Florida Statutes, are repealed October 1, 1988, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Section 19. In accordance with the provisions of chapter 76-168, Laws of Florida, as amended, section 320.864, Florida Statutes, subsection (4) of section 320.60, Florida Statutes, and sections 320.274 and 320.665, Florida Statutes, as amended by chapter 78-95, Laws of Florida, are hereby repealed.

Section 20. This act shall take effect July 1, 1980, but if it becomes a law after that date, it shall operate retroactively to July 1, 1980.

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

Amendment 1—On page 30, line 11-16, strike all of said lines and re-number subsequent sections.

House Amendment 2—On page 1 in title, lines 1-31 and on page 2, lines 1-4, strike all lines inclusive and insert:

A bill to be entitled

An act relating to motor vehicle, mobile home and recreational vehicle dealers, manufacturers, importers, distributors, factory representatives, and factory branches; amending s. 320.131(1), Florida Statutes; providing for issuance of temporary motor vehicle tags; amending s. 320.27(1), (3), (4), (6), (9), (10), Florida Statutes, and adding subsection (12) to said section; providing definitions; specifying required application information; providing for license certificate and recordkeeping procedures; requiring delinquent licensees to cease engaging in business; providing for denial, suspension, or revocation of licenses; providing for surety bonds and civil fines for motor vehicle dealers; creating s. 320.312, Florida Statutes, requiring the department to maintain certain records; amending ss. 320.61(1) and 320.62, Florida Statutes; deleting provisions relating to licensure of factory representatives; providing renewal procedures and fees; adding a new subsection (4) to s. 320.641, Florida Statutes; providing that any dealer who fails to engage in business with the public for 10 consecutive business days shall be considered to have abandoned his franchise agreement; creating s. 320.643, Florida Statutes; requiring a dealer before transfer, assignment, or sale of a franchise agreement to notify the licensee of such decision; amending s. 320.77, Florida Statutes; providing definitions; requiring a current license of any dealer; requiring certain information to be furnished the department by each applicant for a license; providing for license fees; authorizing the department to deny a license to any applicant under certain circumstances; requiring the department to suspend and to revoke licenses under certain circumstances; providing penalties; directing the department to notify the surety company of the licensee upon such suspension or revocation; requiring any surety company which pays any claim against the bond of a licensee to notify the department; requiring any surety company which cancels the bond of any licensee to notify the department; amending s. 320.825, Florida Statutes; requiring manufacturers to annually submit a surety bond or a proper continuation certificate; requiring such surety bond to be in the amount of \$50,000; directing the department to adopt rules providing assurance of satisfaction of claims; directing the department to notify the surety company of any licensee upon denial, suspension, or revocation of any license; requiring any surety company which cancels or pays a claim against the bond of any licensee; requiring any surety company which cancels or pays a claim against the bond of any licensee to notify the department; establishing civil penalties; directing the department to suspend or revoke licenses under certain conditions; amending s. 320.825(1), Florida Statutes; creating s. 320.8256, Florida Statutes; providing for inspection of recreational vehicles by persons approved by the department; amending s. 320.83, Florida Statutes; revising penalties; amending s. 320.861, Florida Statutes; granting subpoena power to the department with respect to complaints against licensed manufacturers or dealers; repealing s. 320.011(7), Florida Statutes, relating to department hearings; prohibiting the display of certain motor vehicle license plates; revising and readopting ss. 320.27-320.273, ss. 320.28, 320.31, ss. 320.60-320.70 and ss. 320.77, 320.832, 320.861 and 320.862, Florida Statutes, notwithstanding the Regulatory Reform Act of 1976, as amended; repealing s. 320.274, Florida Statutes, relating to hearing procedures; repealing s. 320.60(4), Florida Statutes, relating to definition of "factory representative"; repealing s. 320.665, Florida Statutes, relating to hearing procedures; repealing s. 320.364, Florida Statutes, relating to an advisory council to the department; providing for legislative review; providing a retroactive effective date.

Senator Holloway moved the following amendment to House Amendment 2 which was adopted:

Amendment 2—On page 3, lines 12 and 13, strike "prohibiting the display of certain motor vehicle license plates;"

On motions by Senator Holloway, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for CS for SB 299 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Hair

The Honorable Philip D. Lewis, President

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

By the Committee on Natural Resources and Conservation—

CS for SB 297—A bill to be entitled An act relating to the Water and Sewer System Regulatory Law; reviving, readopting, and amending ss. 367.011, 367.021, 367.022, 367.031, 367.041, 367.051, 367.061, 367.071, 367.081, 367.091, 367.101, 367.111, 367.121, 367.122, 367.123, 367.141, 367.151, 367.161, and 367.171, Florida Statutes; clarifying legislative intent; providing definitions; modifying exemptions; modifying the certification requirement; modifying provisions relating to application for a certificate; modifying provisions relating to issuance of a certificate; modifying provisions relating to extension of service and amendment of certificate; modifying provisions relating to sale or transfer of certificates, facilities, or organizational control; providing for establishment of rate base upon sale or transfer; modifying provisions relating to fixing and changing of rates and relating to rates for new classes of service; providing for the setting, by rule, of standards for service availability charges and conditions; authorizing the Public Service Commission to amend or revoke a certificate; clarifying meaning of "safe, efficient, and sufficient service"; modifying the powers of the commission; authorizing the commission to order certain interconnections of service or facilities and to approve plan capacity charges, wholesale service charges, or rates; providing for examination and testing of certain equipment; authorizing the commission to require a utility to provide service for resale; repealing s. 367.131, Florida Statutes; relating to judicial review; providing for application fees to be set by rule; modifying provisions relating to gross receipts tax; modifying provisions relating to violations; providing penalties; authorizing boards of county commissioners to rescind jurisdictional resolutions; providing for filing of financial information; providing for setting and approving rates; excluding certain counties from the purview of the chapter and including others; creating s. 367.0225, Florida Statutes; providing for determination of official filing dates; creating s. 367.082, Florida Statutes; providing for interim rates; creating s. 367.191, Florida Statutes; providing for abandonment of a utility and for placement of a utility in receivership; providing for the validity of existing certificates and authorizations; providing for repeal and legislative review of the act; providing a retroactive effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 29, strike everything after the enacting clause and insert:

Section 1. Section 367.011, Florida Statutes, is amended to read:

367.011 Jurisdiction; legislative intent.—

(1) This chapter ~~shall be known~~ and may be cited as the "Water and Sewer System Regulatory Law."

(2) The Florida Public Service Commission shall have exclusive jurisdiction over each utility with respect to its authority, service, rates, and issuance and sale of its securities maturing more than 12 months after date of issue, except as provided in this chapter.

(3) The regulation of utilities is declared to be in the public interest, and this law is an exercise of the police power of the state for the protection of the public health, safety, and welfare. The provisions of this chapter shall be liberally construed for the accomplishment of this purpose.

(4) This chapter shall supersede all other laws on the same subject, and subsequent inconsistent laws shall supersede this chapter only to the extent that they do so by express reference. This chapter shall not impair or take away vested rights other than procedural rights or benefits.

Section 2. Section 367.021, Florida Statutes, is amended to read:

367.021 Definitions.—As used in this chapter the following words or terms shall have the meanings indicated:

(1) "Commission" means the Florida Public Service Commission.

(2) "Certificate" means a document issued by ~~written authority from~~ the commission ~~authorizing to~~ a utility to provide service in a specific territory.

(3) "Utility" means water or sewer utility and, except as provided in s. 367.022, includes every person, lessee, trustee or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or sewer service to the public for compensation.

(4) "System" means facilities and property used or useful in providing service and, upon a finding by the commission, may include a combination of functionally related facilities and property.

(5) "Governmental agency" means a political subdivision authorized to provide water or sewer service.

(6) "Territory" means the geographical area described in a certificate, which may be within or without the boundaries of an incorporated municipality, and may include areas in more than one county.

(7) "Official date of filing" means the date upon which it has been determined, pursuant to s. 367.0225, by the commission or its designee that the utility has filed with the clerk the minimum filing requirements as established by rule of the commission.

(8) "Corporate undertaking" means the unqualified guarantee of a utility to pay a refund and any interest connected therewith which may be ordered by the commission at such time as the obligation becomes fixed and final.

Section 3. Section 367.022, Florida Statutes, is amended to read:

367.022 Exemptions.—The following are not subject to regulation by the commission as a utility nor subject to the provisions of this chapter, except as expressly provided:

- (1) The sale, distribution, or furnishing of bottled water;
- (2) Systems owned, operated, managed, or controlled by governmental agencies;
- (3) Manufacturers providing service solely in connection with their operations;
- (4) Public lodging establishments providing service solely in connection with service to their guests;
- (5) Landlords providing service to their tenants without specific compensation for the service;
- (6) Systems with the capacity or proposed capacity designed to serve or serving 100 or fewer persons or less; and
- (7) Nonprofit corporations, associations, or cooperatives providing service solely to members who own and control such nonprofit corporations, associations, or cooperatives; and

(8) Any person who resells water or sewer service at a rate or charge which does not exceed the actual purchase price of same, if such person files at least annually with the commission a list of charges and rates for all water service sold, the source and actual purchase price of same, and any other information required by the commission to justify the exemption; but such person is subject to the provisions of s. 367.122.

Section 4. Section 367.0225, Florida Statutes, is created to read:

367.0225 Determination of official date of filing.—Within 30 days after receipt of an application, rate request, or other written document for which an official date of filing is to be established, the commission or its designee shall either determine the official date of filing or issue a statement of deficiencies to the applicant, specifically listing why said applicant has failed to meet the minimum filing requirements. Such statement of deficiencies shall be binding upon the commission to the extent that once the deficiencies in the statement are satisfied, the official date of filing shall be promptly established as provided herein. Thereafter, within 15 days after the applicant indicates to the commission that it believes that it has met the minimum filing requirements, the commission or its designee shall either determine the official date of filing or issue another statement of deficiencies, specifically listing why the requirements have not been met, in which case this procedure shall be repeated until the applicant meets the minimum filing requirements and the official date of filing is established. When the commission initiates a proceeding, the official date of filing shall be the date upon which the order initiating the proceeding is issued.

Section 5. Section 367.031, Florida Statutes, is amended to read:

367.031 Certificate.—Prior to the issuance to a utility of a permit by the Department of Environmental Regulation for the construction of a new water or sewer facility, the ~~Each~~ utility shall obtain a certificate authorizing it to provide service.

Section 6. Section 367.041, Florida Statutes, is amended to read:

367.041 Application.—Each applicant for a certificate shall:

- (1) Provide information required by rule or order of the commission, which may include a detailed inquiry into the ability of the applicant to provide service, the territory and facilities involved, the need for service in the territory involved, and the existence or nonexistence of service from other sources within geographical proximity to the territory applied for;
- (2) File with the commission schedules showing all rates, classifications, and charges for service of every kind furnished by it and all rules, regulations, and contracts relating thereto;
- (3) File the application fee required by s. 367.141;
- (4) Submit an affidavit that the applicant has caused notice of its intention to file an application, to be given:
 - (a) By mail or personal delivery to the governing body of the county or city affected, to the public counsel, and to the commission;+
 - (b) To such other persons and in such other manner prescribed by commission rule.

1. To each utility serving, as disclosed by the records of the commission, within 10 miles of the applied for territory, which has registered pursuant to the provisions of s. 367.171(1)(a); and

2. To the county commissions of the counties affected; and

(b) By publishing an advertisement each week, for 3 consecutive weeks, in a newspaper of general circulation in the territory involved.

Notice to be given shall be styled "Application For A Water Certificate," "Application For A Sewer Certificate," or "Application For A Water and Sewer Certificate," as the case may be, and shall include the name and address of the applicant together with a commonly understood description of the territory for which application is to be made.

Notice shall must be given no later more than 30 days prior to the filing of the application.

Section 7. Section 367.051, Florida Statutes, is amended to read:

367.051 Issuance of certificate.—

(1) If within 20 days following the official date of filing of the application, the commission does not receive written objection to the application, the commission may dispose of the application, without hearing. If the applicant is dissatisfied with the disposition, he shall be entitled to a proceeding under s. 120.57.

(2) If, within 20 days following the official date of filing, the commission receives from the public counsel or a governmental agency, or from a utility or consumer who would be substantially affected by the requested certification, a written objection requesting a proceeding pursuant to s. 120.57, the commission shall order such proceeding conducted in or near the territory applied for, if feasible. If any consumer, utility, or governmental agency or the public counsel requests a public hearing on the application, such hearing shall, if feasible, be held in or near the territory applied for, and the transcript thereof and any material submitted at or prior to the hearing shall be considered as part of the record of the application and any proceeding related thereto. Notwithstanding any provision to the contrary in chapter 120, if within 20 days following the filing of the application the commission receives a written prima facie valid objection to the application from a consumer, utility, or governmental agency in the territory involved, the commission shall hold a public hearing in or near such territory, with notice of the hearing to be given to the applicant and parties objecting.

(3) In either event, The commission may grant a certificate, in whole or in part or with modifications in the public interest, but may in no event grant authority greater than that requested in the application or amendments thereto and noticed under s. 367.041, or it may deny a certificate. The commission shall not grant a certificate for a proposed system, or for the extension of an existing system, which will be in competition with, or duplication of, any other system or portion of a system, unless it shall first determine that such other system or portion thereof is inadequate to meet the reasonable needs of the public or that the person operating the system is unable or refuses or neglects to provide reasonably adequate service.

(4) Revocation, suspension, transfer, or amendment of a certificate shall be subject to the provisions of this section and s. 367.041, except that the commission shall give notice as required in s. 367.041 when it initiates such action.

Section 8. Section 367.061, Florida Statutes, is amended to read:

367.061 Extension of certificate.—

(1) A utility may extend its service outside of the territory described in its certificate, if the extension does not involve territory described in an organizationally unrelated utility's certificate, served by a governmental agency, or receiving similar service from any other utility or governmental agency.

(2) Proposed extensions of service other than as authorized in subsection (1) shall not be commenced until the utility first obtains for such extensions an amended certificate in accordance with s. 367.041.

(3) A utility proposing to extend service in accordance with subsection (1) shall cause notice to be given at least 30 days prior to commencing of construction of the proposed extension, in the manner provided by s. 367.041(4).

(a) If within 50 days following the date notice was first given the commission does not receive written objection to the extension, the utility may provide service in the territory for which notice was given.

(b) If objection is received, the matter will be disposed of in accordance with s. 367.051(2) and (3).

(4) An application to amend a certificate may be made at any time *within 1 year following notice as required in subsection (3), unless for good cause the commission extends such time for application but no later than April 1 of the year following the extension.* The application shall contain a description of all additional territory served. The commission shall issue an amended certificate describing all territory which it had theretofore been authorized to serve, together with the additional territory served by such extension.

~~(5) Notices will be styled "Application For Amendment of Certificate No...."~~

~~(5)(6)~~ Applications made pursuant to this section shall be accompanied by a fee as provided by s. 367.141.

Section 9. Section 367.071, Florida Statutes, is amended to read:

367.071 Transfer.—

(1) No utility shall sell, assign, or transfer its certificate, facilities or any portion thereof, or majority organizational control without determination and approval of the commission that the proposed sale, assignment, or transfer is in the public interest.

(2) Applications for proposed sale, assignment, or transfer shall be made ~~in the same manner as provided by s. 367.041, except that:~~

~~(a) The notice shall be styled "Application For Transfer Of Certificate No...." and~~

~~(b) The application shall be accompanied by a fee as provided by s. 367.141. No fee is required to be paid by a governmental agency that is buyer, assignee, or transferee.~~

(3) Applications shall be disposed of as provided in s. 367.051, except that:

(a) The sale or transfer of certificates or facilities to a governmental agency shall be approved as a matter of right; *provided that the government agency shall, prior to taking any official action, obtain from the commission with respect to the authority or facilities to be sold or transferred the most recent available income and expense statement, balance sheet, and statement of rate base for regulatory purposes and contributions-in-aid-of-construction.*

(b) When paragraph (a) of this subsection does not apply, the commission shall amend the certificates as necessary to reflect the change resulting from the sale, assignment, or transfer.

(4) The commission, by order, shall establish the rate base for a utility or its facilities or property when the commission approves a sale, assignment, or transfer thereof, except for any sale, assignment, or transfer to a governmental agency.

Section 10. Section 367.081, Florida Statutes, is amended to read:

367.081 Rates; procedure for fixing and changing.—

(1) *Except as provided in subsection (4) rates and charges being charged and collected by a utility shall be changed only by approval of the commission.*

(2) The commission shall, either upon request or upon its own motion, fix rates which are just, reasonable, compensatory, and not ~~unfairly unjustly~~ discriminatory. In all such proceedings, the commission shall consider the value and quality of the service and the cost of providing the service, which shall include, but not be limited to, debt interest, the utility's requirements for working capital, maintenance, depreciation, tax, and operating expenses incurred in the operation of all property used and useful in the public service, and a fair return on the utility's investment in property used and useful in the public service. *However, the commission shall not allow the inclusion of contributions-in-aid-of-construction in the rate base of any*

utility during a rate proceeding, and accumulated depreciation on such contributions-in-aid-of-construction shall not be used to reduce the rate base, nor shall depreciation on such contributed assets be considered a cost of providing utility service. Contributions-in-aid-of-construction shall include any amount or item of money, services, or property received by a utility, from any person or governmental agency, any portion of which is provided at no cost to the utility and which represents a donation or contribution to the capital of the utility and which is utilized to offset the acquisition, improvement, or construction costs of the utility's property, facilities, or equipment used to provide utility services to the public. The commission shall also consider the utility's investment in property required by duly authorized governmental authority to be constructed in the public interest within a reasonable time in the future, not to exceed 24 months.

(3) *The commission, in fixing rates, may determine the prudent cost of providing service during the period of time the rates will be in effect following the entry of a final order relating to the utility's rate request and may use such costs to determine the revenue requirements that will allow the utility to earn a fair rate of return on its rate base. The commission shall grant to any utility which receives all of its utility service from a governmental agency and redistributes that service to its utility customers an increase or decrease in rates for service, without hearing, upon verified notice that the rates charged by the governmental agency have changed. The new rates authorized shall reflect the amount of the change of the rates imposed upon the utility by the governmental agency. Provisions of this subsection shall not prevent a utility which receives its service from a governmental agency from seeking changes in rates pursuant to the provisions of subsection (2).*

(4)(a) *On or before March 31 of each year, the commission by order shall establish a price increase or decrease index for major categories of operating costs incurred by utilities subject to its jurisdiction reflecting the percentage of increase or decrease in such costs from the most recent 12-month historical data available. The commission by rule shall establish the procedure to be used in determining such indices and a procedure by which a utility, without further action by the commission, or the commission on its own motion may implement an increase or decrease in its rates based upon the application of the indices to the amount of the utility's major categories of operating costs incurred during the immediately preceding calendar year, except to the extent of any disallowances or adjustments for those expenses of that utility in its most recent rate proceeding before the commission. The rules shall provide that upon a finding of good cause including inadequate service, the commission may order a utility to refrain from implementing a rate increase hereunder unless implemented under a bond or corporate undertaking in the same manner as interim rates may be implemented under s. 367.082. No utility may use this procedure to increase any operating cost for which an adjustment has been or could be made under subsection (4)(b).*

(b) *The approved rates of any utility which receives all or any portion of its utility service from a governmental agency or from a water or sewer utility regulated by the commission and which redistributes that service to its utility customers shall be automatically increased or decreased without hearing, upon verified notice to the commission 30 days prior to its implementation of the increase or decrease that the rates charged by the governmental agency or other utility have changed. The approved rates of any utility which is subject to an increase or decrease in the rates that it is charged for electric power or the amount of ad valorem taxes assessed against its property shall be increased or decreased by the utility, without action by the commission upon verified notice to the commission 30 days prior to its implementation of the increase or decrease that the rates charged by the supplier of the electric power or the taxes imposed by the governmental body have changed. The new rates authorized shall reflect the amount of the change of the ad valorem taxes or rates imposed upon the utility by the governmental agency, other utility, or supplier of electric power. Provisions of this subsection shall not prevent a utility from seeking changes in rates pursuant to the provisions of subsection (2).*

(c) *Before implementing a change in rates under this subsection the utility shall file an affirmation under oath as to the accuracy of the figures and calculations upon which the change in rates is based and that the change will not cause the utility to exceed the range of its last authorized rate of*

return. Whoever makes a false statement in the affirmation required hereunder which he does not believe to be true in regard to any material matter shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) If, within 24 months of an adjustment in the rates as authorized by this subsection, the commission shall find that a utility did thereby exceed the range of its last authorized rate of return, it may order the utility to refund the difference to the rate payers. This provision shall not be construed to require a bond or corporate undertaking not otherwise required.

(e) Notwithstanding anything herein to the contrary, no utility may adjust its rates under this subsection more than two times in any 12-month period.

(f) The commission shall by order each year establish a minimal authorized rate of return on common equity which shall reasonably reflect the minimum return on equity for an average water or sewer utility and which, for purposes of this section, shall be the last authorized rate of return for any utility which otherwise would have no established rate of return. Said minimal return on common equity shall not apply to any utility once an overall rate of return has been established for said utility in a proceeding before the commission, nor shall it apply in any proceeding which will result in the establishment of an authorized rate of return.

(5)(4) Applications for rate changes shall be accompanied by a fee as provided by s. 367.141, except that no fee shall be required for applications for rate changes made pursuant to subsection (4)(3).

(6)(5) The commission may withhold consent to the operation of any rate request or any portion thereof by filing an order to that effect with the commission clerk within 60 days after the date of filing of the rate request, or within a shorter period of time established by rule of the commission. The order shall state a reason or statement of good cause for the withholding of consent. The commission shall provide a copy of the order to the utility and all interested persons who have requested notice. Such consent shall not be withheld for a period longer than 8 months following the date of filing. The new rates or any portion not consented to shall go into effect under a bond or corporate undertaking subject to refund at the expiration of such period upon notice to the commission. The commission shall determine whether the corporate undertaking may be filed in lieu of the bond. The utility shall keep accurate, detailed accounts of all amounts received because of such rates becoming effective under bond or corporate undertaking subject to refund, specifying by whom and in whose behalf such amounts were paid. In its final order relating to such rate request, the commission shall direct the utility to refund such portion of the increased rates which are found not to be justified and which are collected during the time periods specified. The commission shall provide for the disposition of any funds not refunded, but in no event shall such funds accrue to the benefit of the utility. The commission shall take final action on the docket and enter its final order within 12 months of the official date of filing. Pending a final order by the commission in any rate proceeding under this section, the commission may withhold consent to the operation of all or any portion of the new rate schedules, delivering to the utility requesting such increase, within 30 days, a reason or written statement of good cause for withholding its consent. Such consent shall not be withheld for a period longer than 8 months from the date of filing the new schedules. The new rates or any portion not consented to shall go into effect under bond at the end of such period, but the commission shall by order require such utility to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of hearing and final decision in such proceeding shall by further order require such utility to refund with interest at a fair rate, to be determined by the commission in such manner as it may direct, such portion of the increased rate or charge as by its decision shall be found not justified. Any portion of such refund not thus refunded to patrons or customers of the utility shall be refunded or disposed of by the utility as the commission may direct; however, no such funds shall accrue to the benefit of the utility.

(6) In no instance is any regulated company allowed to put suspended rates into effect more than one time in any 12-month period.

Section 11. Section 367.082, Florida Statutes, is created to read:

367.082 Interim rates; procedure.—

(1) The commission may during any proceeding for a change of rates, upon its own motion, or petition from any party or by a tariff filing of a utility or a regulated company, authorize the collection of interim rates until the effective date of the final order. Such interim rates may be based upon a test period different from the test period used in the request for permanent rate relief. To establish a prima facie entitlement for interim relief, the commission, the petitioning party, the utility, or the regulated company shall demonstrate that the utility or the regulated company is earning outside the range of reasonableness on rate of return previously authorized by the commission. This determination shall be based upon the rate of return calculated in accordance with paragraph (a) or (b) of subsection (5).

(2)(a) In a proceeding for an interim increase in rates, the commission shall authorize within 60 days of the filing for such relief, the collection of rates sufficient to earn a rate of return at the minimum of the range of the last authorized rate of return. The difference between the interim rates and the previously authorized rates shall be collected under bond or corporate undertaking subject to refund with interest at a rate ordered by the commission.

(b) In a proceeding for an interim decrease in rates, the commission shall authorize within 60 days of the filing for such relief the continued collection of the previously authorized rates; however, revenues collected under those rates sufficient to reduce the achieved rate of return to the maximum of the last authorized rate of return shall be placed under bond or corporate undertaking subject to refund with interest at a rate ordered by the commission.

(c) The commission shall determine whether corporate undertaking may be filed in lieu of the bond.

(3) In granting such relief, the commission may, in an expedited hearing but within 60 days of the commencement of the proceeding, upon petition or upon its own motion, preclude the recovery of any extraordinary or imprudently incurred expenditures, or for good cause shown, increase the amount of the bond or corporate undertaking.

(4) Any refund ordered by the commission shall be calculated to reduce the utility's or the regulated company's rate of return during the pendency of the proceeding to the same level within the range of the newly authorized rate of return which is found fair and reasonable on a prospective basis but the refund shall not be in excess of the amount of the revenues collected subject to refund and in accordance with paragraph (b) of subsection (2). In addition, the commission may require interest on the refund at a rate established by the commission.

(5) The commission in setting interim rates or setting revenues subject to refund shall determine the deficiency or excess by applying:

(a) The rate of return for the utility or the regulated company for the most recent 12-month period which shall be calculated by applying appropriate adjustments consistent with those which were used in the utility's or the regulated company's most recent rate case, and annualizing any rate changes occurring during such period but based upon an average investment rate base; or

(b) The rate of return calculated in accordance with paragraph (a) but based upon an end of period investment rate base.

(6) Nothing in this section shall be construed to prohibit the commission from authorizing interim rates for a utility which does not have an authorized rate of return previously established by the commission.

Section 12. Section 367.091, Florida Statutes, is amended to read:

367.091 Rates; new class of service.—If any request for service of a utility shall be for a new class of service not previously approved provided for in the filings required by s. 367.041(2), the utility may furnish the new class of service and fix and charge just, reasonable, and compensatory rates or charges therefor. A schedule of rates or charges so fixed shall be filed

with the commission within 10 days after the service is furnished. The commission may approve such rates or charges as filed or may approve such other rates or charges for the new class of service which it finds are just, reasonable, and compensatory.

Section 13. Section 367.101, Florida Statutes, is amended to read:

367.101 Charges for service availability.—

(1) *The commission, by rule, may set standards for service availability charges and service availability conditions. Charges and conditions made by a utility shall be just and reasonable. The commission shall, upon request or upon its own motion, investigate agreements or proposals for charges and conditions to be made by a utility for service availability. The commission shall set just and reasonable charges and conditions for service availability.*

(2) *Applications for approval of charges and conditions for service availability shall be accompanied by a fee as provided by s. 367.141.*

Section 14. Section 367.111, Florida Statutes, is amended to read:

367.111 Service.—

(1) Each utility shall provide service to the territory described in its certificate within a reasonable time. If the commission finds that any utility has failed to provide service to any person reasonably entitled thereto, or finds that extension of service to any such person could be accomplished only at an unreasonable cost and that addition of the deleted territory to that of another utility company is economical and feasible, it may amend the certificate to delete the territory not served or not properly served by the utility, or it may rescind the certificate. *If utility service has not been provided to any part of the territory which a utility is authorized to serve, whether or not there has been a demand for such service, within 5 years after the date of authorization for service to such part, such authorization may be reviewed and amended or revoked by the commission.*

(2) Each utility shall provide to each person reasonably entitled thereto such safe, efficient, and sufficient service as is prescribed by the *Florida Safe Drinking Water Act and the Florida Air and Water Pollution Control Act, or rules adopted pursuant thereto, or, if applicable, chapter 17-22, Florida Administrative Code chapter 10D-4, Florida Administrative Code for Water Systems, and chapter 17-4, Florida Administrative Code for Sewer Systems, but such service shall not be less safe, less efficient, or less and sufficient than is consistent with the approved engineering design of the system and the reasonable and proper operation of the utility in the public interest.*

Section 15. Section 367.121, Florida Statutes, is amended to read:

367.121 Powers of commission.—

(1) In the exercise of its jurisdiction, the commission shall have power:

(a) To prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, and to prescribe service rules and regulations to be observed by each utility, *except to the extent such authority is expressly given to another state agency;*

(b) To prescribe, *by rule,* uniform system and classification of accounts for all utilities, which rules, among other things, shall establish adequate, fair, and reasonable depreciation rates and charges;

(c) To require *such regular or emergency reports from a utility, including but not limited to financial reports, as the commission deems necessary, provided that if the commission finds a financial report to be incomplete, incorrect or inconsistent with the uniform system and classification of accounts, it may require a new report or a supplemental report, either of which the commission may require to be certified by an independent certified public accountant licensed under chapter 473 the filing by each utility of periodic reports and all other reasonably necessary information;*

(d) To require repairs, improvements, additions, and extensions to any facility, or to require the construction of a

new facility, if reasonably necessary to provide adequate and proper service to any person entitled to service or if reasonably necessary to provide any prescribed quality of service; the plant and equipment of any utility reasonably necessary to promote the convenience and welfare of the public and secure sufficient service or facilities for those reasonably entitled thereto in the territory, except that no utility shall be required to extend its service outside the geographic territory described in its certificate its territory, or make additions to its plant or equipment to serve outside such its territory, unless the commission shall first finds that the utility is financially able to make such additional investment without impairing its capacity to serve its existing customers enter an order based upon findings establishing the financial ability of the utility to make such additional investment without impairing its capacity to serve its existing customers and its ability to operate efficiently;

(e) To employ and fix the compensation for such examiners and technical, legal, and clerical employees as it deems necessary to carry out the provisions of this chapter;

(f) To adopt, *by affirmative vote of a majority of the commission, prescribe all rules and regulations* reasonably necessary and appropriate for the administration and enforcement of this chapter; *and*

(g) To exercise all judicial powers, issue all writs, and do all things necessary or convenient to the full and complete exercise of its jurisdiction and the enforcement of its orders and requirements; *and.*

(h) *To order interconnections of service or facilities between utilities, and to approve any plant capacity charges or wholesale service charges or rates related thereto, provided that the commission first finds that the utility is financially able to make such additional investment as is required without impairing its capacity to serve its existing customers.*

(2) The commission or its duly authorized representatives may, during all reasonable hours, enter upon any premises occupied by any utility and set up and use thereon any all necessary apparatus and appliance appliances for the purpose of making investigations, inspections, examinations, and tests and exercising any power conferred by this chapter. Such utility shall have the right to be notified of and be represented at the making of such investigations, inspections, examinations, and tests.

Section 16. Section 367.122, Florida Statutes, is amended to read:

367.122 Examination and testing of meters appliances.—

(1) The commission may provide for the examination and testing of all meters appliances used for measuring any product or service of a utility.

(2) Any customer or user may have any such meter appliance tested by the utility upon payment of the fee fixed by the commission.

(3) The commission shall establish reasonable fees to be paid for testing such meters appliances on the request of the customers. The fee shall be paid by the customer or user at the time of his request. However, the fee shall be paid by the utility and repaid to the customer or user if the meter appliance is found defective or incorrect to the disadvantage of the customer or user in excess of the degree or amount of tolerance customarily allowed for such meters appliances, or as may be provided for in rules and regulations of the commission. No fee may be charged for any such testing done by the commission or its representatives.

(4) The commission may purchase materials, apparatus, and standard measuring instruments for such examinations and tests.

Section 17. Section 367.123, Florida Statutes, is amended to read:

367.123 Service for resale.—The commission may shall not require a utility to provide service for resale, *but Provided, however, before requiring the performance of services the commission shall first find that the utility is financially able to make such additional investment as is required without impairing its capacity to serve its existing customers.* Any utility which provides service for resale shall provide such service

upon terms and conditions established by the commission, and no utility shall discontinue such service without the approval of the commission. *In the event a governmental agency voluntarily enters into an agreement for resale, such agreement shall provide that the service will not be discontinued without 90 days' notice being given to the purchaser prior to discontinuing such service. Nothing contained herein shall be construed to prohibit the governmental agency from requiring adequate security being given to such agency to insure payments required in the agreement.*

Section 18. Section 367.131, Florida Statutes, is hereby repealed.

Section 19. Section 367.141, Florida Statutes, is amended to read:

367.141 Fees.—Applications by utilities, made pursuant to the provisions of s. ss. 367.041, s. 367.061, s. 367.071, and s. 367.081, s. 367.101, or s. 367.171, shall be accompanied by a fee, to be set by commission rule and to be based upon the existing or proposed capacity of the system or extension, with the following limitations as follows:

- (1) From 1 to 249 persons, \$50;
 - (2) From 250 to 499 persons, \$75;
 - (1)(3) From 500 to 999 persons, not more than \$150;
 - (4) From 1,000 to 1,499 persons, \$275;
 - (5) From 1,500 to 2,499 persons, \$600;
 - (2)(6) From 2,500 to 4,999 persons, not more than \$900;
 - (3)(7) From 5,000 to 9,999 persons, not more than \$1,500;
 - (4)(8) Ten thousand or more persons, not more than \$2,250.
- Such fees shall be placed in the Public Service Regulatory Trust Fund under the provisions of chapter 350.

Section 20. Section 367.151, Florida Statutes, is amended to read:

367.151 Gross receipts tax.—Each utility shall pay to the commission a regulatory fee in the amount of 2.5 percent of its gross operating revenues derived from intrastate business pursuant to s. 350.78. Each governmental agency to which ownership or control of a utility is transferred shall not be liable for any fees owed the commission by the utility as of the date of transfer, on or before March 15 in every year, report to the commission, under oath of one of its officers, the total amount of the gross receipts derived by it in the immediately preceding period of January 1 to December 31, inclusive, from utility business done within this state. Each utility whose ownership or system is transferred in any manner to a governmental agency shall, within 30 days of the date of transfer, report the total amount of gross receipts derived by it during the period from January 1 to the date of transfer. In either event, at the time of so reporting, each utility shall pay to the commission a gross receipts tax in the amount of 2.5 percent of such gross receipts. However, whenever a purchase at wholesale is made of any water or sewer service and a tax is paid or payable thereon by the selling a utility and the such utility purchasing such water or sewer service resells the same directly to customers, the purchasing such utility shall be entitled to, and shall receive, credit on such taxes as may be due by it under this section to the extent of the tax paid or payable upon such water or sewer service by the utility person, firm, or corporation from whom such purchase was made. If any utility fails to make such report and pay such tax, the commission, after giving at least 5 days' written notice to the utility, shall estimate the amount of such gross receipts from such information as it may be able to obtain from any source, add 10 percent of the amount of such tax as a penalty, and proceed to collect such tax and penalty, together with all costs of collection thereof, in the same manner as other delinquent taxes are collected. However, no penalty shall be added to the tax in the event a return is made and the amount of the tax is paid before the expiration of the time fixed in the notice given by the commission. All such tax payments and penalties shall be placed in the Florida Public Service Regulatory Trust Fund, as established under the provisions of chapter 350. The commission may audit such reports, and, upon demand, every utility shall submit all of its records, papers, books, and accounts to the commission or its representatives for audit.

Section 21. Section 367.161, Florida Statutes, is amended to read:

367.161 Incermination, violations, Penalties.--

(1) A person called upon to testify before the commission or one of its examiners shall not be excused from answering on the ground or claim that his testimony would tend to incriminate him; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced documentary evidence. However, no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

(2) If any utility, by any authorized officer, agent, or employee, shall knowingly refuse to comply with, or willfully violates violate, any provision of this chapter or any lawful rate, rule or regulation, order of, direction, demand, or requirement prescribed by the commission, such utility shall incur a penalty for each such offense of not more than \$5,000, to be fixed, imposed, and collected by the commission. However, any penalty assessed by the commission for violation of s. 367.111(2) shall be reduced by any penalty assessed by any other state agency for the same violation. Each day that said refusal or violation continues shall constitute a separate offense. Each penalty shall be a lien upon the real and personal property of the utility, enforceable by the commission as statutory liens under chapter 85. The proceeds from the enforcement of any such lien shall be deposited in the general revenue fund of the state.

Section 22. Section 367.171, Florida Statutes, is amended to read:

367.171 Effectiveness of this chapter.—

(1) The provisions of this chapter shall become effective in a county of this state upon the adoption of a resolution by the board of county commissioners of such county, or, in counties operating under a countywide charter, by the appropriate board, declaring that such county is subject to the provisions of this chapter. Any board of county commissioners adopting such resolution shall immediately notify the commission of its adoption and submit the resolution to the commission. A county, after 4 continuous years under the commission's jurisdiction, may by resolution or ordinance rescind any prior resolution or ordinance imposing commission jurisdiction and thereby exclude itself from the provisions of this chapter, except the county may not exclude itself from the provisions of this section.

(2)(a) Within 30 days after this chapter becomes applicable to a county, each utility shall register by filing with the commission a written statement setting forth the full legal name of the utility, its mailing address, and a brief description of its area of service.

(b) On the day this chapter becomes applicable to any county, any utility engaged in the operation or construction of a system shall be entitled to receive a certificate for the area served by such utility on the day this chapter becomes applicable to it if, within 90 days, the utility will make application by filing with the commission:

1. A map of its existing system or system under construction; and
2. A description of the area served by the system; and
3. A tariff listing all rates and charges and such other financial information as may be required by the commission.

Such application shall be accompanied by a fee as provided by s. 367.141.

(c) Before the commission issues a certificate under paragraph (b), it shall establish the amount of money prudently invested in property of the utility which property is used and useful in the public service, shall establish other elements of the rate base, and shall set and approve rates pursuant to s. 367.081.

(2)(a) In consideration of the advisory opinion of the Supreme Court of Florida to the Governor on May 14, 1960, responding to the Governor's request for the court's opinion upon a question affecting the executive powers and duties, as authorized by s. 1(e), Art. IV, State Constitution, the court found, inter alia, that the Legislature of the State of Florida is vested with inherent power to prevent unjust discrimination

and excessive charges by persons engaged in common carriage and providing other service of a public nature. Thus, the Legislature has inherent authority to create and empower a public utilities commission and impose upon it responsibility and authority for regulation of water and sewer utilities in certain areas of this state.

(3)(b) In consideration of the variance of powers, duties, responsibilities, population, size of municipalities of the several counties and that every county varies from every other county and thereby affects the functions, duties, and responsibilities required of its county officers and the scope of responsibilities which each county may, at this time, undertake, the Counties of Alachua, Baker, Bay, Bradford, Calhoun, Charlotte, Citrus, Collier, Columbia, Dade, DeSoto, Dixie, Escambia, Flagler, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Hillsborough, Holmes, Indian River, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Manatee, Marion, Martin, Monroe, Okaloosa, Okeechobee, Polk, St. Johns, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Wakulla and Washington are excluded from the provisions of this chapter until such time as the board of county commissioners of such counties, acting pursuant to the provisions of subsection (1), shall make this chapter applicable to such county or until the Legislature shall, by appropriate act, remove one or more such counties from this exclusion.

(4) As of the day a utility is no longer regulated by the commission under this chapter, each such utility engaged in the operation or construction of a system shall be entitled to receive a certificate from the county in which it is located and operating for each area for which such utility held a certificate from the commission on the day it becomes subject to regulation by the county. The utility will make application by filing with the governing body of the county:

(a) A map of its existing system or system under construction;

(b) A certified copy of the certificate issued by the commission, including a legal description of the area for which the certificate was issued;

(c) A tariff, listing all rates and charges then in effect, which shall remain in effect until thereafter lawfully changed;

(d) A copy of the utility's operating regulations and procedures then in effect which shall remain in effect until thereafter lawfully changed; and

(e) The utility's then current rate base which shall then continue to be that utility's rate base until thereafter lawfully changed.

(5) Upon a utility becoming subject to regulation by a county, all cases in which the utility is a party then pending before the commission, or in any court by appeal from any order of the commission, shall remain within the jurisdiction of the commission or court until disposed of in accordance with the law in effect on the day such case was filed by any party with the commission or initiated by the commission, whether or not the parties or the subject of any such case relates to a utility in a county wherein this chapter no longer applies.

(6) Any county in which utilities as herein defined were regulated by the commission on or after January 1, 1980, which subsequently cease to be so regulated, shall within 90 days of said cessation of commission regulation, adopt and follow as minimum standards of regulation, the provisions of s. 367.081, except for s. 367.081(4)(a), and s. 367.082, except that the word "commission" shall be read as "the governing body of such county" where the context implies or admits. The authorized rate of return shall be no less than the weighted cost of the utility's capital, including debt and equity.

Section 23. Section 367.191, Florida Statutes, is created to read:

367.191 Abandonment.—It is the intent of the Legislature that water or sewer service to the customers of a utility shall not be interrupted by the abandonment or placement into receivership of the utility. To that end:

(1) No person, lessee, trustee, or receiver owning, operating, managing, or controlling a utility shall abandon the utility without giving 30 days' prior notice to the county or counties

in which the utility is located and to the commission. Anyone who violates the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of such abandonment shall constitute a separate offense. In addition, such act is a violation of this chapter, and the commission may impose upon the utility a penalty for each such offense of not more than \$5,000 or may amend, suspend, or revoke its certificate; each day of such abandonment without prior notice shall constitute a separate offense.

(2) After receiving such notice, the county, or counties acting jointly if more than one county is affected, shall petition the circuit court of the judicial circuit where such utility is domiciled to appoint a receiver, which may be the governing body of a political subdivision or any other person deemed appropriate. The receiver shall operate the utility from the date of abandonment until such time as the receiver disposes of the property of the utility in a manner designed to continue the efficient and effective operation of utility service.

(3) The notification to the commission under subsection (1) shall be sufficient cause for revocation, suspension, or amendment of the certificate of the utility as of the date of abandonment. The receiver operating such utility shall be considered to hold a temporary authorization from the commission, and the approved rates of the utility shall be deemed to be the interim rates of the receiver until modified by the commission.

Section 24. All certificates and authorizations valid on the effective date of this act shall remain in full force and effect. Henceforth all certificates and authorizations shall be applied for and renewed in accordance with this act.

Section 25. Notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended, sections 367.011, 367.021, 367.022, 367.031, 367.041, 367.051, 367.061, 367.071, 367.081, 367.091, 367.101, 367.111, 367.121, 367.122, 367.123, 367.141, 367.151, 367.161, and 367.171, Florida Statutes, shall not stand repealed on July 1, 1980, as scheduled by such act, but said sections, as amended, are hereby revived and readopted.

Section 26. Chapter 367, Florida Statutes, shall stand repealed on July 1, 1986, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Section 27. This act shall take effect on July 1, 1980, except that, if this act becomes a law after such date, it shall operate retroactively to such date.

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

A bill to be entitled An act relating to the Water and Sewer System Regulatory Law; reviving, readopting, and amending ss. 367.011, 367.021, 367.022, 367.031, 367.041, 367.051, 367.061, 367.071, 367.081, 367.091, 367.101, 367.111, 367.121, 367.122, 367.123, 367.141, 367.151, 367.161, and 367.171, Florida Statutes; clarifying legislative intent; providing definitions; modifying exemptions; modifying the certification requirement; modifying provisions relating to application for a certificate; modifying provisions relating to issuance of a certificate; modifying provisions relating to extension of service and amendment of certificate; modifying provisions relating to sale or transfer of certificates, facilities, or organizational control; providing for establishment of rate base upon sale or transfer; modifying provisions relating to fixing and changing of rates and relating to rates for new classes of service; providing for the setting, by rule, of standards for service availability charges and conditions; authorizing the Public Service Commission to amend or revoke a certificate; clarifying meaning of "safe, efficient, and sufficient service"; modifying the powers of the commission; authorizing the commission to order certain interconnections of service or facilities and to approve plant capacity charges, wholesale service charges, or rates; providing for examination and testing of certain equipment; authorizing the commission to require a utility to provide service for resale; repealing s. 367.131, Florida Statutes, relating to judicial review; providing for application fees to be set by rule; modifying provisions relating to gross receipts tax; modifying provisions relating to violations; providing penalties; authorizing boards of county commissioners to rescind jurisdictional resolutions; providing for filing of financial information; providing for setting and approving rates; creating s. 367.0225, Florida Statutes; providing for deter-

mination of official filing dates; creating s. 367.082, Florida Statutes; providing for interim rates; creating s. 367.191, Florida Statutes; providing for abandonment of a utility and for placement of a utility in receivership; providing for the validity of existing certificates and authorizations; providing for repeal and legislative review of the act; providing a retroactive effective date.

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

CS for SB 297 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The bill was ordered engrossed and then enrolled.

Messages from the House containing Senate Bills 348, 347, 343, 333, and 346 and 349 were referred to the Committee on Commerce.

The Honorable Philip D. Lewis, President

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

By Senator Stuart—

SB 721—A bill to be entitled An act relating to unemployment compensation; creating part I of chapter 443, Florida Statutes, "General Provisions," consisting of ss. 443.011, 443.021, 443.031, 443.041, 443.051, 443.061, and 443.071, Florida Statutes, relating to short title, declaration of public policy, rule of liberal construction, waiver of rights, fees, and privileged communications, benefits not alienable, saving clause, and penalties; creating part II of chapter 443, Florida Statutes, "Definitions," consisting of s. 443.081, Florida Statutes, defining terms for purposes of the chapter; creating part III of chapter 443, Florida Statutes, "Individual Benefits and Eligibility," consisting of ss. 443.091, 443.101, and 443.111, Florida Statutes, relating to benefit eligibility conditions, disqualification for benefits, and payment of benefits; creating part IV of chapter 443, Florida Statutes, "Employer Coverage and Contributions," consisting of ss. 443.121, 443.131, and 443.141, Florida Statutes, relating to employing units affected, contributions, and collection of contributions; creating part V of chapter 443, Florida Statutes, "Claims Procedures and Appeals," consisting of s. 443.151, Florida Statutes, relating to procedure concerning claims; creating part VI of chapter 443, Florida Statutes, "Administration," consisting of ss. 443.161, 443.171, 443.181, 443.191, 443.201, 443.211, and 443.221, Florida Statutes, relating to administrative organization, powers, duties and rules of the Division of Employment Security of the Department of Labor and Employment Security, the Florida State Employment Service, the Unemployment Compensation Trust Fund, nonliability of the state, the Employment Security Administration Trust Fund, and reciprocal arrangements with other states or with the Federal Government; amending ss. 20.171(5)(f) and (1), 120.57(1)(a), and 215.22(10) and (11), Florida Statutes, to conform cross references; repealing all of present chapter 443, Florida Statutes, relating to unemployment compensation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 133, line 17, insert: Section 9. The renumbering and reorganization of chapter 443 accomplished by this act shall not be construed to alter, amend, or repeal any substantive amendments to existing chapter 443, Florida Stat-

utes, enacted during the 1980 Legislative Session. The Division of Statutory Revision of the Joint Legislative Management Committee is directed to incorporate any substantive amendments to existing chapter 443, Florida Statutes, into the renumbering and reorganization accomplished by this act.

Renumber subsequent sections.

Amendment 2—On page 2, line 18 in title, insert: directing the Division of Statutory Revision to incorporate substantive amendments into the renumbered and reorganized act;

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

SB 721 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Hair, Holloway

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER

CS for CS for SB 1104, by the Committee on Ways and Means, was read the first time by title and CS for SB 1104 and SB 1104 were laid on the table.

On motions by Senator Peterson, by two-thirds vote HB 1796 was withdrawn from the Committees on Education and Ways and Means.

On motion by Senator Peterson, without objection, HB 1796 was substituted for CS for CS for SB 1104.

Further consideration of HB 1796 was deferred.

HB 161—A bill to be entitled An act relating to the Beverage Law; amending ss. 561.15(1), 562.11 and 562.111, Florida Statutes; prohibiting the consumption or possession of alcoholic beverages by persons under age 19 and the selling or serving of alcoholic beverages to such persons; 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.

Senator Chamberlin moved the following amendment which was adopted:

Amendment 1—On page 2, line 20, after the word "license" insert: , identification card with photograph as issued by the Division of Motor Vehicles pursuant to s. 322.051 or other comparable identification which bears a photograph and which was issued by an agency of the Federal Government or of any state government,

Senator Chamberlin moved the following amendment which failed:

Amendment 2—On page 2, line 5, after "premises" insert: , except that nothing herein contained shall preclude any establishment licensed by the Division of Alcoholic Beverages and Tobacco which license authorizes the vendor to sell alcoholic beverages for consumption on the premises only from the sale, preparation, or service of alcoholic beverages on the licensed premises to any person 18 years of age or older.

Senator Stuart moved the following amendment which was adopted:

Amendment 3—On page 4, line 1, insert a new section:

Section 4. Section 562.113, Florida Statutes is created to read:

562.113 Active duty military personnel; exception.—Notwithstanding the provisions of ss. 562.11 and 562.111, a licensee may sell alcoholic beverages to any person who is on active duty in the armed forces of the United States, who presents a valid United States military identification, and who is 18 years of age or older.

Renumber subsequent sections.

The vote was:

Yeas—26

Mr. President	Frank	MacKay	Tobiassen
Anderson	Gordon	Myers	Vogt
Barron	Grizzle	Scarborough	Ware
Beard	Hair	Scott	Williamson
Chamberlin	Hill	Skinner	Winn
Childers, W. D.	Holloway	Stuart	
Dunn	Jenne	Thomas	

Nays—12

Carlucci	Gorman	McClain	Poole
Childers, D.	Henderson	McKnight	Steinberg
Fechtel	Maxwell	Peterson	Trask

Senator Myers moved the following amendments which were adopted:

Amendment 4—On page 4, between lines 11 and 12, insert:

Section 5. Subsection (1) of section 562.45, Florida Statutes, is amended to read:

562.45 Penalties for violating Beverage Law.—

(1) Any person willfully and knowingly making any false entries in any records required under the Beverage Law or willfully violating any of the provisions of the Beverage Law, concerning the excise tax herein provided for shall be guilty of a ~~misdemeanor of the first degree felony of the third degree~~, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. It is unlawful for any person to violate any provision of the Beverage Law, and any provision of the Beverage Law for which no penalty has been provided shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; provided, that any person who shall have been convicted of a violation of any provision of the Beverage Law and shall thereafter be convicted of a further violation of the Beverage Law, shall, upon conviction of said further offense, be guilty of a ~~misdemeanor of the second degree felony of the third degree~~, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent sections.)

Amendment 5—On page 1, line 12, after the word "law;" insert: amending s. 562.45 (1), Florida Statutes; providing for reduction of certain penalties for violation of the beverage law;

On motion by Senator Don Childers, by two-thirds vote HB 161 as amended was read the third time 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	Poole	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtel	Johnston	Skinner	

Nays—None

Vote after roll call:

Yea to Nay—Gordon

On motion by Senator Don Childers, the rules were waived and HB 161 was ordered immediately certified to the House.

Special Guests

Senator Anderson introduced to the Senate Lee Roy Selmon of the Tampa Bay Buccaneers who addressed the Senate briefly.

On motion by Senator Henderson, the rules were waived and the following representatives of the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Florida were admitted to the floor and escorted to the rostrum: Lynn Pierce Blich, Grand Master; Mallory E. Horne, Grand Orator; and Edward S. Jaffry, District 5 Deputy Grand Master. Former Senator and President of the Senate Horne introduced Grand Master Blich who expressed appreciation to the Senate for the tribute recently given the Masons by the Legislature in commemoration of their sesquicentennial year which is being officially celebrated with appropriate ceremonies in Tallahassee on July 19.

SPECIAL ORDER, continued

The Senate resumed consideration of—

HB 1796—A bill to be entitled An act relating to educational capital outlay; adding a new subsection (2) to s. 236.25, Florida Statutes, to authorize district school boards to levy up to 2 mills ad valorem tax for specified purposes; amending s. 236.-081(6)(c), Florida Statutes, relating to allocations from the Florida Education Finance Program, to conform; creating s. 200.066, Florida Statutes; specifying procedures for levying such millage; providing for notice and hearings; providing a penalty for failure to comply; providing appropriations for specified capital outlay projects from the Public Education Capital Outlay and Debt Service Trust Fund to the district school boards, the Board of Regents, community college boards of trustees, and the Florida School for the Deaf and Blind; providing amount to equalize up to 1 mill of capital outlay millage; providing appropriations from the General Revenue Fund to various educational agencies for specified projects; amending s. 203.01, Florida Statutes; requiring monthly reports and payments of the tax on gross receipts for utility services; amending s. 215.61(3), Florida Statutes; requiring the State Board of Education to utilize the average annual amount of revenue collected for the 24 months preceding the last collection known by the Legislature that authorizes the bond issue included in the Public Education Capital Outlay and Debt Service Trust Fund appropriation in determining the amount of bonds which can be serviced by the gross receipts tax; providing an effective date.

—which was read the second time by title.

Senator Peterson moved the following amendment:

Amendment 1—Strike all after the enacting clause and insert:

Section 1. Section 235.002, Florida Statutes, is amended to read:

235.002 Intent.—The intent of the Legislature is:

(1) To guarantee to each student in the ~~Florida~~ public ~~district school education~~ system the availability of an educational environment appropriate to his educational needs which is substantially equal to that available to any similar student, notwithstanding geographic differences and varying local economic factors.

(2) To provide facilities to adequately meet post-secondary education needs, including area vocational-technical centers, community college facilities, and state university facilities.

(3) To provide facilities for other educational institutions and agencies, including the Florida School for the Deaf and the Blind and the Division of Blind Services.

(4)~~(2)~~ To utilize, as far as practicable, innovative designs, construction techniques, and financing mechanisms in building

educational facilities for the purpose of reducing costs, creating a more satisfactory educational environment, and reducing the amount of time necessary for design and construction to fill unmet needs.

(5)(3) To provide a systematic mechanism whereby educational facilities construction plans can meet the current and projected needs of the public education system population as quickly as possible by building uniform, sound educational environments and to provide a sound base for planning for educational facilities needs.

(6)(4) To provide a systematic plan for educational construction whereby sites may be acquired, educational requirements formulated, and architectural plans and specifications developed so as to proceed immediately with the construction of educational facilities when funds are made available.

Section 2. Section 235.01, Florida Statutes, is amended to read:

235.01 Purpose.—The purpose of this chapter is to authorize state and local officials to cooperate in establishing and maintaining educational facilities plants that will provide for meet public educational needs throughout the state and meet the intent of the Legislature as described in s. 235.002 in promoting the health, comfort, and the moral and intellectual development of students.

Section 3. Section 235.011, Florida Statutes, is amended to read:

235.011 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this chapter:

(1) "Improved educational environment" means the improvements to existing educational facilities, such as altering, remodeling, improving, renovating, or repairing, which are necessary to maintain the educational plant attain the uniform student station standards.

(2) "Relocatable facility" means an educational facility which has been designed to incorporate the following elements:

- (a) Portability;
- (b) Reconstructibility;
- (c) Demountability;
- (d) Durability of components;
- (e) Simplicity of components;
- (f) Flexibility of interior spatial relationships;
- (g) Adaptability to solar energy systems;
- (h) Minimum foundation work;
- (i) Interfaceability with existing, conventional construction; and
- (j) Maximum recoverability of components when the facility is relocated.

(3) "Satisfactory educational facility" means a facility which has been recommended for continued use by an educational plant survey or which has been classified as satisfactory in the state inventory of educational facilities.

(4) "Educational facilities" means the buildings and equipment that are built, installed, or established to serve educational purposes and which may lawfully be used.

(5) "Educational plant" comprises all the physical features incident to, or necessary to accommodate, students, and teachers, and administrative and auxiliary services and the activities of the educational program of each plant.

(6) "Educational plant survey" means a systematic study of present educational plants and the determination of future needs to provide an appropriate educational program for each student, conducted by or approved by the department.

(7) "Unhoused students" means the actual or projected students in excess of the existing student stations.

(8) "Projected plant need" means the sum of the following estimated factors:

- (a) Construction costs;
- (b) Legal and administrative costs;
- (c) Architectural fees;
- (d) Energy conservation costs;
- (d) Costs of correcting deficiencies which produce unsafe, unhealthy, or unsanitary environments; air conditioning; remodeling; and renovations;
- (e) Cost of new furniture and equipment for new construction;
- (f) Cost of site improvement; and
- (g) Cost of site acquisition.

(8)(9) "Board," unless otherwise specified, means a district school board, a community college board of trustees, the Board of Regents, or the Board of Trustees for the Florida School for the Deaf and the Blind. The term "board" does not include the State Board of Education.

(9) "Participating agency" means any board or agency receiving funds appropriated from the Public Education Capital Outlay and Debt Service Trust Fund.

(10) "Capital project" for the purposes of Article XII of the State Constitution, means sums of money appropriated from the Public Education Capital Outlay and Debt Service Trust Fund for the state system of public education.

(11) "Housing index" is the relationship between the district-wide educational space needed, and the amount of educational space needed, or in excess, by school within the district. "Housing index" is the relationship between the number of students to be housed and the number of student stations required to adequately house such students.

(12) A "student station" is the appropriate area and environment necessary for a student to engage in educational learning activities appropriate to his needs and shall include, but not be limited to, classroom, teaching, vocational and occupational laboratory, library, and cafeteria space, as determined by rules of the State Board of Education.

(13) The "5-Year Long Range Plan" is the document outlining the plan to meet the educational needs for the next 5 years, based on the recommendations of the educational plant survey.

(14) The "State System of Public Education" includes:

- (a) Public school districts.
- (b) Community colleges.
- (c) State universities.
- (d) The Florida School for the Deaf and the Blind.
- (e) Division of Blind Services.

(15) "Remodeling" means to change existing facilities by rearrangement of spaces and their uses.

(16) "Renovation" means to upgrade existing facilities by installation of or replacement of materials and fixed equipment, including building systems such as electrical, mechanical, etc.

(17) "Maintenance and repair" means the upkeep of property or equipment.

Section 4. Section 235.016, Florida Statutes, is amended to read:

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

(1) To recommend rules for the operation of the programs and activities of the office for consideration by the State Board of Education:

(a) To require participating agencies to submit plans and specifications for new educational facilities construction or the improvement of existing structures.

(b) To approve or disapprove, for reasons shown, the purchase of, or the leasing of, sites for educational purposes by the boards and plans and specifications for new educational facilities construction or the improvement of existing structures on sites as submitted.

(c) To authorize and request, when there is a clear and present danger to life and safety, county and municipal governments, in cooperation with boards, to construct and maintain sidewalks or bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government.

(d) To define approved capital expenditures which shall be paid by the state.

(e) To develop the techniques to be used in the bidding and construction of projects.

(f) To require analyses of locally available materials in relation to economy, ready availability, and speed of construction.

(g) To determine the roles of the different state and local government agencies, including planning commissions, in the planning, design, and construction of educational facilities and improvements, to insure inclusion of services and programs for community centers that can appropriately be provided on a single site for the purpose of meeting current and future needs of the community to be served.

(h) To insure as far as practicable that there be as much participation as possible by local personnel in determining programs and activities. Local initiative should be encouraged and utilized in order that the needs of local communities be met, as far as practicable, when constructing new educational facilities or making additions or improvements to existing facilities in the community.

(2) To recommend for employment staff sufficient to carry out all the functions and responsibilities of the office as herein provided.

(3) To organize the staff in the most efficient way to carry out the duties, responsibilities, programs, and functions of the office effectively and to insure that the intent of the legislature is implemented.

(4) To submit to the commissioner an annual report on the status projected needs of educational facilities construction and capital improvements for each fiscal year and to recommend a suggested level of funding to be presented by the commissioner to the State Board of Education.

(5) To submit to the commissioner an annual report of the status of the Public Education Capital Outlay and Debt Service Trust Fund and the School District and Junior College District Capital Outlay and Debt Service Trust Fund. To review all requests for construction and capital improvement funds and to make recommendations to the commissioner concerning approval and funding.

(6) To administer the Public Education Capital Outlay and Debt Service Trust Fund.

(7) To develop, review, update, and revise a mandatory, uniform building code for educational facilities construction and capital improvement; and to recommend appropriate rules for the implementation of the code to be adopted by the State Board of Education.

(8) To coordinate each participating agency's Educational Plant Survey and provide expertise in the following areas;

(a) Architectural/engineering;

(b) Educational programs;

(c) Educational facilities;

(d) Regional planning; and to document the determination of future needs resulting thereof subject to approval of the State Board of Education.

(9)(6) To perform such other functions as may be required by the commissioner, state board rules, or law.

Section 5. Section 235.017, Florida Statutes, is created to read:

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

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

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

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

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

Section 6. Section 235.018, Florida Statutes, is amended to read:

235.018 Delegation of review and approval authority.—

(1) The Office of Educational Facilities Construction may delegate its review, approval, and inspection process as required in subsection 235.26(5) to a board if:

(a)(1) The board has satisfactorily demonstrated that it is competent to inspect and approve plans for educational facilities.

(b)(2) Such plans and facilities conform with the Uniform Building Code for Public Education Facilities, as required in s. 235.26.

(c)(3) The plans and specifications for an educational facility have been prepared by, and reflect the seal of, a Florida-registered architect or a Florida-registered professional engineer and such architect or engineer certifies that the documents comply with the provisions of this chapter and all applicable rules of the State Board of Education.

(2) The office may delegate its review, approval and inspection process as required in s. 235.26(5) to the Department of General Services.

Section 7. Section 235.02, Florida Statutes, is amended to read:

235.02 Use of buildings and grounds.—A The board, including the Board of Regents, may permit the use of educational facilities and grounds for any legal assembly or for community use centers or may permit the same to be used as voting places in any primary, regular, or special election. The board shall adopt rules necessary to protect educational facilities and grounds when used for such purposes.

Section 8. Section 235.04, Florida Statutes, is amended to read:

235.04 Disposal of property.—

(1) REAL PROPERTY.—Subject to rules of the state board, a the board may dispose of any land or real property which is by resolution of such board determined to be unnecessary for educational purposes. The board shall take diligent measures to dispose of educational property only in the best interests of the public.

(2) TANGIBLE PERSONAL PROPERTY.—Tangible personal property which has been properly classified as surplus by a the board shall be disposed of in accordance with the procedure established by chapter 274. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the

disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board.

Section 9. Section 235.05, Florida Statutes, is amended to read:

235.05 Right of eminent domain.—

(1) There is conferred upon the school board in each of the several districts in the state the authority and right to take private property for any public school purpose or use when, in the opinion of the school board, such property is needed in the operation of any or all of the public schools within the district, including property needed for any school purpose or use in any school district or districts within the county. The absolute fee simple title to all property so taken and acquired shall vest in the school board of such district, unless the school board seeks to appropriate a particular right or estate in such property.

(2) The board of trustees may exercise the right of eminent domain as provided in s. 240.319(3)(f) ~~230.754(2)(f)~~.

(3) *The Board of Regents may exercise the right of eminent domain as provided in s. 240.217.*

Section 10. Subsection (1) of section 235.055, Florida Statutes, is amended to read:

235.055 Construction of facilities on leased property; conditions.—

(1) ~~Boards, including the Board of Regents, are authorized, when such action is approved by the commissioner Department of Education, to construct educational facilities on land which is owned by a federal, state, county, or municipal governmental agency, after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.~~

Section 11. Section 235.056, Florida Statutes, is created to read:

235.056 Lease of educational facilities.—

(1) Boards are authorized, when such action is approved by the commissioner, to lease educational facilities which have been declared surplus by an educational plant survey, to a federal, state, county or municipal governmental agency or to any public nonprofit agency for the benefit of the community.

(2) When such action is approved by the office, a board may enter into a 1-year lease for surplus educational facilities.

Section 12. Subsection (1) of section 235.06, Florida Statutes, is amended to read:

235.06 Safety and sanitation standards and inspection of property.—The State Board of Education is empowered and directed to adopt rules prescribing standards for the safety and health of occupants of educational plants as a part of the State Uniform Building Code for Public Educational Facilities Construction as provided in s. 235.26. These standards shall be used by all public agencies when inspecting public educational facilities. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational facilities. Such policies shall contain procedures for periodic inspections as prescribed herein and for withdrawal of any educational plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.—Each board shall provide for period inspection of each educational plant at least once during each fiscal year to determine compliance with standards of sanitation and safety prescribed in the rules of the state board. Such inspection shall be conducted by qualified employees of the board or, in the alternative and upon approval of the board, by architects or engineers licensed to practice in Florida or by appropriate state or local public agencies. A copy of each inspection report shall be forwarded to the ~~commissioner Department of Education~~. A copy of the fire safety inspection report only shall be forwarded to the State Fire Marshal *and to the commissioner*. If major deficiencies are noted in any inspection, the board shall

either take action to promptly correct such deficiencies or withdraw the educational plant from use until such time as the deficiencies are corrected.

Section 13. Section 235.065, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 235.065, F.S., for present text.)

235.065 Maintenance and operation of educational plants.—

(1) The commissioner shall recommend and the State Board of Education shall adopt rules prescribing standards for the proper maintenance and operation of educational plants and the office shall adopt procedures, for inclusion in the educational plant survey, for evaluating the extent to which these standards are being met. The prescribed standards shall serve as a guide for the participating agencies for proper maintenance.

(2) Funds appropriated from general revenue for maintenance, renovation and repair shall be allocated to each board pursuant to a formula adopted by the State Board of Education.

Section 14. Section 235.09, Florida Statutes, is amended to read:

235.09 Obscenity on educational building or vehicles.—Whoever willfully cuts, paints, pastes, marks, or defaces by writing or in any other manner any educational building, furniture, apparatus, appliance, outbuilding, ground, fence, tree, post, vehicle, or other educational property, with an obscene word, image, or device shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This section shall not apply to any student in, and subject to the discipline of, the school, or community college, or university.

Section 15. Section 235.149, Florida Statutes, is amended to read:

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

Section 16. Section 235.15, Florida Statutes, is amended to read:

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

of the State Board of Education. An official copy of each survey report shall be filed by the *participating agency board* with the office. This report may be amended, if conditions warrant, at the request of the board or commissioner.

Section 17. Section 235.155, Florida Statutes, is amended to read:

235.155 Exception to recommendations in educational plant survey.—An exception to the recommendations in the educational plant survey may be allowed if a *participating agency board*, including the Board of Regents, deems that it will be advantageous to the welfare of the educational system or that it will make possible a substantial saving of funds. A *participating agency board* requesting such an exception shall present a full statement, in writing, setting forth all the facts in the case to the State Board of Education through the Commissioner of Education, who shall make a recommendation on the request. The state board shall determine whether any exception to the recommendations of the educational plant survey shall be approved.

Section 18. Section 235.16, Florida Statutes, is amended to read:

235.16 Educational plant construction program based on survey.—Each *participating agency board*, including the Board of Regents, after a survey has been made as provided in this chapter, shall, within 6 months after the completion of the final survey report, survey, adopt and submit to the office a proposed long range plan program for educational facilities. This plan program shall, insofar as practicable, be based upon the findings and recommendations of the survey report and shall be submitted in the form prescribed by the State Board of Education. The plan program may be amended by resolutions adopted by the *participating agency board*, provided copies of the resolutions with supporting evidence are submitted to the office. The office shall study the proposed program, or amendments thereto, of each *participating agency board* and shall submit it, together with its findings and recommendations, to the commissioner State Board of Education for approval.

Section 19. Section 235.18, Florida Statutes, is amended to read:

235.18 Annual educational capital outlay budget.—Each *participating agency board*, including the Board of Regents, shall, each year, adopt an educational a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood and, insofar as possible, provisions be made for same. This capital outlay budget shall be a part of the annual budget and shall be based upon, and be in harmony with, the educational facilities construction plan program previously approved by the commissioner State Board of Education. This budget shall designate the proposed capital outlay expenditures needs for the year from all fund sources, and be amended at such time as funds become available. No funds shall be expended on any such need not included in the budget, as amended. If approved by the Department of Education, the budget, as amended, shall be executed as provided by law supplemented by rules of the State Board of Education.

Section 20. Subsections (1) and (4) of section 235.19, Florida Statutes, are amended to read:

235.19 Site planning and selection.—

(1) Before acquiring property for sites, each board, including the Board of Regents, shall determine the location of proposed educational centers or campuses for the board. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the compatibility of such plans with site planning.

(4) Sites recommended for purchase, or purchased, in accordance with the provisions of chapters chapter 230 and 240 shall meet standards prescribed in this chapter and such supplementary standards as may be prescribed by the state board to promote the educational interests of the students. Each site shall be well drained and reasonably free from mud, and the soil shall be adaptable to landscaping and suitable for outdoor educational purposes. Insofar as practicable, the site shall not be located within any path of flight approach of any airport

or adjoin a right-of-way of any railroad or through highway and shall not be adjacent to any factory or other property from which noise, odors, or other disturbances would be likely to interfere with the educational program.

Section 21. Section 235.195, Florida Statutes, is amended to read:

235.195 Cooperative development and use of facilities by two or more boards.—

(1) *Participating agencies* Two or more boards, including district school boards, community college boards of trustees, the Board of Trustees for the Florida School for the Deaf and the Blind, and the Board of Regents, desiring to cooperatively establish a common educational facility to accommodate students shall:

(a) Adopt and submit to the commissioner a joint resolution of the participating agencies boards indicating their commitment to the utilization of the requested facility.

(b) Request the commissioner to have an educational plant survey conducted by the office to determine the need.

(c) Designate the exact location of the educational plant and which agency board is to assume responsibility for the operation, maintenance, and control of the proposed plant.

(2) The commissioner shall cause the requested educational plant survey to be conducted within 90 days after receiving the joint resolution and substantiating data and shall evaluate the findings of the survey in terms of the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed plant. Upon completion of the Educational Plant Survey, the participating agencies may include the project in their long range plans. The commissioner shall then present his evaluation of the request to the State Board of Education and, if his evaluation is in favor of the project, shall request the approval of the state board for the project. Upon approval of the project by the state board, the commissioner shall include each approved project in the annual comprehensive budget for educational facilities, including an estimated cost for completing each project not to exceed 50 percent of the cost of the project after the participating boards have been made the necessary commitment to finance the remaining one-half. Public Education Capital Outlay and Debt Service Trust Funds may not be expended on any project unless specifically authorized by the Legislature in the General Appropriations Act; however, The participating agencies boards shall, through cooperative efforts, provide the site for such facility.

(3) The use of modular and relocatable facilities shall be considered, where appropriate, in all facilities established pursuant to this section.

(4) The State Board of Education shall adopt rules necessary to carry out the intent of this section.

Section 22. Section 235.196, Florida Statutes, is created to read:

235.196 Historic educational facilities.—When an existing educational facility is determined to be unsatisfactory pursuant to a survey conducted under s. 235.15, the board may, by resolution, designate the facility as an historic educational facility and may use funds provided for new construction, remodeling, or maintenance to restore the facility for use by the board. The board shall agree to pay 25 percent of the cost of restoration of the facility and to continue to use the facility for educational purposes.

Section 23. Section 235.211, Florida Statutes, is amended to read:

235.211 Educational facilities design and construction techniques.—

(1) RELOCATABLE FACILITIES REQUIRED.—Upon the request of a *participating agency board*, the commissioner state board shall provide relocatable educational facilities for use at centers where there is an immediate need for student stations or where there is reason to believe the student population will not remain stable in the near future years. The commissioner state board shall make recommendations to the boards for the use of relocatables under the circumstances described herein.

(a) The office is empowered and directed to provide systems-based, modular, relocatable facilities and to purchase, or contract for the purchase of, such modular relocatable facilities. The ownership of such facilities shall rest with the state board, and they shall be loaned to boards for use as instructional facilities on a student-station-need basis. Requests for use of these facilities shall be based on the relative numbers of students in excess of capacity. Any amount of the funds earmarked in the general appropriation act for relocatable facilities and not committed for that purpose by March 1 of the fiscal year shall revert to the Public Education Capital Outlay and Debt Service Trust Fund.

(b) In choosing the facility which best meets the needs of the participating agencies boards, the following factors shall be considered:

1. Portability;
2. Reconstructibility;
3. Demountability;
4. Durability of components;
5. Life span of the total system;
6. Simplicity, standardization, and ease of replacement of components;
7. Flexibility of interior spatial relationships;
8. Flexibility of external configurations;
9. Adaptability to solar energy systems;
10. Minimum foundation work;
11. Interfaceability with existing, conventional construction; and
12. Maximum recoverability of components when the facility is relocated.

(c) As student populations stabilize, and as the need for these facilities for instructional purposes decreases for whatever reason, the office is authorized to sell, lease, or otherwise dispose of the facilities to the boards, other state agencies, or others, to the best possible advantage of the state. Funds accruing from the sale or lease of these facilities shall become part of the Public Education Capital Outlay and Debt Service Trust Fund.

(d) The office may require that relocatable facilities be provided at educational centers where there is reason to believe that student population is unstable or is projected to decline in future years.

(2) COMMUNITY EDUCATIONAL FACILITIES.—

(a) Each school district, community college, or state university may submit a request to the commissioner for funds from the trust fund to construct community educational facilities. Such request shall contain the following provisions:

1. A detailed statement of the facilities to be constructed. Such statement shall include an analysis of the relationship of educational and community use of the facility.
2. The estimated number of students and community residents who are to utilize the facility.
3. The estimated cost of the facility.
4. A resolution or other appropriate indication of intent to participate in the funding and utilization of the facility from a noneducational governmental agency, including community, public, and educational broadcasting stations. Such indication shall include a commitment by such governmental agency to provide at least one-half of the cost of the facility. Public Education Capital Outlay and Debt Service Trust Funds may not be expended on any project unless specifically authorized by the Legislature in the General Appropriations Act.

(b) ~~The As provided by s. 235.41, the commissioner, through the office, shall review such request for allocation and, upon determining compliance with the requirement of paragraph (a) and such other provisions as deemed appropriate, provide the Legislature State Board of Education with recommendations~~

for the joint funding of capital outlay projects involving both educational and noneducational governmental agencies from the trust fund.

(3) PROTOTYPE DESIGN CRITERIA TO BE PROVIDED.—The state board shall provide prototype design criteria for the development of educational facilities for the purpose of providing participating agencies school boards, boards of trustees, and the Board of Regents with the means of construction sound educational facilities more rapidly.

(a) The office is empowered and directed to develop prototype educational criteria, performance specifications, and design relationships for the several program program grade groups which shall be provided to each participating agency school board or board of trustees or the Board of Regents by the office. These prototype design criteria shall be developed and distributed to the appropriate participating agencies board within 6 months of the effective date of this act.

(b) Program Program grade groups are facilities delineated by the programs or grades which they are designated to house. Prototype design criteria shall be developed for the following program program grade groups:

1. School district facilities.
 - a.1. Elementary schools and kindergartens;
 - b.2. Middle or junior high schools;
 - c.2. Senior high schools;
 - d.4. Vocational-technical facilities; and
 - e. Administrative or auxiliary facilities.
- 2.5. Community college facilities colleges; and
6. university Universities facilities.

(c) The design criteria shall include, but not be limited to, the following items for each program-grade group:

1. Minimum and maximum square footage requirements for different functions and areas and the procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state;
2. Minimum and maximum construction quality standards for the educational facility;
- 3.2. Minimum performance and maximum utilization criteria for all systems, including mechanical, electrical, heating, cooling, ventilating, plumbing, and structural systems, which for the Board of Regents shall be prescribed by the Department of General Services;
- 4.2. Energy-efficiency and energy-conservation requirements, which for the Board of Regents shall be prescribed by the Department of General Services;
- 5.4. Spatial relationships of the different functions of the plant and facility and traffic flow and patterns; and
- 6.5. Proto-type design and criteria relating specifically to:
 - a. Instructional areas.
 - b. Core areas, which include administrative suites, guidance and counseling facilities, record storage areas, first aid facilities, faculty areas, media centers, libraries, and food and student centers.
 - c. Special instructional areas, such as exceptional education facilities, language and science laboratories, and physical education facilities.
 - d. Auxiliary Ancillary facilities.
 - e. Community service areas for initial design and instructional spaces that can be converted to community service areas should the student population decline.

(d) The office shall annually review, revise, update, and improve the state board-approved design criteria, based upon the latest educational, technological, and construction developments so that the prototypes shall be representative of the most advanced procedures available. The office shall annually provide each participating agency school board or board of trustees

or the Board of Regents with a copy of the updated prototype design criteria for each program ~~program~~ grade group.

(4) LEASING AUTHORIZED.—The office may require or approve the utilization of rented or leased facilities. Facilities may also be acquired by lease-purchase agreement, and any capital outlay funds available are hereby authorized to be expended for such purposes provided that no space shall be leased unless the utilization of existing facilities in the same locality exceeds the most recent budget standards approved by the State Board of Education.

(5) CONSTRUCTION TECHNIQUES AND FINANCING MECHANISMS.—Pursuant to state board rules, the office shall require boards to employ procedures for the design and construction of new facilities, or major additions to existing facilities, that will include, but not be limited to, the latest developments in construction, in order to insure that educational facilities are constructed rapidly and economically. The following concepts may be included in the requirements of the office:

(a) Systems building process.—An approach to construction that combines the organization and programming, planning, design, financing, manufacturing, construction, and evaluation of buildings under single or highly coordinated management into an efficient total process. A total building system is an interdependent group of building subsystems forming a unified whole. The systems building process requires the standardization and multiple reuse of building subsystems for maximum compatibility and interfaceability of different structures and facilities.

(b) Fast-track construction scheduling.—A method which involves the bidding and awarding of certain building subsystems after approval of preliminary design, and before final document completion. Fast-track construction reduces construction time by overlapping design development and construction of various subsystems, permitting early subsystems manufacture and erection; It can improve cost and price control and eliminate extensive design development time by planners and designers.

(c) Construction management.—A process whereby a single or highly coordinated authority is responsible for all scheduling and coordination in both design and construction phases and is generally responsible for the successful, timely, and economical completion of the construction project.

(d) Turnkey bidding.—A method whereby the contractor agrees to complete construction to the user's specifications and requirements at a previously agreed cost.

(e) Design and build bidding.—A procedure which requires that an architect, contractor, or engineer bid the entire design and construction of a project and which requires that the owner hire a single source for the project completion and be responsible for the development of performance specifications and technical criteria.

(f) The use of modular, prefabricated, and standardized components.

Notwithstanding anything above, a board shall be authorized to utilize its own procedures, designs, construction techniques, and materials upon a showing to the office that such proposal will result in equivalent educational facilities without an increase in cost or a delay in construction.

Section 24. Section 235.212, Florida Statutes, is amended to read:

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

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

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

Section 25. Section 235.221, Florida Statutes, is amended to read:

235.221 ~~Emergency High priority~~ facilities construction; use by boards school districts; conditions and procedures.—

(1) A district school board may request funds to meet emergency urgent construction needs resulting from destruction due to fire, hurricane, tornado or acts of God, provided that such facilities were insured as provided by law.

(2) Those boards districts in need of such facilities shall+

(a) Have the facilities recommended in an up-to-date educational plant survey.

(b) Present evidence that insurance proceeds existing cash will not provide the resources necessary to reconstruct construct these facilities.

(c) Adopt an official resolution requesting funding from the trust fund in an amount which shall not exceed 7 times the most recent annual allocation of the school board under provisions s. 9(a)(2), Art. XII of the State Constitution, as amended, and s. 235.435 and which, when added to the district's current fixed capital outlay funds available, will provide sufficient funds with which to fund the above needs.

(d) Officially waive 80 percent of any future annual allocations from the trust fund until such time that the total amount of the advancement is repaid. However, the office shall calculate each school board's remodeling needs pursuant to s. 235.435, and shall annually waive repayment of the advance funding in an amount equal to that board's remodeling and safety to life correction needs, not to exceed 20 percent of the board's projected annual allocation.

(3) Each board desiring to participate in securing approval for funding as described herein shall submit the required evidence and resolutions to the Office of Educational Facilities Construction.

(3)(4) The commissioner State Board of Education shall either approve or disapprove the request each recommended project within 30 days after receipt of the recommendations from the office. Upon approval by the commissioner State Board of Education, the boards having approved projects shall be officially notified of such approval and, upon receipt of such notification, shall be authorized to enter into contract as soon as possible thereafter for the approved facilities, pursuant to s. 235.42.

Section 26. Section 235.26, Florida Statutes, is amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The office is directed to recommend to the state board for approval rules prescribing a mandatory, uniform, statewide building code for the construction of public educational facilities. The office shall recommend and the state board shall adopt, as part of the State Uniform Building Code for public school construction, flood plain management criteria in compliance with the rules and regulations at 24 C.F.R., Parts 1909-1925, established by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. ss. 4001-4128. Wherever the words "Uniform Building Code" appear, they shall mean the "State Uniform Building Code for Public Educational Facilities Construction." It shall not be the intent of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor shall it specify or prohibit materials by brand names. The code shall be flexible enough to cover all phases of construction which will afford reasonable protection for public safety, health, and general welfare. The office may secure the service of other state agencies or such other assistance as it may find desirable in the revision of the code.

(1) UNIFORM BUILDING CODE.—All educational facilities constructed by a participating agency board shall incorporate the State Uniform Building Code for Public Educational Facilities Construction and shall be exempt from all state, county, district, municipal, or local building codes, interpretations, building permits and assessments of fees for building permits, and ordinances. Any inspection by local or state government shall be based on the Uniform Building Code as prescribed by the office. Each participating agency board shall provide for periodic inspection of the proposed educational plant during

each phase of construction to determine compliance with the Uniform Building Code. The Uniform Building Code shall incorporate as part of its minimum standards the applicable provisions of the State Minimum Building Codes.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—*All A board shall not approve any plans for the construction, erection, renovation, repair, or demolition of any educational facility shall unless these plans conform to the requirements of the Uniform Building Code. It shall also be the responsibility of the office to develop, as a part of the Uniform Building Code, standards relating to:*

(a) Prefabricated or factory-built facilities which are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.821-320.832.

(b) The sanitation of educational plants and the health of occupants of educational plants.

(c) The safety of occupants of educational plants as provided in s. 235.06.

(d) The physically handicapped.

(e) An energy performance index which shall be a number describing the energy requirements at the building boundary of a facility, per square foot of floor space, under defined internal and external ambient conditions over an annual cycle. As experience develops on the energy performance achieved by the facility, the energy performance index will serve as a measure of building performance with respect to energy consumption and as a guide for the revision of the energy performance index used in the design of future facilities. The energy performance index will consider the energy efficiency of the facility so as to minimize the consumption of energy used in the operation and maintenance of the facility. The office may adopt standards for the energy performance index or portions thereof already established by the Department of General Services under ss. 255.251-255.256.

(f) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis shall be the sum of:

a. The reasonably expected fuel costs, over the life of the building, that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the office shall develop standards that shall include, but not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system, lighting system, and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Such standards shall be based on the best currently available methods of analysis, including such methods as those of the National Bureau of Standards, the Department of Housing and Urban Development, and other federal agencies and professional societies and materials developed by the Department of General Services and the office. Provisions shall be made for an annual updating of standards as required.

(3) ENFORCEMENT BY PARTICIPATING AGENCY BOARD.—It is the responsibility of each participating agency board to insure that all plans and educational plants meet the standards of the Uniform Building Code and to provide for

the enforcement of this code in the areas of their jurisdiction. Each participating agency board shall provide for the proper supervision and inspection of the work. Each participating agency board is authorized to employ a chief building official or inspector and such other inspectors and personnel as may be necessary to administer and enforce the provisions of this code. Participating agencies Boards may also utilize local building department inspectors who are certified as provided herein to enforce this code. Inspectors shall show evidence of certification by the office as having met the requirements of the office for Uniform Building Code inspectors. Plans or facilities that fail to meet the standards of the Uniform Building Code shall not be approved.

(4) ENFORCEMENT BY OFFICE OF EDUCATIONAL FACILITIES CONSTRUCTION.—As a further means of insuring that all educational facilities hereafter constructed or materially altered or added to conform to the Uniform Building Code standards, all each board which undertakes the construction, erection, alteration, renovation, repair, purchasing, or leasing of any educational plant, the cost of which exceeds \$50,000, shall receive see that the approval of the office is obtained as herein provided. No public educational funds may legally be expended for the construction, erection, alteration, renovation, repair, purchasing, or leasing of any educational facility unless the provisions of this section are observed and until the board has received a written statement has been issued from the office, within the time limits as provided in this section, that approval has been granted.

(5) OFFICE APPROVAL.—

(a) Before the contract has been let for the construction, the participating agency board shall require the superintendent or president to submit to the office, in accordance with state board rules, two copies each of:

1. Educational specifications.
2. Phase I documents, to include schematic drawings and proposals.
3. Phase II documents, to include:
 - a. Preliminary drawings and proposals; and
 - b. Preliminary specifications.
4. Phase III documents, to include:
 - a. Completed contractual documents;
 - b. Energy efficiency studies; and
 - c. Life-cycle cost analyses.

The participating agencies board shall not proceed with any proposed construction until the written approval of the office is received. The office shall, in writing, approve, disapprove, make recommendations, or otherwise act on the educational specifications and phase documents submitted by a board within 30 calendar days of the official receipt of each set of phase documents by the office. If the board does not receive written notice is not received within the time prescribed above, then it shall proceed as if written approval had been received. The State Board of Education is empowered and directed to adopt rules providing for exceptions to the steps required for approval for state board-approved prototype design criteria, reuse of previously approved district plans, and other plans and proposed minor renovations or construction projects which do not necessarily require detailed documentation and intense review by the office. Approval of phase III documents shall be effective for a 3-year period after the date of such approval.

(b) In reviewing plans for approval, the office shall take into consideration:

1. The desirability and need for the new facility.
2. The educational planning.
3. The functional and architectural planning.
4. The location on the site.
5. Plans for future expansion.
6. The type of construction.

7. Sanitary provisions.
8. Conformity to Uniform Building Code standards.
9. The structural design, and strength, and quality of materials proposed to be used.
10. The mechanical design of any heating, air conditioning, plumbing, or ventilating system.
11. The electrical design of educational plants.
12. The energy efficiency and conservation of the design.
13. Life-cycle cost considerations.
14. The construction of special facilities for physically handicapped persons.
15. *The net to gross square footage ratio.*
16. *The proposed construction cost per gross square foot.*

(6) **STATE BOARD OF APPEALS.**—The State Board of Education shall be the final board of appeals for all questions, disputes, or interpretations involving the Uniform Building Code, and any *participating agency board* shall prepare in writing its reasons for objecting to decisions made by Uniform Building Code inspectors or the office.

(7) **ANNUAL REVIEW AND UPDATE; DISSEMINATION.**—The office is authorized to annually review, update, and revise the Uniform Building Code. The office shall publish and make available to each *participating agency board* at no cost copies of the code and each amendment and revision thereto. The office shall make additional copies available to all interested persons at a price sufficient to recover costs.

(8) **FALLOUT SHELTERS.**—

(a) After the effective date of this act, the school board may require the architect concerned in the initial design, stages of design, and construction of new educational facilities to apply for technical advice and counsel on fallout shelter slanting and cost-reduction techniques available without cost through the Department of Community Affairs.

(b) When the school board concerned determines the application of fallout shelter slanting and cost-reduction techniques to be feasible and economical for the inclusion of a fallout shelter in the proposed educational facility, the design and construction of such educational facility may include fallout protection which meets the minimum standards for such protection as prescribed by the Department of Community Affairs.

(c) School authorities of the state and its political subdivisions are authorized to modify existing educational structures to incorporate fallout shelters, and the Department of Community Affairs shall make available to such authorities the same professional services as set forth in paragraph (a). Such authorities are further authorized to participate in such federal assistance programs as may be available to assist local authorities in providing fallout protection in educational facilities.

(9) **LEGAL EFFECT OF CODE.**—The State Uniform Building Code for Public Educational Facilities Construction shall have the force and effect of law and shall supersede any other code adopted by a *participating agency board* or any other building code or ordinance for the construction of educational facilities, whether at the local, county, or state level, and whether adopted by rule or legislative enactment. All special acts or general laws of local application are hereby repealed to the extent that they conflict with this section.

(10) **LOCAL LEGISLATION PROHIBITED.**—After July 1, 1974, pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall not be enacted any special act or general law of local application which proposes to amend, alter, or contravene any provisions of the State Building Code adopted under the authority of this section.

Section 27. Section 235.30, Florida Statutes, is amended to read:

235.30 Supervision and inspection.—Before the construction or alteration of, or addition to, any building is started, the *participating agency board* shall provide for the proper supervision and necessary inspection of the work.

Section 28. Section 235.31, Florida Statutes, is amended to read:

235.31 Advertising and awarding contracts; day labor projects; prequalification of contractor.—

(1) As soon as practicable after any bond issue has been voted upon and authorized or funds have been made available for the construction, repair, alteration, or otherwise for the improvement of any educational facility, and after plans for the work have been approved by the office, the board, after advertising the same in the manner prescribed by law, shall award the contract for such building or improvements to the lowest responsible bidder. However, the board may, within its discretion, reject all bids received, if it deems the same expedient, and may readvertise, calling for new bids. For constructing, renovating, and remodeling, or otherwise improving educational facilities at a cost not exceeding \$50,000, the board may arrange for the work to be done on a day-labor basis.

(2)(a) As an option to the provisions prescribed above, boards may elect to come under the rules prescribed by the State Board of Education for the prequalification of bidders of educational facilities construction.

(b) As another option, boards may negotiate with contractors in accordance with the provisions of this subsection only for construction associated with the extensive repair, alteration, remodeling, renovation, or improvement of any existing educational plant, but not for the expansion of the facility.

(c) If any board elects either or both of the above options, it shall publish for at least 30 days a notice of the board's intent to elect said option in a local newspaper having general circulation throughout its district, after which a public hearing shall be held.

(d) The board shall adopt rules to implement the state board rules with regard to the prequalification of bidders. The board shall submit a copy of the rules and procedures adopted to the office, and these shall be approved by it.

(e) The board shall not adopt, nor shall the office approve, any procedure or requirement for the prequalification or certification of contractors which may operate to restrict responsible competition or, to prevent the submission of a bid by, or prohibit the consideration of a bid submitted by, any responsible contractor, whether resident or nonresident of the district wherein the work is to be performed. Such rules shall operate only to limit competition to parties able to promptly perform the conditions of the contract and to respond in damages in case of default.

(3)(a) The board may negotiate a contract with a contractor for services, as provided in subsection (2), at compensation which the board determines is fair, competitive, and reasonable. In making such determination, the board shall conduct a detailed analysis of the cost of the services required, in addition to considering their scope and complexity. For all lump-sum or negotiated contracts estimated to cost over \$50,000, the board shall require the contractor receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums when the board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs. All such contract adjustments shall be made within 1 year following the end of the contract.

(b) Should the board be unable to negotiate a satisfactory contract with the contractor first considered to be qualified at a price the board determines to be fair, competitive, and reasonable, negotiations with that contractor shall be formally terminated. The board shall then undertake negotiations with another qualified contractor. Failing accord with the next qualified contractor, the board shall terminate negotiations. The board shall then undertake negotiations with another qualified contractor until their original list is exhausted or a selection is made.

(c) Should the board be unable to negotiate a satisfactory contract with any of the originally selected contractors, it may select additional contractors and continue negotiations in accordance with this subsection until an agreement is reached.

(4) Any person or firm desiring to bid or negotiate for the performance of any contract which the board proposes to let must first be certified by the board as qualified pursuant to law and rules of the State Board of Education. The board shall be required to act upon the application for qualification within 30 days after the same is presented. Upon receipt of such application, the superintendent or president acting on behalf of said board shall cause the same to be examined and the statements therein to be verified and, after obtaining whatever technical assistance is needed, shall determine whether the applicant shall be recommended for certification to the board. If the applicant is found to possess the prescribed qualifications, the superintendent or president shall recommend to the board that a certificate of qualification be issued. The board, acting on the recommendation of the superintendent or president, may issue a certificate of qualification valid for such period of time as it shall prescribe, but not to exceed 1 year; however, the board may revoke such certificate of qualification for cause.

(5) The board shall require all applicants to furnish the superintendent or president a statement under oath, on such forms as the board may prescribe, setting forth detailed information with respect to the applicant's competence, past performance record, experience, financial resources, and capability, in conformity with state board rules, together with such other information as the board may deem necessary. The state board rules may require that said application be accompanied by a current financial statement prepared by a public accountant certified in the state and in accordance with standard reporting requirements prescribed by the said board. Financial information as may be required by such rules shall remain confidential and shall not be disclosed to anyone except members of the board and its staff who may elect to adopt such rules as herein-after provided.

(6) The certificate of qualification shall contain a statement fixing the actual amount of work, in terms of estimated cost, which the applicant will be permitted to have on contract with the board and not completed at any one time and may contain a statement limiting such applicant to the submission of bids, or to negotiation, upon a certain class of work. Subject to the foregoing restrictions, the certificate of qualification shall authorize the holder to bid on all work on which bids are taken, or negotiate on all work on which contracts are negotiated, by the board during the period of time therein specified.

(7) Any applicant for a certificate of qualification aggrieved by the action of the board may, within 10 days after receiving notification of such action, request in writing a reconsideration by the board of the application and submit additional evidence of qualification. The board shall thereupon reconsider the application and may adhere to, modify, or reverse its original action. The board shall act upon any request for reconsideration within 30 days after the filing thereof, and shall immediately notify the applicant of the action taken.

(8) No contractor shall be qualified to bid or negotiate when an investigation by an agent or designee of the board discloses that such contractor is delinquent on a previously awarded contract by said board, and, in such case, the certificate of qualification may be suspended or revoked by the board. The board may suspend, for a specified period of time, or revoke for good cause any certificate of qualification. Any person or firm found delinquent on a contract or whose certificate of qualification may be suspended or revoked by the board, appeal and reconsideration as provided in the case of an applicant refused an original certificate.

(9) All general laws, population acts, special acts, or local acts authorizing the exercise of power in conflict with the provisions of this section are hereby repealed.

(10) *Participating agencies, other than boards, shall follow the provisions of chapter 255.*

Section 29. Section 235.33, Florida Statutes, is amended to read:

235.33 Payments.—

(1) The final payment shall not be made until the building has been inspected by the architect or other person designated by the *participating agency school board* for that purpose and until ~~he has issued a written certificate~~ *has been issued* that the building has been constructed in accordance with the approved plans and specifications and approved change orders and until the school board, acting on these recommendations, has accepted the building. After acceptance ~~by the school board,~~

a duplicate copy of this written certificate, duly certified as having been accepted by ~~the local board,~~ shall be filed with the ~~office~~ Department of Education.

(2) Boards shall have full authority and responsibility for all decisions regarding educational plant construction contracts and payments.

Section 30. Section 235.40, Florida Statutes, is amended to read:

235.40 Radio and television facilities.—

(1) ~~A board~~ The school boards or boards of trustees may acquire, by purchase, permanent easement, or gift, suitable lands and other facilities, ~~either within or without the boundaries of the district,~~ for use in providing educational radio or television transmitting sites and may erect such buildings, antennas, transmission equipment, towers, or other structures as are necessary to accomplish the purposes of this section.

(2) Fixed capital outlay budget requests for public broadcasting stations and instructional television and radio facilities shall be submitted *pursuant to s. 235.017 to the Executive Office of the Governor and the Commissioner of Education in the form prescribed by s. 216.048 and shall be submitted as specified in s. 216.023.* The commissioner may include any recommendations for these purposes in the legislative budget request for fixed capital outlay.

Section 31. Section 235.41, Florida Statutes, is amended to read:

235.41 Legislative budget request; educational facilities assessment.—

(1) The ~~commissioner~~ State Board of Education, through the office, shall develop a uniform, comparable system for determining total fixed capital outlay needs, inventorying existing facilities, and conducting utilization studies, *evaluating maintenance and operation of educational facilities,* and for any other procedure deemed appropriate in arriving at the amounts required to fund net unmet needs as reflected in the integrated comprehensive budget request required by this section.

(2) The commissioner, through the office, shall submit to the Legislature an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for *all participating agencies pursuant to the provisions of chapter 216 and s. 235.435.* ~~the public schools, the community colleges, the institutions in the State University System, the Florida School for the Deaf and the Blind, and the state system of public education. The request shall include information necessary to develop the budget request by the commissioner required in subsection (2).~~

(3) The commissioner, through the office, shall submit an integrated, comprehensive budget request to the Executive Office of the Governor and to the Legislature no later than 30 90 days prior to the legislative session for each fiscal year. Notwithstanding the provisions of s. 216.043, the integrated, comprehensive budget request shall include:

(a) Actual capital outlay fund balances brought forward from the preceding fiscal year, listed separately as encumbered and unencumbered.

(b) Estimated encumbrances to be made in the current fiscal year from actual capital outlay fund balances brought forward from the preceding fiscal year as unencumbered.

(c) Estimated capital outlay appropriations to be made from the current fiscal year revenues, listed separately to indicate those appropriations that will be encumbered throughout the fiscal year and those that will remain unencumbered at the end of the fiscal year.

(d) Estimated capital outlay funds to be disbursed in the current fiscal year from:

1. Fund balances brought forward from the preceding fiscal year.

2. Appropriations to be made from the current fiscal year revenues.

(e) Estimated undisbursed capital outlay funds remaining at the end of the current fiscal year from:

1. Fund balances brought forward from the preceding fiscal year, listed separately as encumbered and unencumbered.

2. Appropriations to be made from the current fiscal year revenues, listed separately as encumbered and unencumbered.

(f) A 5-year assessment of fixed capital outlay needs for education.

(g) A list of fixed capital outlay needs, and a request for fixed capital outlay funds, for the ensuing fiscal year for the state system of public education, reflecting the actual ability of the various boards to encumber and disburse the funds requested.

(h) Recommendations for the priority of expenditure of funds in the state system of public education, with reasons for the recommended priorities.

(i) Other recommendations which relate to the effectiveness of the educational facilities construction program.

(4) The commissioner office shall recommend, and the state board shall adopt, rules to implement the provisions of this section.

Section 32. Section 235.42, Florida Statutes, is amended to read:

235.42 Educational plants construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(1) It is the intent of the Legislature that effective July 1, 1977, and each fiscal year thereafter, the plan for capital projects for the state system of public education shall be for the ensuing 5 years and shall be referred to as the 5 year capital projects program. To implement this 5 year program, there is created a continuing annual appropriation to the Public Education Capital Outlay and Debt Service Trust Fund of all receipts and revenues from the Gross Receipts Tax as authorized in s. 9(a)(2), Art. XII of the State Constitution, and the proceeds from all bonds issued pursuant to that authority, as authorized by the Legislature.

(2) The Commissioner of Education shall, in administering the 5 year capital projects program, determine the annual and aggregate resources of the Public Education Capital Outlay and Debt Service Trust Fund and shall recommend to the state board approval of the 5 year capital projects program. The state board shall annually authorize the capital projects plan for each participating board; however, total approved encumbrances and disbursements of the 5 year capital projects program in each fiscal year shall not exceed an amount that would prevent the state board from meeting the encumbrances and disbursement requirements for that year for approved capital projects. In addition, the commissioner shall have, and shall exercise, the authority to inform each participating board of the time certain when approved capital projects may be, in whole or in part, subjected to contractual obligations, and until such notification is received from the commissioner the participating board shall not incur obligations for capital projects to be funded from the Public Education Capital Outlay and Debt Service Trust Fund. The State Board of Education shall adopt rules to implement the 5 year capital projects program.

(3) To provide for maximum use of funds available and to expedite the construction of authorized plants, the office, with the approval of the State Board of Education, is empowered and directed to transfer appropriations and moneys among and within the authorized capital projects, within the meaning, and as required by, paragraph 9 (a)(2), Art. XII of the State Constitution, as amended, appropriated from the Public Education Capital Outlay and Debt Service Trust Fund. This transfer authority shall include appropriations authorized in prior years and certified forward by the Executive Office of the Governor pursuant to s. 216.301.

(1)(4) The commissioner, through the office, shall administer the Public Education Capital Outlay and Debt Service Trust Fund. The commissioner shall provide for the timely distribution of moneys necessary to meet the disbursement requirements of the participating agencies boards to plan or construct facilities which have been approved by the State Board of Education. Records shall be maintained by the office to identify legislative appropriations, State Board of Education allocations, encumbrance authorizations, disbursements, loans

advances, transfers, investments, sinking funds, and revenue receipts by source. The Department of Education shall pay the administrative costs of the Public Education Capital Outlay and Debt Service Trust Fund from the funds which comprise the trust fund.

(2)(5)(a) The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the sale of public education bonds and that portion of the revenues in excess of the debt service and reserve requirements which accrues from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, interest on investments, and federal interest subsidies.

2. All student building fees and capital improvement fees collected, or to be collected, by the Board of Regents, except that portion that may be required for debt service and reserve requirements.

3. That portion of federal revenue sharing funds appropriated for education facilities construction.

4. Any other funds for educational facilities construction, including all federal grants and donations.

5. All capital outlay funds previously appropriated and certified forward pursuant to s. 216.301.

(b) There is hereby appropriated from the trust fund all certifications forward to this fund and all previous allocations by the Board of Regents from student building and capital improvement fees.

However, any funds required by law to be segregated or maintained in separate accounts shall be segregated or maintained in such manner that the relationship between program and revenue source is retained. Nothing in this subsection shall be construed so as to limit the use by the Public Education Capital Outlay and Debt Service Trust Fund of the resources of funds so segregated or maintained.

(6) Upon the request of each board, the office shall distribute to the board an amount sufficient to cover capital outlay disbursements anticipated from encumbrance authorizations for the following month. Encumbrance of these capital outlay funds shall be made pursuant to the most recent survey conducted under rules prescribed by the State Board of Education, to determine the capital outlay requirements of each board.

(7) The office may authorize each board to enter into contracts for a period exceeding 1 year, within amounts appropriated and budgeted for fixed capital outlay needs; but any contract so made shall be executory only for the value of the services to be rendered, or agreed to be paid for, in succeeding fiscal years. This subsection shall be incorporated verbatim in all executory contracts of a board.

(8) No board shall, during any fiscal year, expend any money, incur any liability, or enter into any contract which, by its terms, involves expenditure of money in excess of the amounts appropriated and budgeted or in excess of the cash that will be available to meet the disbursement requirements. Prior to entering into an executory, or any other, contract, the boards shall obtain certification from the office that moneys will be available to meet the disbursement requirements. Any contract, verbal or written, made in violation of this subsection shall be null and void, and no payment shall be made thereon.

(3)(9) The State Board of Administration is authorized to invest the trust funds of any state-supported retirement system, and any other state funds available for loans to the trust fund at a rate of interest that is no less favorable than would have been received had such moneys been invested in accordance with authorized practices.

(4)(10) Agencies Boards authorized to participate in the trust fund are district school boards, the community college boards of trustees, the Trustees of the Florida School for the Deaf and the Blind, the Board of Regents, and other units of the state system of public education.

(5)(11) Authorized boards needing more capital outlay funds than are currently available may make application to the commissioner office for approval to receive a loan participate in advance funding from the trust fund. The total amount avail-

able for loan to all agencies shall be limited to the amount of any surplus accumulated in the trust fund or 10 percent of the annual appropriation to the fund. The board's application shall include the following information:

(a) Proof that the educational facility plant or fixed capital outlay need has been authorized by law.

(b) Certification that:

1. The educational facility plant or fixed capital outlay need is intended to be financed from the sale of bonds pursuant to subsection 9(a)(2) or 9(d), Art. XII of the State Constitution, or from currently authorized appropriations; and

2. Sufficient allocations have been made but that insufficient funds are currently available to award a contract.

(c) A schedule of the cash disbursements necessary and a schedule of the repayment of loans advances and any interest, where applicable, to the trust fund.

(6)(12) When borrowed funds as authorized in subsection (3) (4) above are commingled with working capital trust funds and advanced to a board, that board shall be charged a rate of interest on the total amount advanced sufficient to discharge a proportionate amount of the debt service of the borrowed funds.

(7)(13) The office, after determining that the request for a loan advanced funding is eligible, shall recommend the board's request to the commissioner State Board of Education for approval. When approved by the commissioner State Board of Education, the office shall certify this action to the requesting board. Upon receipt of this certification and an encumbrance authorization from the office, the board is authorized to enter into contracts. The board shall certify to the office that insufficient funds are available to the board to pay progress payments to contractors when such payments are due within the next 30 days and request a disbursement from the trust fund. The office, after determining that the request is reasonable, shall request the State Comptroller to issue a warrant payable to the requesting board, and such warrant shall be promptly transmitted. The office is empowered to provide for the release of funds to authorized boards so as to assure that the funds are expended in the most effective and efficient manner practicable. The intent of the Legislature is to assure that facilities to provide needed adequate student stations for all students be constructed as rapidly as possible. Boards Except as provided in s. 235.221, agencies that have received a loan cash disbursements from the trust fund shall repay the total amount of such loan advancements plus accrued interest, if any, from the proceeds of the next authorized sale of bonds or revenue certificates in which that board agency participates or from any cash receipts deposited in the trust fund that have been allocated to that agency.

(14) A board may also make application for funding from the trust fund for projects financed pursuant to the provisions of ss. 235.195, 235.211(2), and 235.221.

(8)(15) The office shall recommend, and the state board shall adopt, rules to implement the provisions of this section.

Section 33. Section 235.4235, Florida Statutes, is amended to read:

235.4235 Financing of approved capital projects.—

(1) As moneys become available, pursuant to s. 9(a)(2), Art. XII of the State Constitution, as amended, the State Board of Education, through the office, may allocate moneys among participating agencies capital projects in such amounts as the commissioner state board in his its discretion shall deem appropriate. However, no allocation to any one agency group of capital projects shall exceed the total amount appropriated in the general appropriations act.

(2) The capital projects are to be financed in accordance with s. 9(a)(2), Art. XII of the State Constitution, as amended, or from other legally available state funds or grants, donations, or matching funds, or by a combination of such funds.

(3) The sum designated annually by the Legislature is the maximum sum to be expended from funds accruing under s. 9(a)(2), Art. XII of the State Constitution, as amended. However, funds appropriated from this source and remaining

unexpended from previously authorized capital projects, along with grants, donations, and matching funds from other sources, may be added to such maximum sums for any item or category, when so approved by the State Board of Education.

(4) To provide for maximum use of funds available and to expedite the construction of authorized facilities, the commissioner, with the approval of the State Board of Education, is empowered and directed to transfer appropriations and moneys among and within the authorized capital projects, within the meaning, and as required by, paragraph 9(a)(2), Art. XII of the State Constitution, as amended, appropriated from the Public Education Capital Outlay and Debt Service Trust Fund. This transfer authority shall include appropriations authorized in prior years and certified forward by the Executive Office of the Governor pursuant to s. 216.301.

Section 34. Section 235.43, Florida Statutes, is amended to read:

235.43 Organization of certain functions of the Department of Education.—

(1) The commissioner shall have the discretion to internally organize those functions of the Department of Education and the Board of Regents which relate to the construction of educational fixed capital outlay facilities as he sees fit in order to achieve maximum efficiency. However, such reorganization shall be accomplished on or before March 31, 1981. However, pursuant to such organization the commissioner shall transfer—

(a) The following functions and programs of the Division of Elementary and Secondary Education of the Department of Education from the division to the office—

1. Architectural facilities planning;
2. Educational facilities planning;
3. Facilities development and evaluation;
4. School surveys; and
5. School plant management

(b) The following functions and programs of the Division of Vocational, Technical, and Adult Education of the Department of Education from the division to the office—

1. Vocational technical facilities planning and development; and
2. Vocational technical facilities construction.

(c) The functions and programs of the Commissioner of Education relating to capital outlay and debt service from the commissioner to the office.

(2) All statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds which are part of the above functions and programs of the divisions are hereby transferred to the office. The transfer of segregated funds shall be made in such manner that the relation between program and revenue source as provided by law is retained.

Section 35. Section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational facility plant construction and remodeling debt service.—The annual appropriation allocation from the Public Education Capital Outlay and Debt Service Trust Fund to each board, including the Board of Regents, for comprehensive construction and remodeling debt service shall be determined as follows:

(1) Pursuant to rules of the state board, the commissioner, through the associate deputy commissioner, shall determine annually the projected educational facility and remodeling plant and annual debt service needs for each board. In determining the needs of the state system of public education, the associate deputy commissioner office shall recommend, and the commissioner shall use, equitably uniform standards for all types of like space, regardless of the level of education. These standards shall also establish a uniform utilization rate of 35 percent of all postsecondary classrooms, based on 45 hours per week Monday through Friday. The associate deputy commissioner shall include at least the following elements:

(a) Projected FTE students for the next 5-year period, using each division's most reliable process of projecting FTE membership;

(b) A percentage adjustment for each division to account for the exclusion of ineligible FTEs, prior years' overestimation of projected FTEs, and to convert the projected, adjusted FTE to a common base;

(c) A recommended housing index for public schools;

(d) Appropriate space standards for each level and group within the divisions as determined by the state board;

(e) The current inventory;

(f) The net-to-gross conversion ratios for each division as determined by the state board;

(g) The current and projected construction cost as determined by the state board;

(h) The cost of site acquisition for school districts;

(i) The amount of funds for remodeling computed pursuant to the formula established by subsection (4) below; and,

(j) The amount of resources available for each board from the following sources:

1. Funds encumbered for which no inventory has been recorded;

2. Unencumbered allocations from state funds, excluding maintenance allocations;

3. Anticipated cash flow from CO & DS funds; and

4. Anticipated bonding capacity from CO & DS funds.

(a) Projected student membership for the next 5-year period.

(b) Projected number of unhoused students.

(c) Costs of correcting the deficiencies which produce unsafe, unhealthy, or unsanitary environments; air conditioning; remodeling; and renovations.

(d) Current construction cost data as determined by the state board. Information for determining construction cost data shall be prescribed by the office and shall be taken from an item analysis of educational plant expenditures as reported in the board's annual financial report to the commissioner.

(e) Five year projected cost of amortizing the annual payment of the ad valorem bonded indebtedness of the district.

(f) Cost of site acquisition and improvement.

(g) Amount of additional resources available pursuant to the provisions of s. 9(a)(2) and (d), Art. XII of the State Constitution as amended in 1974.

(h) Amount of funds from other sources available and earmarked for capital outlay purposes. However, funds available and earmarked for capital outlay purposes from the current tax levied on nonexempt property by the district school board for operating expenses shall not be considered in determining the unmet need until the school board encumbers or expends such funds.

(i) District housing index.

(j) Square footage requirements for program groups.

(k) Special instructional facilities needed to improve the program at an educational center, but not necessarily to increase the student stations of the center.

(l) Amount of funds derived from voted ad valorem taxes in excess of 10 mills which were expended for construction projects which would have been funded by the state under provisions of this section during the 5-years immediately prior to the beginning of each fiscal year, except that those funds utilized for payment on bonded indebtedness shall not be included in the calculations required by this subsection.

(m) Relocatables shall be included in the inventory of educational facilities for boards, including the Board of Regents,

but shall be rated at one-half of actual student capacity for purposes of the inventory and future needs determination as provided under this section and s. 235.15. Relocatables acquired or constructed and in use prior to 1975 shall be rated at zero student capacity. Application of this paragraph in the determination of available student capacity shall occur at the next regularly scheduled educational plant survey as required under s. 235.15, but no later than October 1, 1984.

(2) The commissioner shall determine annually recommend to the state board the amount allocated to each project board from the funds appropriated for the purpose of implementing this section as follows:

(a) Using the criteria set forth in subsection (3) below, determine the allocation to specific projects; and,

(a) Determine the costs of the projected educational plant needs, the 5-year projected debt service needs, and the expenditures of ad valorem taxes in excess of 10 mills, for each district, as determined in subsection (1).

(b) Using the formula established by subsection (4) below, determine each board's allocation for remodeling.

(b) Determine the projected additional resources available under the provisions of s. 9(d), Art. XII of the State Constitution as amended in 1972 and the projected amount available to each board from other fund sources allocated for educational plants.

(c) From the costs of the projected educational plant and 5-year projected debt service needs for each board subtract the projected additional resources available and add the expenditure of ad valorem taxes in excess of 10 mills, as determined in paragraph (a). The result shall represent the estimated cost of unfunded educational plant and debt service needs for each board.

(d) The funds appropriated annually for the purpose of implementing this section shall be allocated to the respective boards in proportion to their percentage of the state total of unfunded educational plant and debt service needs as determined above for the fiscal year immediately preceding the fiscal year for which the funds are appropriated.

(3) Funds allocated accruing to a board or institution under from the provisions of this subsection section shall be expended on needed projects as shown by a survey or surveys under rules of the state board. Funds allocated to each board in fiscal years prior to 1979-1980 1977-1978 may be spent on projects as defined in this subsection. In the selection of projects for funding, the commissioner shall consider at least the following criteria, where appropriate: The priority of expenditure by boards shall be as follows:

(a) Recommendations of the latest approved educational plant survey;

(b) Utilization rates of existing facilities;

(c) Relative percentage of unmet need by district/institution identified in the formula;

(d) Willingness to use other fund sources (i.e., voted millage, transfers from operations) to supplement the cost of the project;

(e) Encumbrancy status of all previously available fixed capital outlay funds;

(f) Use of the facility as a community school;

(g) Cooperative use of the facility;

(h) Type of project (i.e., planning, new construction, remodeling, etc.);

(i) State board approved list of projects;

(j) Priorities as established in the State Constitution; and

(k) Criteria set forth in state board rules.

(a) Classrooms, special instructional facilities, and remodeling necessary to provide needed student stations at either a new or existing center, as determined by the board, based on student population projections and the educational plant survey; sites or additions to sites and site improvement, inci-

dent to new construction or to make a site addition usable; restoration and correction as required by s. 235.06 of deficiencies which produce an unsafe, unhealthy, or unsanitary environment for occupants of educational facilities, except that, based upon the need as determined by the commissioner in the formula calculations, up to one-tenth of a board's annual allocation shall be expended on restoration and correction of such deficiencies. Pursuant to rules of the state board, the office shall determine what percentage of a board's total capital outlay need is generated by needed remodeling of existing facilities. The office is directed to develop a facility depreciation formula for adoption by the state board. In addition, a board may repay the principal on loans for capital projects as provided in s. 237.161.

(b) Special instructional and auxiliary facilities needed to improve the program at an educational plant, but not necessary to increase the student stations; remodeling of existing buildings which would substantially improve the utility of the space; replacing, remodeling, or adding to the existing heating, cooling, lighting, and sanitary facilities at an educational plant. Any facilities described above shall qualify as first priority when constructed as a part of a new educational center or as an addition to an existing educational center, if more than one-half of the facility to be constructed is designated as first priority. When an existing educational plant is determined to be unsuitable pursuant to the survey conducted under s. 235.15, the board may, by resolution, designate the plant as an historic education facility and may use funds generated for renovation and repair pursuant to paragraph (a) to restore the facility for use by the board. The board shall agree to pay all renovation costs in excess of funds generated through the State Board of Education depreciation formula applied to that facility. The board shall further agree that the plant shall continue to house students.

(c) Energy projects, including studies of the energy efficiency of existing facilities and renovations designed to increase the energy efficiency of existing facilities.

(d) Library books and equipment.

(e) All other formula generated projects.

(f) All nonformula generated projects; however, any funds earmarked for a board for nonformula generated items shall be deducted from that board's entitlement for formula-generated items calculated pursuant to this section.

(g) Debt service for district bonds serviced by voted ad valorem taxes.

(4) Funds for the remodeling of existing satisfactory space shall be determined pursuant to a formula established by state board rules and allocated pursuant to criteria set forth in state board rule.

(5)(4) Each board that is allocated funds under this section shall submit to the office commissioner a projection of its schedule of eligible capital outlay disbursements for specified periods, as prescribed by rules of the state board. Upon approval by the office commissioner, the comptroller shall disburse the funds. Prior to the distribution of the initial funds pursuant to this section the commissioner shall determine the board's needs pursuant to paragraphs (2)(a), (b), and (c) and update the state facilities inventory subsequent to the effective date of this act.

(6)(5) Funds allocated accruing to a board or institution from the provisions of this section shall only be expended on construction projects that utilize state board-approved design criteria as provided by law or that utilize plans previously approved by the department and used by the board or institution district which conform to the standards of the Uniform Building Code for Public Educational Facilities Construction and have not been substantially or materially altered since approval was granted by the commissioner department.

(6) In the event that a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a board, the allocation to that board shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the boards' future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

(7) The state board shall adopt rules to implement this section.

Section 36. Section 240.295, Florida Statutes, is amended to read:

240.295 State University System buildings; approval of construction.—

(1) No construction of new or remodeling of existing building facilities, except as hereinafter provided, shall occur without being recommended in an educational plant survey as prescribed in chapter 235 be constructed or added to by the State University System without prior approval of the Legislature.

(2) This section shall not be construed to prohibit:

(a) Construction of any new buildings from nonstate sources such as federal grant funds, private gifts, grants, or lease arrangements;

(b) The replacement of any buildings destroyed by fire or other calamity;

(c) Construction of dormitories or other auxiliary accommodations financed as provided in s. 243.131; or

(d) Construction of new facilities or remodeling of existing facilities buildings to meet needs as determined by the university; however, the amount of state funds included in such project the total cost of the completed building shall not exceed \$50,000.

Section 37. Section 240.297, Florida Statutes, is amended to read:

240.297 Applicability of certain sections.—Unless otherwise specified, only the following sections of chapter 235 shall apply to a university: ss. 235.014, 235.02, 235.055, 235.065, 235.14, 235.140, 235.15, 235.155, 235.16, 235.18, 235.19, 235.195, 235.211 (2) and (3), 235.34, 235.41, 235.42, 235.435, and 235.435.

Section 38. Section 240.327, Florida Statutes, is amended to read:

240.327 Planning and construction of community college facilities.—The need for community college facilities shall be established by a survey conducted pursuant to chapter 235 made under the supervision of the department or an agency approved by the commissioner; the facilities recommended by such survey must be approved by the state board; and the projects must be constructed according to the provisions of chapter 235 and state board rules.

Section 39. Section 240.353, Florida Statutes, is amended to read:

240.353 Procedure for determining number of instruction units for community colleges.—The number of instruction units for community colleges in districts which meet the requirements of law for operating a community college shall be determined from the full-time equivalent students in the community college; provided that full-time equivalent students may not be counted more than once in determining instruction units. Instruction units for community colleges shall be computed as follows:

(1) One unit for each 12 full-time equivalent students at a community college for the first 420 students and one unit for each 15 full-time equivalent students for all over 420 students, in other than occupational programs as defined by rules of the State Board of Education, and one unit for each 10 full-time equivalent students in occupational programs and compensatory education programs as defined by rules of the State Board of Education. Full-time equivalent students enrolled in a community college shall be defined by rules of the State Board of Education.

(2) For each 8 instruction units in a community college, 1 instruction unit or proportionate fraction of a unit shall be allowed for administrative and special instructional services, and for each 20 instruction units, 1 instruction unit or proportionate fraction of a unit shall be allowed for student personnel services.

Section 40. Subsection (1) of section 236.602, Florida Statutes, is amended to read:

236.602 Bonds payable from motor vehicle license tax funds; instruction units computed.—

(1) For the purpose of administering the provisions of s. 9(d), Art. XII of the State Constitution as amended in 1972, the number of current instruction units in districts shall be computed annually by the department by multiplying the number of full-time equivalent students in each district by the cost factors in s. 236.081(1)(c) and dividing by 23, except that all basic program cost factors shall be one, and the special program cost factors for hospital and homebound I and for community service shall be zero. Full-time equivalent membership for students receiving educational services residing in Department of Health and Rehabilitative Services residential care facilities shall not be included in this computation. Any portion of the fund not expended during any fiscal year may be carried forward in ensuing budgets and shall be temporarily invested as prescribed by law or regulations of the state board.

Section 41. Section 203.01, Florida Statutes, is amended to read:

203.01 Tax on gross receipts for utility services.—Every person, including municipal corporations, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones, and for the sending of telegrams and telegraph messages, shall report ~~quarterly~~ ~~semiannually~~ to the Department of Revenue, not later than January 31 for the 3 6 months ending December 31, ~~and not later than April 30 July 31 for the 3 months ending March 31, not later than July 31 for the 3 months ending June 30, and not later than October 31 for the 3 months ending September 30 6 months ending June 30,~~ under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from business done within this state, or between points within this state, for the preceding 3 6 months and, at the same time, shall pay into the state treasury the sum of \$1.50 upon each \$100 of such gross receipts, ~~and such collections shall be certified by the comptroller upon request of the State Board of Education.~~ The term "gross receipts" as used herein shall not include gross receipts of any person derived from the sale of natural gas to a public or private utility, including municipal corporations and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity. If any person fails to make such report to the department and pay the tax as herein provided, the department shall, after having given at least 5 days' notice to such person or some official or representative thereof within this state, estimate the amount of such gross receipts from such information as it may be able to obtain and shall add 18 40 percent of the amount of such taxes as a penalty, for the failure of such person to make report, and shall proceed to collect such tax, together with all costs and the penalty, the same as other delinquent taxes are collected; provided, no penalty shall be added as aforesaid if a return is made and the amount due is paid to the State Treasurer before the expiration of the time stated in the department's notice aforesaid.

Section 42. Section 235.14, subsections (3) and (4) of section 236.012, and subsection (4) of section 236.013, Florida Statutes, and chapter 79-583, Laws of Florida, are hereby repealed.

Section 43. Section 236.255, Florida Statutes, is created to read:

236.255 Optional nonvoted discretionary millage.—In addition to the maximum millage levy for current operation as provided in subsection (1) of s. 236.25, each school board may levy an additional millage not to exceed 2 mills on the non-exempt assessed valuation of the district for school purposes, to be used as follows:

(1) For new construction and remodeling projects, as set forth in s. 235.435(3), without regard to the prioritization provided in that subsection.

(2) For maintenance, renovation, and repair of existing facilities.

However, these funds shall not supplant current expenditures from operating revenues for maintenance, renovation, and repair, which are based on the prior 3 fiscal year average. In order to achieve the rapid completion of these projects, notwithstanding the provisions of chapters 230, 235, 236, 237, 255, and 287, the remodeling, renovation, repair, and maintenance projects funded from the tax receipts collected pursuant to this authority are exempt from day labor limitations, from

performance bond requirements for projects costing less than \$25,000, from the Consultants Competitive Negotiations Act, and from requirements for prior approval of plans and specifications by the Office of Educational Facilities Construction of the Department of Education. Exemption from these requirements does not relieve the school board of the duty of ensuring compliance with all requirements of the State Uniform Building Code for Educational Facilities for all remodeling, renovation, repair, and maintenance performed or the duty of prudent management and efficient expenditures of all funds collected pursuant to this authority. Any district desiring to levy optional nonvoted discretionary millage for district capital outlay in any year shall follow the procedures prescribed in s. 200.065 relating to advertising and public hearings prior to certifying any such nonvoted discretionary millage.

Section 44. Paragraph (1) of subsection (1), and paragraphs (a) and (c) of subsection (2) of section 235.435, Florida Statutes, are amended to read:

235.435 Funds for comprehensive educational plan construction and debt service.—The annual allocation from the Public Education Capital Outlay and Debt Service Trust Fund to each board, including the Board of Regents, for comprehensive construction and debt service shall be determined as follows:

(1) Pursuant to rules of the state board, the commissioner shall determine annually the projected educational plan and annual debt service needs for each board. In determining the needs of the state system of public education, the office shall recommend, and the commissioner shall use, equitably uniform standards for all types of like space, regardless of the level of education. These standards shall also establish a uniform utilization rate of 85 percent of all postsecondary classrooms, based on 45 hours per week Monday through Friday. The commissioner shall include at least the following elements:

(1) Amount of funds derived from ~~voted~~ ad valorem taxes in excess of 10 mills which were expended for construction projects which would have been funded by the state under provisions of this section during the 5 years immediately prior to the beginning of each fiscal year, except that those funds utilized for payment on bonded indebtedness shall not be included in the calculations required by this subsection.

(2) The commissioner shall determine annually the amount allocated to each board from the funds appropriated for the purpose of implementing this section as follows:

(a) Determine the costs of the projected educational plant needs, the 5-year projected debt service needs, and the expenditures of ad valorem taxes in excess of 10 mills, for each district, as determined in subsection (1).

(c) From the costs of the projected educational plant and 5-year projected debt service needs for each board subtract the projected additional resources available and add the expenditure of ad valorem taxes in excess of 10 mills, as determined in paragraph (a). The result shall represent the estimated cost of unfunded educational plant and debt service needs for each board.

Section 45. Paragraph (d) and (e) of subsection (1) and subsection (6) of section 236.081, Florida Statutes, are amended to read:

236.081 Funds for operation of schools.—The annual allocation from the Florida Education Finance Program to each district for operation of schools shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(d) Allocation of full-time equivalents.—The department is authorized and directed to review all district programs in the areas of educational alternatives, exceptional student programs, special vocational-technical programs, and special adult general education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests, with priority to those districts with the lowest incidence of programs to students identified to be in need of such special programs.

1. The assigned weighted full-time equivalent student membership in special programs for exceptional students, educational alternative programs, part-time programs, special vocational-technical programs, and special adult general education programs, including adult basic education and adult high school, in any school fiscal year shall not exceed the maximum prescribed in the current year's General Appropriations Act for such programs. The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs, and special adult general education programs and to report, at least 60 days prior to each regular session of the Legislature, a 3-year projected enrollment of full-time equivalent students in these programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00, and any excess full-time equivalent student membership in adult basic education and adult high school shall be computed at a cost factor of 0.50.

3. With respect to special programs for the visually handicapped part-time (sub-subparagraph (c) 2.g.), upon request of a school board in any district or multi-district area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.

4. When a student has been properly classified as an exceptional student pursuant to s. 230.23(4)(m) and is eligible for a full-time special program for exceptional students identified in subparagraph (1)(c)2. and, as a condition of such student's individualized educational plan, is assigned to a basic program on a part-time basis with required special services, aids, or equipment, the basic program cost factor for such student shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program.

(e) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, adjusted for the maximums as provided by paragraphs (c) and (d), multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (e), multiplied by

3. The base student allocation.

(6) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(a) The basic amount for current operation, as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the decline in full-time equivalent students as determined in subsection (7), less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state's requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district, and the remainder shall be the amount of state funds allocated to the district for current operation.

The Department of Education is authorized to increase the base student allocation to the school districts if available funds exceed allocated amounts.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. No amount appropriated to fund the Florida Education Finance Program for fiscal year 1975-1976 shall be expended for any other prior year adjustment.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed below:

1. The department shall determine the value per full-time equivalent student for the prior fiscal year for each district as follows: Divide the total number of full-time equivalent students included in the prior year Education Finance Program into the sum of:

a. The prior year's state allocation for Current operation, as provided in paragraphs (6)(a) and (b), less student transportation, as provided in subsection 236.083(7); and

b. The calculated yield of the actual nonvoted millage levied by the district during the prior fiscal year on 95 percent of the prior calendar year nonexempt assessed valuation of the district for school purposes.

2. The amount determined in subparagraph 1. shall be multiplied by the number of full-time equivalent students included in the final estimated computation of the current Education Finance Program.

3. The amount determined in subparagraph 1. shall be the minimum level of funding for each district for the current fiscal year. Such amount shall include the following:

a. The state allocation for current operation, as provided in paragraph (a), exclusive of all categorical programs; and

b. The calculated yield of the maximum nonvoted millage as prescribed in s. 236.25 during the current fiscal year on 95 percent of the current calendar year nonexempt assessed valuation of the district for school purposes.

4. In any district in which the amount determined in subparagraph 2. does not equal or exceed the sum of the sources specified in subparagraph 3., the state share of this total shall be increased in an amount sufficient to assure that each district receives the amount determined in subparagraph 2.

Section 46. Subsection (3) of section 237.071, Florida Statutes, is amended to read:

237.071 School board to adopt tentative budget.—

(3) The proposed budget shall include an amount for local required effort for current operation, in accordance with the requirements of s. 236.081(4) (5).

Section 47. Subsection (1) of section 237.091, Florida Statutes, is amended to read:

237.091 Levying of taxes.—

(1) After the budget has been approved as official by the Department of Education, and Upon receipt of the certificate of the property appraiser giving the assessed valuation of the county and of each of the special tax school districts, the school board shall determine by resolution the amounts necessary to be raised for current operating purposes and for each district bond interest and sinking fund and the millage necessary to be levied for each such fund, including the voted millage. A certified copy of said resolution shall thereupon be filed with the county property appraiser, and the school board shall also order

the property appraiser to assess the several millages certified by said school board against the appropriate taxable property in the school district.

Section 48. Section 237.101, Florida Statutes, is amended to read:

237.101 Implementation of the official budget.—The official budget shall give the appropriations and reserves therein the force and effect of fixed appropriations and reserves, and the same shall not be altered, amended, or exceeded except as authorized. However, if the actual receipts during any year is less than budgeted receipts, and any obligations are thereby incurred which cannot be met before the close of the year, such obligations shall be paid and accounted for in the ensuing fiscal year in the manner prescribed by rules regulations of the state board and shall be payable out of the first funds available for that purpose. In the event any suit is brought wherein the relief sought would require any change or alteration in any part of the official budget or, if brought before the budget becomes official, would require a change in the rate or expenditure of the preceding year, the Department of Education shall be made a party to said suit. If said suit is instituted without the department being named a party thereto, the same shall abate, and the court, on its own motion or on motion of any interested party, shall enter an order staying the cause until such time as the department is made a party thereto. If the department is not made a party thereto within a reasonable period, the suit shall be dismissed, either on the court's own motion or on motion of any interested party.

Section 49. From moneys becoming available pursuant to the provisions of Section 9(a)(2), Article XII of the State Constitution, there is hereby appropriated \$187,341,518 as a supplemental appropriation for the 1980-81 fiscal year. The Legislature hereby finds and determines that the items and sums designated below constitute authorized capital outlay projects within the meaning and as required by Section 9(a)(2), Article XII of the State Constitution, as amended, and Section 240.141, Florida Statutes, and any other law. The moneys in the following items are appropriated to be expended pursuant to sections 235.42, 235.4235, and 235.435, Florida Statutes. The provisions of section 216.301(3)(a), Florida Statutes, shall apply to capital outlay funds appropriated to the public education capital outlay and debt service trust fund.

Fiscal Year	Fiscal Year
1979-1980	1980-1981

Provided, however, should an emergency arise, the State Board of Education is authorized to reallocate appropriations and cash to fund the emergency.

Provided, however, notwithstanding the provisions of section 235.435(3), Florida Statutes, should federal appropriations provide funding for energy projects on a matching basis, the State Board of Education may authorize energy projects to be matched from each board's allocation from the public education capital outlay and debt service trust fund, and may pay any additional administrative costs from the fund as provided in section 235.42(4), Florida Statutes.

EDUCATION, DEPARTMENT OF

0A Fixed Capital Outlay To the school boards of the 67 school districts From Public Education Capital Outlay and Debt Service Trust Fund	111,458,917
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The office of educational facilities construction shall determine each school board's allocation of the amount appropriated in Item 0A, pursuant to the formula set forth in section 235.435, Florida Statutes, the allocation made to each school board shall be considered a part of the comprehensive construction and debt service program and shall be expended in accordance with the provisions of section 235.435(3), Florida Statutes.

From the cumulative total allocated to the school boards of the 67 school districts, \$2,500,000 shall be provided to Santa Rosa County for the initial construction of a vocational technical center; \$4,200,000 less ninety (90) percent of their prorated

Fiscal Year	Fiscal Year
1979-1980	1980-1981

entitlement shall be provided to Lake County for the construction of phase V of the vocational technical center; and \$700,000 shall be provided to Osceola County for research and development of an energy efficient elementary school. The Osceola school board shall maintain comparative operational cost data for three years upon completion of the school and report annually their analyses and findings to the legislature.

From the cumulative total allocated to the school boards of the 67 school districts, \$3,332,524 shall be allocated for correction of fire deficiencies for the public schools pursuant to sections 235.06 and 663.05(8)(a), Florida Statutes, and State Board of Education rule 6A-2.76, excluding all factors except those pertaining to fire safety. Funds shall be allocated on matching basis: 25 percent from the appropriation and 75 percent from other funds provided by the boards.

From the cumulative total allocated to the school boards of the 67 school districts, \$45,870,340 shall be allocated by the State Board of Education for projects which will alleviate double sessions or provide facilities for unhoused students. Those school districts which have critical needs for student facilities shall submit a project application to the Department of Education no later than July 31, 1980 and the state board shall approve projects for funding by the first regular meeting in September, 1980. To expedite construction, project funds which are unencumbered by March 31, 1981, shall revert back to the trust fund unless an exception is approved by the State Board of Education. The funding provided herein is supplemental to all other state capital outlay funds available to be applied toward projects to alleviate unhoused student needs.

0B Fixed Capital Outlay To Boards of Trustees of the Community Colleges From Public Education Capital Outlay and Debt Service Trust Fund	18,729,070
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From the cumulative totals allocated to the boards of trustees of the 28 community colleges, \$1,300,287 shall be provided to Brevard Community College to meet the matching requirements for the facility to be shared with the University of Central Florida in accordance with section 235.195, Florida Statutes.

The remaining funds appropriated in Item 0B shall be allocated by the State Board of Education and expended pursuant to the priority list submitted to the legislature dated May 15, 1980.

0C Fixed Capital Outlay To the Board of Regents of the State University System From Public Education Capital Outlay and Debt Service Trust Fund	24,982,439
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Provided, however, \$18,730,637 of the allocation made to the Board of Regents shall be expended to complete the projects listed in Item 0C, section 4, chapter 79-212, Laws of Florida; \$17,345 shall be utilized to supplement the project for the UWF Panama City branch campus; \$270,000 shall be utilized to supplement the project for UNF library conversion; \$264,143 shall be utilized to supplement the project for IFAS animal science/dairy science - phase I; \$500,000 shall be utilized to supplement UCF shared facilities on Brevard Community College campus; \$3,000,000 for north Miami campus support; \$260,314 for UCF - library remodeling and equipment; \$440,000 for UCF - phase II library planning through design; and \$1,500,000 for UF - Holland Law Center.

Any savings from the specified projects may be allocated to other projects on the Board of Regents project priority list, fire safety corrections, asbestos removal, handicap corrections, and minor renovation or remodeling projects.

Items 0E, 0F, 0G, and 0I for Fiscal Year 1980-81 and Item 0K for 1979-80, Section 4, Chapter 79-212, Laws of Florida, are hereby repealed.

	Fiscal Year 1979-1980	Fiscal Year 1980-1981		Fiscal Year 1979-1980	Fiscal Year 1980-1981
0D Fixed Capital Outlay To the Board of Regents of the State University System for FAU—College of Engi- neering From Public Education Capital Outlay and Debt Service Trust Fund			From Public Education Capital Outlay and Debt Service Trust Fund		80,000
		4,500,000	0M Fixed Capital Outlay To the Florida School for the Deaf and the Blind From Public Education Capital Outlay and Debt Service Trust Fund		560,000
0E Fixed Capital Outlay To the Board of Regents of the State University System for IFAS—Belle Glade Re- search Lab and Office Com- plex From Public Education Capital Outlay and Debt Service Trust Fund		2,457,000	0N Fixed Capital Outlay To the State Board of Edu- cation for WFSU-TV and FM, Tallahassee From Public Education Capital Outlay and Debt Service Trust Fund		1,400,000
0F Fixed Capital Outlay To the Board of Regents of the State University System for USF—New College West Campus Improvements From Public Education Capital Outlay and Debt Service Trust Fund		325,000	0O Fixed Capital Outlay To the State Board of Edu- cation for WLRN-TV and FM, Miami From Public Education Capital Outlay and Debt Service Trust Fund		1,335,332
0G Fixed Capital Outlay To the Board of Regents of the State University System for FSU—Nuclear Acceler- ator Building Expansion From Public Education Capital Outlay and Debt Service Trust Fund		328,760	Total of Section 04		
			From Trust Funds		
			Total All Funds		
0H Fixed Capital Outlay To the Board of Regents of the State University System for USF—St. Petersburg Campus—Phase I-A From Public Education Capital Outlay and Debt Service Trust Fund		3,750,000	Section 50. This act shall take effect July 1, 1981, except that Sections 24, 41, and 43-48 shall take effect July 1, 1980. Section 49 shall take effect upon becoming law.		
			Senator McKay moved the following amendment to Amend- ment 1 which was adopted:		
			Amendment 1A—On page 80, line 50, strike the period (.) and insert: ; and \$1,300,000 shall be utilized for replacement of the roof of the Florida State Museum, University of Flor- ida, and increase the total for item OC from 24,982,439 to 26,282,439		
0I Fixed Capital Outlay To the Board of Regents of the State University System for UCF—Computer Center Building From Public Education Capital Outlay and Debt Service Trust Fund		935,000	Senators Frank, Beard and McClain offered the following amendment to Amendment 1 which was moved by Senator Frank and adopted:		
			Amendment 1B—On page 82, line 25, insert the following for fiscal year 1980-81		
0J Fixed Capital Outlay To the Board of Regents of the State University System for Shands Teaching Hos- pital and Clinics From Public Education Capital Outlay and Debt Service Trust Fund		15,500,000	0T A feasibility study shall be conducted by the Board of Regents to determine the need for a teaching hospital at the University of South Florida.		
			Senator Trask presiding		
			Senator Gordon moved the following amendment to Amend- ment 1 which failed:		
			Amendment 1C—On page 81, strike lines 40 through 45		
0K Fixed Capital Outlay To the Board of Trustees of Brevard Community College and the Board of Regents of the State University System From Public Education Capital Outlay and Debt Service Trust Fund		1,000,000	Senator Scarborough presiding		
			Senator Gordon moved the following amendment to Amend- ment 1 which was adopted:		
			Amendment 1D—On page 82, line 25, insert the following for Fiscal Year 1980-81:		
			0P Fixed Capital Outlay To the Board of Regents of the State University System for FIU - Planning, Library, Completion of Third Floor From Publication Edu- cation Capital Outlay and Debt Service Trust Fund		
					100,000

The Funds Appropriated in Item 0K shall be prorated accord-
ingly to each respective board for the construction of a shared
facility for Brevard Community College and the University of
Central Florida in accordance with Section 235.195, Florida
Statutes.

0L Fixed Capital Outlay
To the School Board of Leon
County—Community Educa-
tion Facility—Pursuant to
Section 235.211(2), Florida
Statutes

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

Amendment 1E—On page 82, line 25, insert the following for Fiscal Year 1980-81:

OR Fixed Capital Outlay
 To the Board of Regents of the State
 University System for UWF - For Library
 Conversion, Phase II
 From Public Education Capital Outlay and
 Debt Service Trust Fund 325,000

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

Amendment 1F—On page 72, line 27-29, strike (after the numeral 1.00) “, and any excess full-time equivalent student membership in adult basic education and adult high school shall be computed at a cost factor of 0.50.” and insert: (after the numeral 1.00) “.”

Senator Trask presiding

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

Amendment 1G—On page 78, immediately before section 49 insert:

Section 49. Subsection (1) and paragraph (b) of subsection (3) of section 237.151, Florida Statutes, are amended, and subsection (4) is added to said section, to read:

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

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

(3) **EVENTUALITY OF TAX LITIGATION; FINANCING OF OUTSTANDING BONDS.**—In the event that the county tax roll is subjected to litigation and the tax collector is prevented from collecting taxes on that roll, the following shall apply:

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

during the fiscal year in which the loan was made. However, any such loan unpaid at the end of the fiscal year shall be repaid from the first available revenue in the next succeeding year.

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

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

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

1. *Actual cash on hand, including investments;*
2. *Anticipated revenue to be received each month;*
3. *A schedule of expenditures, by amounts and purpose, for the period of the loan;*
4. *The amount of loan requested; and*
5. *The date by which the loan is to be paid.*

The commissioner may approve the loan as requested, or any part thereof, and authorize the preparation of a state warrant, payable to the applying school district in the amount of the approved loan, from the state revolving loan fund.

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

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

Section 50. The Legislature hereby authorizes the use of the state’s Working Capital Fund as the source of funds from which the loans may be authorized. District school boards may request the Commissioner to reduce that district’s monthly allocation of Florida Education Finance Program Funds in an amount sufficient to repay the loan, or the district may repay the loan when local taxes are collected. All loans authorized pursuant to this authority shall bear an interest rate of 7.5 percent for the period of the loan.

(Renumber subsequent sections.)

Senator Scarborough presiding

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

Amendment 1H—On page 69, lines 16-17, strike from the Consultant’s Competitive Negotiations Act

The vote was:

Yeas—19

Anderson	Gorman	Scarborough	Trask
Beard	Jenne	Skinner	Vogt
Childers, W. D.	Johnston	Steinberg	Williamson
Dunn	McKnight	Stuart	Winn
Fechtler	Peterson	Tobiassen	

Nays—11

Chamberlin	Hair	McClain	Thomas
Frank	MacKay	Poole	Ware
Grizzle	Maxwell	Scott	

Votes after roll call:

Nay to Yea—Frank, Poole

Senators Anderson and McKnight offered the following amendment to Amendment 1 which was moved by Senator McKnight and failed:

Amendment 1I—On page 82, line 25, insert the following for Fiscal Year 1980-81:

OS Fixed Capital Outlay To the Board of Regents of the State University System for IFAS—Homestead Research Lab and Office Complex From Public Education Capital Outlay and Debt Service Trust Fund	1,000,000
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Senators Fechtel and MacKay offered the following amendment to Amendment 1, which was moved by Senator Fechtel and adopted:

Amendment 1J—On page 79, lines 33-34, strike all of line 33 and the words "Rated Entitlement" on line 34 and insert: \$3,800,000

Senators Scott, Poole, Jenne, Williamson, Winn and Hill offered the following amendment to Amendment 1 which was moved by Senator Scott and adopted:

Amendment 1K—On page 82, after line 25, insert: the following for fiscal year 1980-81:

OU Fixed Capital Outlay To the Board of Trustees of Broward Community College for Planning of the Southeast Florida Aviation Institute From Public Education Capital Outlay Debt Service Trust Fund	\$200,000
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Senator Peterson moved the following amendments to Amendment 1 which were adopted:

Amendment 1L—On page 82, lines 27 and 28, strike on line 27: 187,341,518 on line 28: 187,341,518 and insert: on line 27 109,266,518 on line 28 189,266,518

Amendment 1M—On page 78, line 4, strike 187,341,518 and insert: 189,266,518

Amendment 1 as amended was adopted.

Senator Peterson moved the following amendment:

Amendment 2—Strike title and insert:

A bill to be entitled

An act relating to education; amending ss. 235.002, 235.01, 235.011, 235.016, 235.018, 235.02, 235.04, 235.05, 235.055(1), 235.06(1), 235.065, 235.09, 235.149, 235.15, 235.155, 235.16, 235.18, 235.19(1), (4), 235.195, 235.211, 235.212, 235.221, 235.26, 235.30, 235.31, 235.33, 235.40, 235.41, 235.42, 235.4235, 235.43, 235.435, 240.295, 240.297, 240.327, 240.353, 236.602(1), and 203.01, Florida Statutes; creating ss. 235.017, 235.056, 235.196, Florida Statutes; revising provisions relating to educational facilities and capital outlay; providing intent; providing purpose; providing definitions; specifying duties of associate commissioner and associate deputy commissioner; authorizing delegation of powers of Office of Educational Facilities Construction; specifying duties of the office; authorizing lease of educational facilities; providing for survey for instructional space and educational plant survey; providing for cooperative de-

velopment; providing for restoration of historic facilities; specifying design and construction criteria; authorizing emergency construction; providing for award of contracts; providing for budget requests; providing for administration of Capital Outlay and Debt Service Trust Fund; providing for transfer of funds among projects; requiring departmental reorganization; providing for annual determination of facility and remodeling needs; specifying applicability to State University System; providing procedures for computing instruction units; providing for the collection and certification of tax on gross receipts for utilities; providing penalty for delinquent payments; repealing s. 235.14, Florida Statutes, relating to emergency drills; repealing s. 236.012(3), (4), Florida Statutes, relating to legislative intent; repealing s. 236.013(4), Florida Statutes, relating to definition of "utilization factor"; repealing chapter 79-583, Laws of Florida, relating to countercyclical construction industry jobs program for special school maintenance; creating s. 236.255, Florida Statutes; authorizing school boards to levy specified additional millage for limited purposes; amending s. 235.435(1)(1), (2)(a), (c), Florida Statutes; providing criteria for determining allocations from the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 236.081(1)(d),(e), (6), Florida Statutes; providing for cost differentials; deleting authorization of the Department of Education to increase the base student allocation under certain circumstances; deleting minimum net annual state allocation guarantees; amending s. 237.071(3), Florida Statutes; correcting a cross-reference; amending s. 237.091(1), Florida Statutes; deleting reference to approval of school board budgets by the Department of Education; amending s. 237.101, Florida Statutes; deleting requirement that the department be made a party to lawsuits seeking changes in such budgets; provides funding for public educational facilities from the Public Education Capital Outlay and Debt Service Trust Fund; providing an effective date.

Senator Don Childers moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 1 in title, strike all of line 2 and insert: An act relating to school finances; amending s. 237.151(1), (3)(b), Florida Statutes, and adding subsection (4) to said section; increasing the rate of interest which school boards may pay on borrowed funds; creating the State of Florida Public School District Revolving Loan Trust Fund; providing for loans from the fund to district school boards; authorizing the use of the working capital fund;

Amendment 2 as amended was adopted.

On motion by Senator Peterson, by two-thirds vote HB 1796 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for CS for SB 1104 was laid on the table.

CS for SB 1076, by the Committee on Education and Senator MacKay and others, was read the first time by title and SB 1076 was laid on the table.

Pending further consideration of CS for SB 1076, on motions by Senator MacKay, the rules were waived and by two-thirds vote CS for HB 97 was withdrawn from the Committees on Education and Ways and Means.

On motion by Senator MacKay—

CS for HB 97—A bill to be entitled An act relating to personnel of the district school system; creating ss. 231.545 and

231.555, Florida Statutes, to establish the Education Standards Commission and the Education Practices Commission within the Department of Education; providing membership and duties relating to the development of standards and practices of teaching and the revocation, suspension, and discipline of teachers and administrators; providing duties of the Department of Education and the Division of Administrative Hearings of the Department of Administration relating to investigation and hearing of complaints; providing penalties for violations of standards and rules; providing for financing of the commissions and removal of members therefrom; amending ss. 231.17(6), 231.28, 231.36 (2), 231.608, and 231.611, Florida Statutes, to conform and to delete obsolete language; providing for transfer of pending cases, records, and other material; repealing ss. 231.10, 231.54, 231.57, 231.58, 231.59, and 231.604, Florida Statutes, relating to the Florida Council on Teacher Education, the Professional Practices Council, and the State Council for Teacher Education Centers; providing for conditional repeal, and repeal and legislative review in accordance with the Sundown Act and the Regulatory Reform Act of 1976; providing an effective date.

—a companion measure, was substituted for CS for SB 1076 and read the second time by title.

Senator MacKay moved the following amendments which were adopted:

Amendment 1—On page 4, line 25, insert: new Section 3 Section 3. Subsection (2) of section 231.30, Florida Statutes, is amended to read:

231.30 Fees; Disposition.—

(2) The proceeds from the collection of certification fees shall be remitted by the Department of Education to the State Treasurer and shall be kept by him in a separate fund to be known as the "Educational Certification and Service Trust Fund" and disbursed for the payment of expenses incurred by the *Educational Standards Commission, the Educational Practices Commission* and in the printing of forms and bulletins and the issuing of certificates, upon vouchers approved by the department.

Renumber Sections 3-11.

Amendment 2—On page 5, line 21 and page 9, line 21, after the word "Education" insert: and subject to Senate confirmation

Amendment 3—On page 5, line 28, after the word "Education" insert: and one of whom shall be certified as a vocational teacher

Amendment 4—On page 9, lines 17 and 18, strike "at least one of whom shall be employed by a private school"

Amendment 5—On page 12, line 14, strike all after the period, all of lines 15 and 16, and "Department of Professional Regulation." on line 17 and insert: The Commissioner of Education shall develop job specifications for investigative personnel employed by the Department of Education. Such specifications shall be substantially equivalent to or greater than those job specifications of investigative personnel employed by the Department of Professional Regulation.

Amendment 6—On page 1 in title, line 18, after the ";" insert: amending s. 231.30(2), Florida Statutes; providing for the disposition of certificate fees;

On motion by Senator MacKay, by two-thirds vote CS for HB 97 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Anderson	Childers, W. D.	Hair	MacKay
Barron	Fechtel	Henderson	Maxwell
Beard	Frank	Hill	McClain
Carlucci	Gordon	Holloway	McKnight
Chamberlin	Gorman	Jenne	Myers
Childers, D.	Grizzle	Johnston	Peterson

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

Nays—None

CS for SB 1076 was laid on the table.

CONSENT CALENDAR

SB 109—A bill to be entitled An act relating to the notice of meetings or property appraisal adjustment boards; amending s. 196.194(2), Florida Statutes; removing the requirement that public notice of the meeting of the board include a listing of exemptions granted or denied wholly or partially; providing an effective date.

—was read the second time by title. On motion by Senator Maxwell, by two-thirds vote SB 109 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 264—A bill to be entitled An act relating to teacher certification and preservice education; amending s. 231.15, Florida Statutes; specifying types of certificates to be issued by the Department of Education; amending s. 231.17(2), (7), Florida Statutes; requiring only initial applicants for regular certificates to demonstrate mastery of certain competencies and allowing the State Board of Education to specify the methods by which such competencies are demonstrated; providing that the examination shall be developed by the commissioner; providing that the state board shall establish a minimum examination score required for the issuance of a certificate; providing that a person failing to achieve such score may review his completed examination; providing for the confidentiality of test materials; providing that all rules necessary to implement such testing program be effective immediately; amending s. 240.529(1), Florida Statutes; providing that the state board shall by rule provide for a waiver of minimum college entrance examination scores for up to 10 percent of those admitted to teacher education programs; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, line 1, strike "or and" and insert: and

Amendment 2—On page 4, lines 29 and 30, strike "for up to 10 percent of those admitted to teacher education programs" and insert: . *The rule when adopted shall require that 90 percent of those admitted to teacher education programs shall meet the 40th percentile requirement for up to 10 percent of*

Senator Maxwell moved the following amendments which were adopted:

Amendment 3—On page 5, strike all of lines 3-4 and insert: Section 4. Paragraph (b) of subsection (3) of section 231.36, Florida Statutes, is amended to read:

231.36 Contracts with instructional staff.—

(3)

(b) The continuing contract shall be effective at the beginning of the school fiscal year following the completion of

all requirements or, starting on July 1, 1968, at the beginning of the school fiscal year in which all requirements are completed on or before September 1 or before January 1, 1981, for persons who have had no opportunity to meet the teacher examination requirements for regular certification.

Section 5. If chapter 231, Florida Statutes, is repealed in accordance with the intent expressed in the Regulatory Reform Act of 1976, as amended by chapter 77-457, Laws of Florida, or as subsequently amended, it is the intent of the Legislature that sections 1, 2, and 3 of this act shall also be repealed on the same date as is therein provided.

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

Amendment 4—On page 1 in title, line 26, after the semicolon (;) insert: amending s. 231.36(3)(b), Florida Statutes; extending date at which a continuing contract shall be effective for certain persons;

On motion by Senator Maxwell, by two-thirds vote SB 264 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—MacKay

By the Committee on Governmental Operations and Senator Henderson—

CS for SB 286—A bill to be entitled An act relating to contractors; amending s. 489.105(3), (11), Florida Statutes; providing for regulation of plumbing contractors under ch. 489, Florida Statutes; providing definitions; amending s. 489.107(1), (2), (5), (6), Florida Statutes; increasing membership of Construction Industry Licensing Board to include plumbing contractors; providing quorum; amending s. 489.113(3), Florida Statutes; providing an exception to the requirement of general contractors to subcontract certain work relating to sewer and water mains; providing an effective date.

—was read the first time by title and SB 286 was laid on the table.

On motions by Senator Henderson, by two-thirds vote CS for SB 286 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Anderson	Gordon	McClain	Stuart
Barron	Gorman	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
Fechtel	MacKay	Skinner	
Frank	Maxwell	Steinberg	

Nays—None

CS for SB 317 by the Committee on Ways and Means and Senator Trask was read the first time by title and SB 317 was laid on the table.

Pending further consideration of CS for SB 317, on motion by Senator Trask, by two-thirds vote HB 726 was withdrawn from the Committee on Ways and Means.

On motion by Senator Trask—

HB 726—A bill to be entitled An act relating to taxation of citrus; amending s. 601.15(3), Florida Statutes; specifying citrus excise tax rates; providing for reduction of specified rates; amending s. 601.157(1), (3), (4)(b), (5), Florida Statutes; reducing the additional excise tax on grapefruit; providing for deposit of proceeds from such additional tax; providing for disposition of certain balances remaining in the Processed Grapefruit Rebate Fund; providing effective dates.

—a companion measure, was substituted for CS for SB 317 and read the second time by title. On motion by Senator Trask, by two-thirds vote HB 726 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 317 was laid on the table.

By the Committee on Judiciary-Civil and Senators Skinner and McKnight—

CS for CS for SB 357—A bill to be entitled An act relating to dependent children; amending s. 39.41(1)(d), (6), Florida Statutes; specifying criteria for termination of parental rights; providing circumstances under which a court retains jurisdiction over a child after return to custody of parents; amending s. 409.168, Florida Statutes; specifying intent; providing a definition for licensed child-caring agency; requiring entry into agreement regarding foster care of a child; specifying terms and effect of agreement; providing for scheduling and conducting periodic reviews; providing an exception; renumbering s. 409.175(2)-(5), Florida Statutes, and adding a new subsection (2) to said section; providing for preservice and inservice training for foster parents; requiring the Department of Health and Rehabilitative Services to prepare and submit a feasibility report on mandating such training for licensure; providing an effective date.

—was read the first time by title and SB 357 and CS for SB 357 were laid on the table.

On motion by Senator Skinner, by two-thirds vote CS for CS for SB 357 was read the second time by title.

Senator Skinner moved the following amendment which was adopted:

Amendment 1—On page 13, line 15, insert: a new section 6

Section 6. (1) In no case shall employees or agents of the social service agency acting in good faith be liable for damages as a result of failing to provide services agreed to under the performance agreement.

(2) The inability and failure of the social service agency or the employee or agents of the social service agency to provide the services agreed to under the performance agreements shall not render the state or the social service agency liable for damages.

(Renumber subsequent section.)

Senator Frank moved the following amendments which were adopted:

Amendment 2—On page 1, between lines 25 and 26, insert: Section 1. Subsections (1) and (2) of section 787.04, Florida Statutes, are amended to read:

787.04 Felony to remove children from state or to conceal children contrary to court order.—

(1) It is unlawful for any person, in violation of a court order, to lead, take, entice or remove a child beyond the limits of this state, or to conceal the location of a child, with personal knowledge of the order.

(2) It is unlawful for any person, with criminal intent, to lead, take, entice or remove a child beyond the limits of this state, or to conceal the location of a child, during the pendency of any action or proceedings affecting custody of a child after having received notice as required by law of the pendency of the action or proceeding, without the permission of the court in which the action or proceeding is pending.

(Renumber subsequent sections.)

Amendment 3—On page 1 in title, line 2, strike all of said line and insert: An act relating to children; amending s. 787.04(1) (2), Florida Statutes; prohibiting the concealing of the location of a child; amending

Senator Skinner moved the following amendment which was adopted:

Amendment 4—On page 1, in title, line 21, after the semicolon insert: providing an exemption from liability under certain circumstances;

On motion by Senator Skinner, by two-thirds vote CS for CS for SB 357 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns of names: Anderson, Barron, Beard, Carlucci, Chamberlin, Childers, D., Childers, W. D., Dunn, Fechtel, Frank, Gordon, Gorman, Grizzle, Hair, Henderson, Hill, Holloway, Jenne, Johnston, MacKay, Maxwell, McClain, McKnight, Myers, Neal, Peterson, Poole, Scarborough, Scott, Skinner, Steinberg, Stuart, Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Winn.

Nays—None

SB 388—A bill to be entitled An act relating to county depositories; amending ss. 136.01, 136.02(1), Florida Statutes; providing that funds of district boards of trustees of community colleges be deposited in banks designated as county depositories; requiring such banks to deposit securities to cover such funds; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 388 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Table with 4 columns of names: Anderson, Barron, Beard, Childers, D., Childers, W. D., Dunn, Fechtel, Frank, Gordon, Gorman, Grizzle, Hair, Henderson, Hill, Holloway, Jenne, Johnston, MacKay, Maxwell, McClain, McKnight, Myers, Neal, Peterson, Poole, Scarborough, Scott, Skinner, Steinberg, Stuart, Tobiassen, Trask, Vogt, Ware, Williamson, Winn.

Nays—None

Vote after roll call:

Yea—Chamberlin

SCR 481—A concurrent resolution urging the Governor, the Commissioner of Education, and the State Board of Education to continue their efforts toward the establishment of a federal College Assistance Migrant Program in Florida.

—was read the second time in full. On motion by Senator Don Childers SCR 481 was adopted and certified to the House. The vote on adoption was:

Yeas—36

Table with 4 columns of names: Anderson, Barron, Beard, Carlucci, Childers, D., Childers, W. D., Dunn, Fechtel, Frank, Gordon, Gorman, Grizzle, Hair, Henderson, Hill, Holloway, Jenne, Johnston, MacKay, Maxwell, McClain, McKnight, Myers, Neal, Peterson, Poole, Scott, Steinberg, Stuart, Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Winn.

Nays—None

Vote after roll call:

Yea—Chamberlin

SB 493—A bill to be entitled An act relating to education; amending s. 233.063(1), Florida Statutes; relating to instruction in operation of motor vehicles in secondary schools, to include instruction in the operation of motorcycles and mopeds; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 5, after the period “.” insert: Instruction in motorcycle or moped operation may be limited to classroom instruction.

Amendment 2—On pages 1 and 2, line 29 on page 1 and line 2 on page 2, strike on line 29: 1980-81 1975-1976 and on page 2, line 2: “For” and insert: On line 29: 1975-1976 On line 2: Beginning in 1981-82, for For

On motion by Senator Maxwell, by two-thirds vote SB 493 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns of names: Anderson, Barron, Beard, Chamberlin, Childers, D., Childers, W. D., Dunn, Fechtel, Frank, Gordon, Gorman, Grizzle, Hair, Henderson, Hill, Holloway, Jenne, Johnston, Maxwell, McClain, McKnight, Myers, Neal, Peterson, Poole, Scarborough, Scott, Skinner, Steinberg, Stuart, Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Winn.

Nays—None

Vote after roll call:

Yea—MacKay

SB 577—A bill to be entitled An act relating to the Florida Uniform Traffic Control Law; amending ss. 316.072(5), 316-2397(3), 316.2398, Florida Statutes; providing for use of red lights on privately owned vehicles of medical staff of medical facilities licensed by the state; extending certain privileges to medical staff using such vehicles; prohibiting unlawful use of red lights by such staff; providing penalties; providing an effective date.

—was read the second time by title.

Senator Holloway moved the following amendments which were adopted:

Amendment 1—On page 1, line 23, strike "member" and insert: *physician or technician*

Senator Trask presiding

Amendment 2—On page 2, line 22, strike "member" and insert: *physicians or technicians*

Amendment 3—On page 3, line 17, strike "member" and insert: *physicians or technicians*

Amendment 4—On page 4, line 16, strike "member" and insert: *physician or technician*

Amendment 5—On page 4, line 25, strike "member" and insert: *physician or technician*

On motion by Senator Holloway, by two-thirds vote SB 577 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—MacKay

SB 587—A bill to be entitled An act relating to perinatal care centers; creating s. 383.171, Florida Statutes; authorizing the funding of neonatal centers; setting criteria for eligibility; prescribing limits on funding; making recipient neonatal centers subject to existing statutory requirements; amending s. 383.18, Florida Statutes; providing that reimbursement funds are contingent upon contractual agreements; amending ss. 383.19(1), 383.21, Florida Statutes; clarifying the need for department approval of agreements and changing a program reporting date; providing an effective date.

—was read the second time by title.

Senators McKnight and Gordon offered the following amendments which were moved by Senator McKnight and adopted:

Amendment 1—On page 4, between lines 7 and 8, insert: Section 5. Notwithstanding the provisions of chapter 79-212, Laws of Florida, moneys appropriated in Item 682 of section 1 of chapter 79-212, Laws of Florida, for fiscal year 1980-1981 may be specifically used to support a neonatal center funded by the Department of Health and Rehabilitative Services pursuant to s. 381.171, Florida Statutes. The amount of such funding shall be determined by the provisions of ss. 383.171 and 383.19, Florida Statutes.

ReNUMBER subsequent section

Amendment 2—On page 1 in title, line 14, after the semicolon (;) insert: providing that an existing appropriation for perinatal centers may be used to fund neonatal centers;

On motion by Senator McKnight, by two-thirds vote SB 587 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Anderson	Frank	Johnston	Stuart
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	Peterson	
Dunn	Holloway	Poole	
Fechtel	Jenne	Steinberg	

Nays—None

Vote after roll call:

Yea—MacKay

SB 610 was taken up and on motion by Senator Steinberg, the rules were waived and by two-thirds vote HB 951 was withdrawn from the Committee on Ways and Means.

On motion by Senator Steinberg—

HB 951—A bill to be entitled An act relating to school district finance; amending s. 231.40(1), Florida Statutes, and adding a paragraph to subsection (2) thereof; adding a subsection to s. 231.48, Florida Statutes; clarifying sick leave provisions; authorizing certain expenditure of funds to instructional and noninstructional personnel; providing for conditional repeal; providing an effective date.

—a companion measure, was substituted for SB 610 and read the second time by title. On motion by Senator Steinberg, by two-thirds vote HB 951 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—MacKay

SB 610 was laid on the table.

SB 620 was taken up and on motion by Senator Vogt, the rules were waived and by two-thirds vote HB 718 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Vogt—

HB 718—A bill to be entitled An act relating to factory-built housing; adding subsection (10) to s. 553.37, Florida Statutes; providing for the bonding of factory-built housing inspection agencies; amending s. 553.38(2), Florida Statutes; authorizing local authorities to enforce on-site installation requirements for factory-built housing; amending s. 553.39, Florida Statutes; authorizing injunctive or other relief from the circuit court to enforce laws and rules regulating factory-built housing; providing for conditional repeal; providing an effective date.

—a companion measure, was substituted for SB 620 and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 718 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—MacKay

SB 620 was laid on the table.

CS for SB 623, by the Committee on Natural Resources and Conservation and Senator Vogt, was read the first time by title and SB 623 was laid on the table.

Pending further consideration of CS for SB 632, on motion by Senator Vogt, the rules were waived and by two-thirds vote CS for HB 825 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Vogt—

CS for HB 825—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.10(2), Florida Statutes; authorizing the Department of Natural Resources to issue permits to properly accredited persons for the collection and possession of saltwater animals for experimental, scientific and exhibitional purposes; deleting the provision that the certificate issued may permit the holder to take and catch foodfish or shellfish for use in feeding certain specimens; providing an effective date.

—a companion measure, was substituted for CS for SB 623 and read the second time by title. On motion by Senator Vogt, by two-thirds vote CS for HB 825 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—MacKay

CS for SB 623 was laid on the table.

SB 705—A bill to be entitled An act relating to the Florida State Museum; amending s. 240.515, Florida Statutes, defining the functions of the Florida State Museum; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 1, line 11, before the word "The" insert: (1)

Amendment 2—On page 3, between lines 2 and 3, insert: (2) *There is hereby established the Florida Medical Museum Council, the members of which shall be appointed by the president of the University of Florida upon recommendation of the*

Dean of the Medical College. The council shall consist of ten members who shall have a demonstrated interest in and knowledge of medicine. Members shall serve without remuneration and shall serve for a term of 4 years. The members shall organize and elect a chairman from its membership. The council shall meet upon the call of the chairman, but in no case shall it meet less than once in each calendar year. The council shall plan the development of a medical museum to be a part of the Florida State Museum. The Florida State Museum may serve as a collection, storage, and advisory agency for the council.

Amendment 3—On page 1, in title, line 4, after the semicolon insert: creating a Florida Medical Museum Council and prescribing its duties; authorizing the Florida State Museum to serve as a collection, storage, and advisory agency for the council;

Pending further consideration of SB 705 as amended, on motions by Senator Henderson, by two-thirds vote HB 1195 was withdrawn from the Committees on Governmental Operations and Ways and Means.

On motion by Senator Henderson—

HB 1195—A bill to be entitled An act relating to the Florida State Museum; amending s. 240.515, Florida Statutes, defining the functions of the Florida State Museum; providing for the creation of a State Medical Museum within the Florida State Museum; providing an effective date.

—a companion measure, was substituted for SB 705 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1195 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—MacKay

SB 705 was laid on the table.

Senator Scarborough presiding

SB 709 was taken up and on motion by Senator Ware, the rules were waived and by two-thirds vote HB 1094 was withdrawn from the Committee on Commerce.

On motion by Senator Ware—

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.

—a companion measure, was substituted for SB 709 and read the second time by title. On motion by Senator Ware, by two-thirds vote HB 1094 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Childers, D.	Gorman	Holloway
Barron	Childers, W. D.	Grizzle	Jenne
Beard	Dunn	Hair	Johnston
Carlucci	Fechtel	Henderson	Maxwell
Chamberlin	Frank	Hill	McClain

McKnight	Skinner	Trask	Williamson
Neal	Steinberg	Vogt	Winn
Poole	Thomas	Ware	
Scott	Tobiassen		

Nays—None

Votes after roll call:

Yea—MacKay, Myers, Peterson

SB 709 was laid on the table.

SB 718—A bill to be entitled An act relating to Veterans' Affairs; creating s. 292.055, Florida Statutes; empowering the Division of Veterans' Affairs of the Department of Community Affairs to issue identification cards to certain disabled veterans; providing conditions; providing a fine for violation of conditions; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, lines 4-8, strike all of said lines and insert: (2) Such identification card shall be valid for 4 years after the date of issuance; however, the division may, if necessary, issue an identification card which is valid for less than 4 years. Each veteran who holds an identification card issued by the division may apply to the division to renew such card.

Amendment 2—On page 1, lines 21-23, strike all of said lines and insert: veteran. Such card may be used by the veteran as

Pending further consideration of SB 718 as amended, on motions by Senator Fechtel, the rules were waived and by two-thirds vote HB 765 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Ways and Means.

On motion by Senator Fechtel—

HB 765—A bill to be entitled An act relating to Veterans' Affairs; creating s. 292.055, Florida Statutes; empowering the Division of Veterans' Affairs of the Department of Community Affairs to issue identification cards to certain disabled veterans; providing conditions; providing a fine for violation of conditions; providing an effective date.

—a companion measure, was substituted for SB 718 and read the second time by title.

Senators Dunn, Fechtel, MacKay, Hair, Scarborough, Peterson, Myers, W. D. Childers, Gordon, Scott, Maxwell, Grizzle, Don Childers, Ware, Hill, Anderson, Johnston, Poole, Jenne, Neal, McKnight, Steinberg, Williamson, Trask, McClain, Stuart, Frank, Thomas, Winn, Skinner, Vogt, Henderson, Holloway and Beard offered the following amendment which was moved by Senator Fechtel and adopted:

Amendment 1—On page 2, between lines 30 and 31, insert: Section 2. Section 20.18, Florida Statutes, is amended to read:

20.18 Department of *Veteran and Community Affairs*.—There is created a Department of *Veteran and Community Affairs*.

(1) The head of the Department of *Veteran and Community Affairs* is the Secretary of *Veteran and Community Affairs*. The secretary shall be appointed by the Governor subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(2) The following units of the Department of *Veteran and Community Affairs* are established:

- (a) Office of Community Services;
- (b) Division of Public Safety Planning and Assistance;
- (c) Division of Veterans' Affairs; and

(d) Division of Local Resource Management.

(3) Unless otherwise provided by law, the Secretary of *Veteran and Community Affairs* shall appoint the directors or executive directors of any commission or council assigned to the department, who shall serve at his pleasure as provided for division directors in s. 110.205. The appointment or termination by the secretary will be done with the advice and consent of the commission or council, and the director or executive director may employ, subject to departmental rules and procedures, such personnel as may be authorized and necessary.

(4) Within the Department of *Veteran and Community Affairs*, there is created a Council of *Community Affairs* consisting of nine members appointed by the Governor from among the citizens of the state. In making the appointments, the Governor shall give representation to local officials and community leaders and to the various geographical areas of the state. Of the members first to be appointed, three shall be appointed for terms of 1 year each, three shall be appointed for terms of 2 years each, and three shall be appointed for terms of 3 years each. The successors of the members first appointed shall be appointed for 3-year terms. Vacancies other than by expiration of terms shall be filled by appointment of the Governor for the remainder of the unexpired term. All members of the council shall serve without compensation, except for the reimbursement of their necessary expenses as provided by law.

(a) The Council on *Community Affairs* shall annually select a chairman and a vice chairman. The chairman shall annually submit a report to the Governor with recommendations of appropriate legislative or executive action.

(b) The council shall meet at such times as the Governor, the secretary, or the council determines.

(c) The Council on *Community Affairs* shall consult with and advise the Secretary of *Veteran and Community Affairs*, the Governor, and the Legislature regarding the affairs and problems of local government and other problems within the jurisdictional concern of the department, and shall conduct such studies of specific community problems as may be referred to the council by the governor, the legislature, or the secretary of *Veteran and Community Affairs*. In conducting studies the council shall hold hearings throughout the state as are necessary.

(d) The Department of *Veteran and Community Affairs* shall furnish equipment and staff necessary to implement the work of the council.

(5)(a) Within the Department of *Veteran and Community Affairs* there is created an Interdepartmental Coordinating Council on *Community Services* consisting of the Secretary of *Veteran and Community Affairs* as chairman, and the following:

1. ~~The Director of the Division of Family Services of the Department of Health and Rehabilitative Services;~~
- 1.2. The Secretary of Health and Rehabilitative Services;
- 2.3. The Director of the Division of Employment Security of the Department of Labor and Employment Security;
- 3.4. The Secretary of Environmental Regulation;
- 4.5. The Director of the Division of Veterans' Affairs;
- 5.6. The Director of the Division of Recreation and Parks of the Department of Natural Resources;
- 6.7. The Chancellor of the Board of Regents;
- 7.8. The assistant to the Commissioner of Education who is in charge of coordinating vocational-technical education programs and activities;
- 8.9. The Secretary of Transportation;
- 9.10. A representative of the ~~Executive Office of the Governor Department of Administration~~ in charge of budgeting; and
- 10.11. A representative of the ~~Executive Office of the Governor Department of Administration~~ in charge of planning. In the event that any of the foregoing offices are changed, renamed, abolished, or merged with other offices, membership

on the Interdepartmental Coordinating Council on Community Services shall devolve upon the office assuming the duties of the former office and the provisions of this section shall apply equally upon the new office as they did upon the former.

(b) The chairman of the coordinating council is authorized to convene, within his discretion, meetings of the coordinating council at appropriate times and places for purposes which enable the Department of *Veteran and Community Affairs* to exercise its powers and perform its duties.

(c) The chairman of the coordinating council is authorized to make appointments to ad hoc working groups of the council to consider special problems within the scope of the responsibilities of the department.

(d) The members of the coordinating council, or policy-making representatives designated by them, shall participate in council meetings and in ad hoc working group meetings called by the chairman and, to the extent permitted by law and available funds, shall furnish information, at the request of the chairman, pertaining to programs within the responsibilities of such department.

(e) The Department of *Veteran and Community Affairs* shall provide the necessary administrative services for the coordinating council.

(f) The chairman of the coordinating council shall make periodically, and at the request of the Governor, a report to the Governor on the activities of the council.

(6) In addition to its other powers, duties, and functions, the *Offices Division* of Community Services shall, under the general supervision of the director and the Interdepartmental Coordinating Council on Community Services, assist and encourage the development of state programs by the various departments for the productive use of human resources, and shall work with other state agencies in order that together they might:

(a) Effect the coordination by the responsible agencies of the state of the vocational, technical, and adult educational programs of the state in order to provide the maximum use and meaningful employment of persons completing courses of study from such programs; and

(b) Assist the Department of Commerce in the development of employment opportunities.

(7) The role of state government required by chapter 421 (Housing Authorities Law), chapter 422 (Housing Cooperation Law), chapter 423 (tax exemption of housing authorities), and chapter 424 (limited dividend housing companies), is the responsibility of the Department of *Veteran and Community Affairs*, and the department is the agency of state government responsible for the state's role in housing and urban development.

Section 3. The Division of Statutory Revision of the Joint Legislative Management Committee shall prepare a bill, for introduction at a subsequent session of the Legislature, to conform the statutes to reflect the redesignation of the Department of Community Affairs as the Department of *Veteran and Community Affairs*.

(Renumber subsequent section.)

Senators Dunn, Fechtel and Trask offered the following amendment which was moved by Senator Fechtel and adopted:

Amendment 2—On page 1 in title, strike all of lines 2-8 and insert: An act relating to the Department of Community Affairs; creating s. 292.055, Florida Statutes; empowering the Division of Veterans' Affairs of the Department of Community Affairs to issue identification cards to certain disabled veterans; providing conditions; providing a fine for violation of conditions; amending s. 20.18, Florida Statutes; changing the department name to the Department of *Veteran and Community Affairs*; conforming the section to reflect redesignation of agencies and reassignment of duties previously made; requiring the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a bill to reflect the changes made by the act; providing an effective date.

On motion by Senator Fechtel, by two-thirds vote HB 765 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Votes after roll call:

Yea—MacKay, Myers

SB 718 was laid on the table.

The President presiding

By the Committee on Education and Senator Maxwell—

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

—was read the first time by title and SB 1284 was laid on the table.

On motions by Senator Maxwell, by two-thirds vote CS for SB 1284 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Votes after roll call:

Yea—MacKay

Nay—Chamberlin

On motion by Senator Henderson, the rules were waived and the Senate immediately reconsidered the vote by which CS for SB 286 passed.

Pending further consideration of CS for SB 286, on motion by Senator Henderson, by two-thirds vote HB 659 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Henderson—

HB 659—A bill to be entitled An act relating to the Construction Industry Licensing Board; amending s. 489.105(3), the introductory paragraph, and adding subsection (m) thereto defining "plumbing contractor" and providing for the inclusion of such contractors among Division II contractors supervised by the board; amending s. 489.107(2), (5), and (6), Florida Statutes; increasing regular and alternate membership of the board to provide for representation of plumbing contractors; increasing from four to five the number of votes needed for a quorum; providing for conditional repeal; amending s. 489.113(3), Florida

Statutes; providing an exception to the requirement of general contractors to subcontract certain work relating to sewer and water mains; providing an effective date.

—a companion measure, was substituted for CS for SB 286.

On motions by Senator Henderson, by two-thirds vote HB 659 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—MacKay

CS for SB 286 was laid on the table.

SB 842—A bill to be entitled An act relating to regulation of shrimp traps; amending s. 370.15(5), Florida Statutes; providing that the shape or configuration of shrimp traps are not restricted so long as the trap meets certain specifications; providing that certain shrimp traps shall not be considered pound nets; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 842 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—MacKay

SB 874—A bill to be entitled An act relating to the Department of Natural Resources; amending s. 370.021(7), Florida Statutes; directing the department to retain certain records; authorizing the department to dispose of such records under certain conditions; providing that certain reproductions of such records be admissible in evidence as originals; authorizing the department to furnish certified copies of records for a fee to be deposited in the Motorboat Revolving Trust Fund; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 14, after the period (.) insert: The impression of the seal of the Department of Natural Resources on a certificate made pursuant to the provisions hereof and signed by the Executive Director of the Department of Natural Resources shall entitle the same to be received in evidence in all courts and in all proceedings in this state, and shall be prima facie evidence of all factual matters set forth in the certificate. A certificate may relate to one or more records as set forth in the certificate or in a schedule continued on an attachment to the certificate.

Pending further consideration of SB 874 as amended, on motion by Senator Hair, by two-thirds vote HB 294 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Hair—

HB 294—A bill to be entitled An act relating to the Department of Natural Resources; amending s. 370.021(7), Florida Statutes, conforming to general public record provisions, the authority of the department to retain and destroy certain documents and records; providing that copies of such reproduced records shall be admissible in evidence as originals; providing an effective date.

—a companion measure, was substituted for SB 874 and by two-thirds vote read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 2, insert Section 3. Section 375.021, Florida Statutes, is amended to read:

375.021 Division of Recreation and Parks; committee.—

(1) ~~The Division of Recreation and Parks~~ of the Department of Natural Resources is hereby given the responsibility, authority and power to develop and execute a comprehensive multipurpose outdoor recreation and conservation plan for this state. The outdoor recreation and conservation plan shall be kept current through continual reevaluation and revision. It shall be the responsibility of the ~~department division~~ to supervise and to insure the beneficial management and use of the lands acquired under the provisions of this act, and to allocate by ~~contract for management or lease or otherwise~~ such lands to the different agencies, subdivisions or municipalities of the state in order to accomplish the purposes of this chapter.

(2) For the purposes of coordinating needs for outdoor recreation, conservation and multipurpose land acquisition and obtaining professional guidance in the most beneficial use of lands acquired, there is hereby established an Outdoor Recreation Advisory Committee, hereafter referred to as the committee, whose primary duty it shall be to advise the ~~Department of Natural Resources Division of Recreation and Parks~~ as to outdoor recreation and land acquisition needs and the most efficient use of lands acquired. The committee shall be composed of the following persons: The executive director of the Department of Natural Resources; ~~the executive director of the Board of Trustees of the Internal Improvement Trust Fund,~~ the executive director of the Game and Fresh Water Fish Commission; the secretary of the Department of Community Affairs; the secretary of the Department of Transportation; the director of the Division of Forestry of the Department of Agriculture and Consumer Services; the director of the Division of Recreation and Parks of the Department of Natural Resources and the director of the Division of Archives, History and Records Management of the Department of State. The executive director of the Department of Natural Resources shall also serve on the committee as its chairman. ~~The committee shall meet upon call of the chairman or at the direction of the Division of Recreation and Parks.~~ The chief of the Bureau of Planning and Grants of the Division of Recreation and Parks shall serve as secretary of the committee. Any member of the committee may be represented at the various functions of the committee by his duly authorized representative. Nothing contained herein shall be construed as limiting the powers and authority of the officers, boards, agencies and commissions represented on the committee.

(3) ~~The Department of Natural Resources Division of Recreation and Parks~~ may contract with the Government of the United States or any agency or instrumentality thereof or with the state or any county, municipality, or district authority, or political subdivision, or with any private corporation, partnership, association, or person providing for or relating to the development of outdoor recreation or conservation in accomplishing the purposes of this act. ~~The department division~~ may receive and accept from any federal agency, state agency, or other public body grants or loans for in aid of the purposes of this act and the ~~department division~~ may receive and accept aid or contributions or loans from any other source of money, property, labor, or other things of value to be held, used, and applied only for the purpose for which such aid, grants, or loans were made. Without limiting or modifying any of the powers and authority of the ~~department division~~, but specifically as an addition thereto, the ~~department division~~ is expressly authorized to participate in the land and water conservation fund program, established by and pursuant to Public Law 88-578, as it may be amended from time to time.

Section 3. Section 375.031, Florida Statutes, is amended to read:

375.031 Acquisition of land; Board of Trustees of the Internal Improvement Trust Fund.—

(1) The ~~department division~~ is hereby empowered and authorized to ~~identify for acquisition~~ ~~acquire~~ lands, water areas, and related resources and to perform all other activities necessary or incident to ~~acquiring~~, improving, enlarging, maintaining, extending, selling, leasing, or disposing of land, water areas, and related resources, and improvements thereon. Prior to the ~~department division~~ acquiring such land, the seller of the land shall file a statement with the Department of State disclosing, for the period from January 1, 1970, to the date of the statement, all financial transactions concerning the land, all parties having a financial interest in any transaction, and the amount of the tax assessment thereon for each year. ~~Notwithstanding the provisions of this section, all land acquisitions made as provided herein shall conform to the provisions of s. 252.026.~~ The Board of Trustees of the Internal Improvement Trust Fund shall hold title to lands so acquired, but the beneficial use, control, and management shall be with the ~~department division~~. All lands identified for acquisition under this chapter shall be acquired with funds from the Land Acquisition Trust Fund.

(2) The ~~department may division~~ shall acquire, control and oversee the development and use of all land, water areas and related resources generally classified as outdoor areas and ~~may~~ shall construct, improve, enlarge, extend, and maintain capital improvements and facilities upon such outdoor areas as needed. In performing these functions the ~~department division~~ shall give full consideration to the recommendations of the committee and of other agencies using or desiring to use land or water areas provided by the ~~department division~~.

(3) All land, water areas and related resources hereafter needed by the state for outdoor recreation, wildlife management, forestry management, nature preservation, water conservation and control and other similar or related purposes shall be acquired by the Division of State Lands of the Department of Natural Resources pursuant to the procedures set forth in chapter 253 ~~may be acquired through the procedures provided in this act.~~

(4) The ~~department division~~ may acquire by purchase, lease-purchase agreements, or otherwise, on such terms and conditions as it deems wise any land, water areas, related resources or other property which it deems is reasonably necessary for outdoor recreation or natural resources conservation under this act, and any and all rights, title and interest in such land, water areas, related resources and other property, including any public lands, parks, playgrounds, reservations, roads or parkways, owned by or in which any county, political subdivision, city, town, village, public agency, or officer of the state has any right, title or interest, or parts thereof or rights therein and any fee simple absolute or lesser interest in private property, and fee simple absolute in, easement upon, or the benefit of restrictions upon, abutting property to preserve and protect recreation and conservation areas and projects.

(5) Land, water areas and related resources which may be identified ~~acquired~~ through the procedures provided in this act shall include, but not be limited to, parks and recreation areas, wildlife preserves, forest areas, wetlands, floodways and water storage areas, beaches, water access sites, boating and navigational channels, submerged lands, historical and archaeological sites, rights-of-way and sites for access roads which may be necessary for maximum development, use and enjoyment of any outdoor recreation or conservation areas. The terms "land" and "lands" where used singly in this act shall be construed as inclusive of lands, water areas and related resources.

(6) The ~~department division~~ may acquire by the exercise of the power of eminent domain in accordance with the statutes of the state any land or water areas, related resources and property and any and all rights, title and interest in such land or water areas, related resources and other property which it determines as reasonably necessary for the preservation of floodways and water storage areas, boating and navigational channels, rights-of-way for access roads which may be necessary for maximum development and use of any outdoor recreation and conservation areas and rights-of-way for access which may be necessary for the use and enjoyment of public waterways.

(7) The ~~department may~~ contract for the management or lease of ~~division may~~ lease acquired land, water areas and re-

lated resources, or improvements thereon, to any state agency for its authorized purposes. The ~~department division~~ may, in its discretion, require such state agency to pay as rentals on ~~said~~ the leased land, water areas, related resources, or improvements, all or any part of the revenues derived from the land so leased.

(8) The ~~department division~~ may, if it deems it desirable and in the best interest of the program, ~~request direct~~ the board of trustees to sell or otherwise dispose of any lands or water storage areas acquired under this act. The board of trustees, when so ~~requested directed~~, shall offer such lands or water storage areas, on such terms as the ~~department division~~ may determine, first to other state agencies and then, if still available, to the county or municipality in which such lands or water storage areas lie. If not acquired by another state agency or local governmental body for beneficial public purposes, such lands or water storage areas shall then be offered by the board of trustees at public sale, after first giving notice of such sale by publication in a newspaper published in the county or counties in which such lands or water storage areas lie not less than once a week for 3 consecutive weeks. All proceeds from the sale or disposition of any lands or water storage areas pursuant to this section shall be deposited in the Land Acquisition Trust Fund.

(9) The ~~department division~~ may sell, lease or otherwise dispose of certain products and user rights in, under or upon land, water areas and related resources acquired under the provisions of this act, including, but not limited to, oil and minerals, timber and forest products, sand, gravel, earth, grazing rights, and farming rights on such terms and conditions as it determines, if the sale, lease, or other disposition is not inconsistent with or injurious to the outdoor recreation, conservation, and other purposes for which said lands and water areas were acquired.

(10) The ~~department Division of Recreation and Parks~~ is empowered and authorized to provide matching funds to counties and municipalities of up to 50 percent of the cost of purchasing, exclusive of condemnation, rights-of-way for access roads or walkways to public beaches contiguous with the Atlantic Ocean or the Gulf of Mexico.

Section 4. Subsections (1) and (4) of section 375.041, Florida Statutes, are amended to read:

375.041 Land Acquisition Trust Fund.—

(1) There is hereby created a Land Acquisition Trust Fund to facilitate and expedite the acquisition of land, water areas and related resources required to accomplish the purposes of this act. The Land Acquisition Trust Fund shall be held and administered by the ~~department division~~. All moneys and revenue from the operation, management, sale, lease, or other disposition of land, water areas, related resources and the facilities thereon acquired or constructed under this act shall be deposited in or credited to the Land Acquisition Trust Fund. Moneys accruing to any agency for the purposes enumerated in this act may be deposited in this fund. There shall also be deposited into the Land Acquisition Trust Fund other moneys as authorized by appropriate act of the Legislature. All moneys so deposited into the Land Acquisition Trust Fund shall be trust funds for the uses and purposes herein set forth, within the meaning of s. 215.32(1)(b) and such moneys shall not become or be commingled with the General Revenue Fund of the state, as defined by s. 215.32(1)(a).

(4) The ~~department division~~ may disburse moneys in the Land Acquisition Trust Fund to pay all necessary expenses to carry out the purposes of this act.

Section 5. Section 375.051, Florida Statutes, is amended to read:

375.051 Issuance of revenue bonds subject to constitutional authorization.—The acquisition of lands, water areas and related resources by the ~~department division~~ under this act is a public purpose for which revenue bonds may be issued when and only when there has been granted in the State Constitution specific authorization for the ~~department division~~ to issue revenue bonds to pay the cost of acquiring such lands, water areas and related resources and to construct, improve, enlarge and extend capital improvements and facilities thereon as determined by the ~~department division~~ to be necessary for the purposes of this act. The ~~department division~~ may utilize the services and facilities of the Department of Legal Affairs, the Board of Administra-

tion, or any other agency in this regard. Provided, however, no revenue bonds, revenue certificates or other evidences of indebtedness shall be issued for the purposes of this act except as specifically authorized by the State Constitution; provided, however, all revenue bonds, revenue certificates or other evidences of indebtedness issued pursuant to this act shall be submitted to the State Board of Administration for final approval or disapproval.

Section 6. Subsections (2), (3), and (4) of section 375.065, Florida Statutes, are amended to read:

375.065 Public beaches; financial and other assistance by Department of Natural Resources to local governments.—

(2) The Department of Natural Resources, ~~through its Division of Recreation and Parks,~~ may acquire waterfront property and may lease, sell, or grant acquired land, water areas, and related resources or improvements thereon to the governing body of any county or municipality upon such terms and conditions as the department may require in order to assure that such terms and conditions as the department may require in order to assure that such property will be reserved for public use and benefit in the future.

(3) The ~~department division~~ is authorized to promulgate such rules, ~~regulations,~~ and forms as may be necessary to carry out the purposes of this section and to insure that all projects to which assistance is rendered hereunder are for the purpose of providing public beaches for recreation purposes.

(4) In addition to the authorized assistance procedures provided by this section, the legislature hereby urges the Department of Natural Resources ~~and the Division of Recreation and Parks~~ to give priority to applications relating to the acquisition of public beaches in urban areas, and to make full use of the Federal Land and Water Conservation Fund Act of 1965, as amended or other applicable federal programs. This section is supplemental to and shall not limit or repeal any provision of the Outdoor Recreation Act of 1963.

Amendment 2—On page 1, line 16, insert: Section 1. Subsections (1), (3) and (6) of section 253.025, Florida Statutes, are amended to read:

253.025 Acquisition of state lands.—

(1) Neither the Board of Trustees of the Internal Improvement Trust Fund nor its duly authorized agent shall commit the state, through any instrument of negotiated contract or agreement for purchase, to the purchase of lands with or without appurtenances unless the provisions of this section have been fully complied with. *Provided, however, the board of trustees may substitute federally mandated acquisition procedures, for the provisions of this section, where federal funds are available and will be utilized for the purchase of lands, title to which will vest in the board of trustees, and qualification for said federal funds requires compliance with federally mandated acquisition procedures.* Prior to any state agency initiating any land acquisition, the title to which land is to vest in the board of trustees, such agency shall coordinate with the Division of State Lands to determine the availability of existing state-owned lands in the area and the public purpose for which the acquisition is being proposed. Once the state agency has determined and established the public purpose for an acquisition and the unavailability of existing suitable state-owned lands, the state agency may proceed to acquire such lands by employing all available statutory authority for acquisition. Land acquisition procedures provided for in this section are for voluntary, negotiated acquisitions.

(3) Prior to approval by the board of trustees of any final agreement for purchase, evidence of marketable title shall be provided by the landowner. Such evidence of marketability shall be in the form of title insurance or an abstract of title with a title opinion. *The board of trustees may waive the requirement that the land owner provide evidence of marketable title and in such case the acquiring agency shall provide evidence of marketable title.*

(6) No dedication, gift, grant, or bequest of lands and appurtenances shall be accepted by the board of trustees until the receiving state agency ~~supplies~~ receives sufficient evidence of marketability of title. The board of trustees shall not accept by dedication, gift, grant, or bequest any lands and appurtenances that are determined as being owned by the state either in fee or by virtue of the state's sovereignty or which are so

encumbered so as to preclude use of such land and appurtenances for any reasonable public purpose. The state shall not be required to appraise the value of such donated lands and appurtenances as a condition of receipt.

Amendment 3—On page 1 in title, line 9, after the “;” insert: amending ss. 253.025(1), (3) and (6), Florida Statutes, relating to land acquisition procedures of the Board of Trustees of the Internal Improvement Trust Fund;

Amendment 4—On page 1 in title, line 9, after the “,” insert: amending s. 375.021, Florida Statutes, relating to the management of recreation and park lands by the department; amending s. 375.031, Florida Statutes, relating to the acquisition of lands by the department for outdoor recreational and conservation purposes; amending ss. 375.041(1) and (4), Florida Statutes, relating to administration of the Land Acquisition Trust Fund; amending s. 375.051, Florida Statutes, relating to the issuance of revenue bonds by the department; amending ss. 375.065(2), (3), and (4), Florida Statutes, relating to the authority of the department to aid local governments in the acquisition of public beaches;

On motion by Senator Hair, by two-thirds vote HB 294 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	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	Steinberg	
Fechtcl	Maxwell	Stuart	

Nays—None

SB 874 was laid on the table.

Consideration of CS for SB 83 was deferred.

On motion by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to meet Monday, June 2, from 2:00 p.m. until 5:00 p.m. in lieu of Friday, May 30.

On motion by Senator Thomas, by two-thirds vote HB 1480 was withdrawn from the Committee on Economic, Community and Consumer Affairs and placed on the calendar.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:01 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

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

Mr. President	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

CONSENT CALENDAR, continued

By the Committee on Education and Senator Tobiassen—

CS for SB's 417, 429, 432, 475 and 608—A bill to be entitled An act relating to postsecondary education; amending s. 240.241 (7), Florida Statutes; requiring certain moneys in the permanent sponsored research development fund to be used to sup-

port sponsored training programs; adding s. 240.241(13) and (14), Florida Statutes; authorizing the divisions of sponsored research to pay specified expenses of foreign travel for authorized persons; exempting such travel from certain provisions of s. 112.061, Florida Statutes; authorizing the advancing of funds by the divisions of sponsored research to investigators performing research at remote locations; amending s. 240.277, Florida Statutes; eliminating budget approval by the Executive Office of the Governor for moneys received by the institutions under management of the Board of Regents; amending s. 240.287, Florida Statutes; authorizing each state university, rather than the Board of Administration, to invest agency and activity funds; providing an effective date.

—was read the first time by title and Senate Bills 417, 429, 432, 475 and 608 were laid on the table.

On motion by Senator Tobiassen, by two-thirds vote CS for SB's 417, 429, 432, 475 and 608 was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 1, strike lines 19-23, and insert: of the Board of Regents; providing an effective date.

Amendment 2—On page 3, line 30, and on page 4, lines 1-23 strike all of Section 4

On motion by Senator Tobiassen, by two-thirds vote CS for SB's 417, 429, 432, 475 and 608 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Scott, Trask

SB 558 was taken up and on motion by Senator Johnston, by two-thirds vote HB 1605 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Johnston—

HB 1605—A bill to be entitled An act relating to the Florida Probate Code; adding subsection (3) to s. 733.604, Florida Statutes, requiring the personal representative to send a copy of the inventory of the estate to the Department of Revenue; adding paragraph (c) to s. 733.702(3), Florida Statutes, authorizing the Department of Revenue to enter a claim against an estate after the statutory 3-month period following publication of notice to creditors has elapsed, provided that the department enters the claim within 30 days after the filing of the inventory by the personal representative; providing an effective date.

—a companion measure, was substituted for SB 558 and read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1605 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Holloway	Myers	Skinner	Williamson
Jenne	Neal	Thomas	Winn
McClain	Peterson	Tobiassen	
McKnight	Scarborough	Vogt	

Nays—None

Votes after roll call:

Yea—MacKay, Scott, Trask, Ware

SB 558 was laid on the table.

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

—was read the second time by title.

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

Amendment 1—On page 2, line 15, after "reports," insert: declarations,

Amendment 2—On page 2, line 28, strike "returns and reports" and insert: returns, reports, accounts, or declarations

Amendment 3—On page 3, line 26, strike "79-400" and insert: 79-252

On motion by Senator Myers, by two-thirds vote SB 565 as amended was read the third time by title, passed, ordered engrossed and then 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
Fechtcl	Johnston	Scott	Winn

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 583, 802, 593 and 750 were withdrawn from the Committee on Ways and Means.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 52 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator MacKay, by two-thirds vote HB 1379 was withdrawn from the Committee on Education.

On motion by Senator Holloway, the rules were waived and by two-thirds vote HB 1699 was withdrawn from the Committee on Transportation.

On motion by Senator Vogt, the rules were waived and by two-thirds vote CS for HB 1422 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Thomas, the rules were waived and by two-thirds vote CS for HB 782 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

CONSENT CALENDAR, continued

SB 566—A bill to be entitled An act relating to the taxation of motor fuels; amending s. 206.12(2), Florida Statutes; providing each person not a distributor be required to maintain and keep records for a period of 3 years; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 566 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	Tobiasen
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Childers, W. D.	Holloway	Poole	Ware
Dunn	Jenne	Scarborough	Williamson
Fechtcl	Johnston	Scott	Winn

Nays—None

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

CS for CS for SB 357—A bill to be entitled An act relating to dependent children; amending s. 39.41(1)(d), (6), Florida Statutes; specifying criteria for termination of parental rights; providing circumstances under which a court retains jurisdiction over a child after return to custody of parents; amending s. 409.168, Florida Statutes; specifying intent; providing a definition for licensed child-caring agency; requiring entry into agreement regarding foster care of a child; specifying terms and effect of agreement; providing for scheduling and conducting periodic reviews; providing an exception; renumbering s. 409.175(2)-(5), Florida Statutes, and adding a new subsection (2) to said section; providing for preservice and inservice training for foster parents; requiring the Department of Health and Rehabilitative Services to prepare and submit a feasibility report on mandating such training for licensure; providing an effective date.

—as amended passed this day.

On motion by Senator Hair, the Senate reconsidered the vote by which CS for CS for SB 357 was read the third time.

On motion by Senator Hair the Senate reconsidered the vote by which Amendment 1 was adopted. By permission, Senator Skinner withdrew Amendment 1.

Senator Hair moved the following amendment which was adopted:

Amendment 5—On page 13, between lines 14 and 15, insert: Section 6. (1) In no case shall employees or agents of the social service agency acting in good faith be liable for damages as a result of failing to provide services agreed to under the performance agreement, unless the failure to provide such services occurred as a result of bad faith or malicious purpose or occurs in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) The liability or failure of the social service agency or the employees or agents of the social service agency to provide the services agreed to under the performance agreements shall not render the state or the social service agency liable for damages unless such failure to provide such services occurs as a result of bad faith or malicious purpose or occurs in a manner exhibiting wanton or willful disregard of human rights, safety, or property. (Renumber Subsequent Section.)

On motion by Senator Hair, by two-thirds vote CS for CS for SB 357 as amended was read the third time by title, passed,

ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Fechtel, the rules were waived and HB 765 was ordered immediately certified to the House.

SB 570—A bill to be entitled An act relating to intangible taxation; amending s. 199.023(7), Florida Statutes; redefining "affiliated group"; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 570 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Johnston by unanimous consent—

SB 836—A bill to be entitled An act relating to state retirement systems; adding s. 121.091(6)(g); amending s. 121.1815, Florida Statutes; adding ss. 122.08(10), 123.07(9), 238.08(8), 321.20(6), 112.05(3), and 250.22(6), Florida Statutes; amending s. 291.32, Florida Statutes; providing that upon the death of a retired member or beneficiary the monthly benefit being paid shall be paid through the last day of the month of death and shall terminate or be adjusted if appropriate, as of said date in accordance with the optional form of benefit selected at the time of retirement; providing an effective date.

—was taken up and read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 836 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Johnston, the rules were waived and the Senate immediately reconsidered the vote by which SB 836 passed.

On motion by Senator Johnston, by two-thirds vote HB 1744 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Johnston, by two-thirds vote HB 1744 was placed on the consent calendar.

Pending further consideration of SB 836, on motions by Senator Johnston by unanimous consent—

HB 1744—A bill to be entitled An act relating to state-administered retirement systems; amending s. 121.091(4)(d), Florida Statutes; providing that a disability retiree may elect to receive a reduced disability benefit which shall be payable to a designated beneficiary if death occurs within 10 years of the date of disability retirement; adding subsection (3) to s. 112.05, Florida Statutes; adding paragraph (g) to s. 121.091(6), Florida Statutes; amending s. 121.1815, Florida Statutes; adding subsection (10) to s. 122.08, Florida Statutes; adding subsection (9) to s. 123.07, Florida Statutes; adding subsection (8) to s. 238.08, Florida Statutes; adding subsection (6) to s. 250.22, Florida Statutes; amending s. 291.32, Florida Statutes; and adding subsection (6) to s. 321.20, Florida Statutes; providing that upon the death of a retired member or beneficiary, the monthly benefit being paid shall be paid through the last day of the month of death and shall terminate, or be adjusted, if appropriate, as of said date in accordance with the optional form of benefit selected at the time of retirement; providing an effective date.

—a companion measure, was taken up, substituted for SB 836 and by two-thirds vote read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1744 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—MacKay

SB 836 was laid on the table.

On motion by Senator Johnston, by unanimous consent—

SB 837—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091(3), Florida Statutes; specifying the "normal retirement date" for purposes of calculating early retirement benefits; providing an effective date.

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

Senator Stuart moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 29-30, insert: Section 2. Subsection (4) of section 121.121, Florida Statutes, is amended to read:

121.121 Future service to include authorized leaves of absence.—Future service of any member as defined in s. 121.021 (21) shall also include authorized leaves of absence if:

(4) The member makes the required contributions for service credit during the leave of absence which shall be 8 percent until January 1, 1975, and 9 percent thereafter of his rate of monthly compensation in effect immediately prior to the commencement of such leave for each month of such period, plus 4 percent interest until July 1, 1975, and 6.5 percent interest thereafter on such contributions, compounded annually each June 30 from the due date of the contribution to date of pay-

ment. Effective July 1, 1980, any leaves of absence purchased pursuant to this section shall be at the contribution rates specified in s. 121.071 in effect at the time of purchase for the class of membership from which the leave of absence was granted; however, any member who purchased leave of absence credit prior to July 1, 1980 for a leave of absence from a position in a class other than the regular membership class, may pay the appropriate additional contributions plus compound interest thereon, and receive creditable service for such leave of absence in the membership class from which the member was granted the leave of absence.

(Renumber subsequent sections)

Amendment 2—On page 1, in title, line 6, insert following the ";" after word "benefits": amending s. 121.121(4), Florida Statutes; providing, effective July 1, 1980, a new procedure for the purchase of leave of absences as creditable service;

On motion by Senator Johnston, 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 1684 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Retirement, Personnel & Collective Bargaining—

HB 1684—A bill to be entitled An act relating to early retirement under the Florida Retirement System; amending s. 121.091(3), Florida Statutes, clarifying the meaning of normal retirement date as it applies to the calculation of the early retirement benefit; amending s. 121.121(4), Florida Statutes, authorizing leaves-of-absence to be purchased under the membership class from which the leave of absence was granted; providing an appropriation from the system trust fund; providing an effective date.

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

CONSENT CALENDAR, continued

Pending further consideration of SB 837 as amended, on motions by Senator Johnston by unanimous consent, HB 1684, a companion measure, was substituted for SB 837 and by two-thirds vote read the second time by title.

Senator Scarborough moved the following amendments which were adopted:

Amendment 1—On page 2, line 15, after the word "benefit." insert: A Special Risk member who was a member of the State and County Retirement System, Chapter 122.01(4) (a) 1, F.S. as a firefighter, and transferred into the Florida Retirement System, Chapter 121, F.S. as a Special Risk member on or before June 1, 1971, shall be given credit for such time towards meeting the service retirement eligibility of s. 121.021 (29) (c). Provided however the Division, in the computation of the benefits of such employees, shall use the benefit rate earned by the employee during that period prior to June 1, 1971. The employer of said member shall furnish the Division such documentation as requested to substantiate the employee's status.

Amendment 2—On page 1 in title, line 7, after the word "benefit;" insert: providing that certain Special Risk members, who were members of the State and County Retirement System as firefighters and transferred to the Florida Retirement System on or before June 1, 1971, shall be credited for such time; requiring that the computation of the benefits shall utilize the benefit rate earned by the employee during such period prior to June 1, 1971;

On motion by Senator Johnston, by two-thirds vote HB 1684 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gorman	McClain	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	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
Fechtel	MacKay	Skinner	
Frank	Maxwell	Steinberg	

Nays—None

SB 837 was laid on the table.

On motion by Senator Henderson, by unanimous consent—

HB 1703—A bill to be entitled An act relating to health services; amending s. 651.021(3), Florida Statutes, as created by House Bill No. 25 (1980), to clarify a provision relating to certificates of authority issued to certain facilities by the Department of Insurance; providing an effective date.

—was taken up and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1703 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

By the Committee on Natural Resources and Conservation and Senators Vogt and Thomas—

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

tion; providing for modification of certification; providing that certification is admissible as evidence of public need and necessity in eminent domain proceedings; creating s. 366.14, Florida Statutes; directing the Public Service Commission to schedule a public hearing to determine the need for a transmission line under certain circumstances; prescribing powers and duties of the commission relative to such determinations of need; providing for the adoption of rules; providing an effective date.

—was read the first time by title and SB 1052 was laid on the table.

On motions by Senator Vogt, by two-thirds vote CS for SB 1052 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Vogt, the rules were waived and CS for SB 1052 was ordered immediately certified to the House.

By the Committee on Judiciary-Civil and Senator Hill—

CS for SB 23—A bill to be entitled An act relating to the liability of joint and several persons; creating s. 46.015, Florida Statutes; providing that a written covenant not to sue or release of one of a number of such persons shall not discharge other persons; requiring courts under certain circumstances to setoff against a judgment due a plaintiff any amount subject to such a release or covenant; prohibiting notification of jurors that a release or covenant exists or that a person has been dismissed; providing an effective date.

—was read the first time by title and SB 23 was laid on the table.

On motions by Senator Hill, by two-thirds vote CS for SB 23 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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	Winn
Fechtel	Johnston	Scott	

Nays—None

Vote after roll call:

Yea—Williamson

By the Committee on Judiciary-Criminal and Senators Steinberg and Poole—

CS for SB 93—A bill to be entitled An act relating to contraband; amending s. 943.41, Florida Statutes; amending the short title of the Florida Uniform Contraband Transportation Act; expanding the definition of "contraband article" to include any personal property used to commit or abet certain offenses; adding s. 943.42(4), Florida Statutes; making unlawful the

concealment or possession of any such contraband article; amending s. 943.43, Florida Statutes; providing for the forfeiture of any such contraband article under certain circumstances; amending s. 943.44, Florida Statutes; establishing requirements for notice in forfeiture proceedings; providing procedures for the disposition of forfeited property; amending ss. 206.205(1), 562.27(6), 562.35, 849.36(1), 893.12(2), Florida Statutes; providing conforming cross-references; amending ss. 705.01(2), 705.09(1), Florida Statutes; excepting property seized under the Florida Contraband Forfeiture Act from the provisions of said sections relating to seized, abandoned, wrecked, or derelict property; amending s. 790.08(6), Florida Statutes; providing that certain weapons and devices may be disposed of in accordance with the Florida Contraband Forfeiture Act; providing an effective date.

—was read the first time by title and SB 93 was laid on the table.

On motion by Senator Steinberg, by two-thirds vote CS for SB 93 was read the second time by title.

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

Amendment 1—On page 3, lines 24-26, strike “regardless of the use or the degree of involvement of such personal property in the furtherance of a criminal enterprise.” and insert: *It shall be presumed in the manner provided in s. 90.302(2) Florida Statutes, that the vessel, motor vehicle, aircraft or personal property, in or on which such contraband article is located at the time of seizure, is being used or was intended to be used in any manner to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange, or giving away of any contraband article defined in s. 943.41(2)(a)-(d).*

Amendment 2—On page 7, lines 13-20, after the word “appraisal.” strike all of lines 13 through and including line 20 and insert: *In lieu of the sale of the property, the head of the law enforcement agency, whenever he deems it necessary or expedient, may salvage the property or transfer the property to any public or nonprofit organization, provided such property is not subject to lien preserved by the court as provided in s. 943.43(3). The proceeds of sale shall be applied first to payment of the balance due on any lien preserved by the court in the forfeiture proceedings; second payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security and forfeiture of such property; third, payment of the costs incurred by the state attorney; fourth, payment of costs incurred by the court. The remaining proceeds shall be deposited in a special Law Enforcement Trust Fund established by the Board of County Commissioners, or the governing body of the municipality and shall be used for law enforcement purposes only. These funds may be expended only upon appropriation to the sheriff’s office or police department by the Board of County Commissioners or the governing body of the municipality to defray the costs of protracted or complex investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants, or for such other law enforcement purposes as the Board of County Commissioners or governing body of the municipality deems appropriate and shall not be considered a source of revenue to meet normal operating needs. In the event the seizing law enforcement agency is a state agency, all remaining proceeds shall be deposited in the state general revenue fund.*

Amendment 3—On pages 7 and 8, strike all of subsection (3) (b) and insert: (b) *If more than one law enforcement agency was substantially involved in effecting the forfeiture, the court having jurisdiction over the forfeiture proceeding shall equitably distribute the property among the seizing agencies. Any proceeds remaining after the sale of such property shall be equitably distributed to the Board of County Commissioners or the governing body of the municipality having budgetary control over the seizing law enforcement agencies for deposit into the Law Enforcement Trust Fund established pursuant to s. 943.44(3)(a) of this Act. In the event the seizing law enforcement agency is a state agency, the court shall direct that all proceeds be forwarded to the state treasurer for deposit in the state general revenue fund.*

Amendment 4—On page 8, lines 22-25, strike *“The proceeds of all funds collected from any such sale shall be paid into the fine and forfeiture fund of the municipality or county whose law enforcement agency made the seizure, forfeiture, and sale.”* and insert: *The proceeds of all funds collected from any such sale shall be paid into the fine and forfeiture fund of the municipality or county whose law enforcement agency made the seizure, forfeiture, and sale.*

Senator Steinberg moved the following amendment which was adopted:

Amendment 5—On page 4, lines 12, 13, and 14 strike the words: “exceed the costs incurred by the court, state attorney, and seizing agency for the seizure, forfeiture proceedings, and sale of the property” and insert: provided in s. 943.44(3)(a)

On motion by Senator Steinberg, by two-thirds vote CS for SB 93 as amended was read the third time by title, passed, ordered engrossed and then 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
Fechtcl	Johnston	Scott	Winn

Nays—None

SB 245 was taken up and on motion by Senator Hair, the rules were waived and by two-thirds vote HB 444 was withdrawn from the Committee on Ways and Means.

On motion by Senator Hair—

HB 444—A bill to be entitled An act relating to the Florida Disposition of Unclaimed Property Act; amending s. 717.02(1), (3), (5), Florida Statutes; modifying the definitions of the terms, “banking organization,” “financial organization” and “insurance corporation”; amending s. 717.03(1)-(3), Florida Statutes; eliminating the requirement that certain property held or owing by a banking or financial organization must be paid, deposited or made within the state to be presumed abandoned; amending s. 717.08(2), (3), Florida Statutes; providing that certain intangible personal property held by a banking organization, financial organization, or business association not located in this state which is acting as a fiduciary is presumed abandoned under certain circumstances; eliminating the requirement that such property be held in the state by certain other persons to be presumed abandoned; amending s. 717.10, Florida Statutes; eliminating the requirement that miscellaneous intangible personal property be held or owing in the state to be presumed abandoned; amending s. 717.11, Florida Statutes; authorizing the Department of Banking and Finance to enter into reciprocal agreements with other states; amending s. 717.12(1), (4), Florida Statutes; providing a penalty for failure to file annual report of abandoned property; adding s. 717.15(3), Florida Statutes; authorizing the department to issue indemnification agreements to holders of unclaimed property upon the delivery of the property to the department; adding s. 717.27(4), Florida Statutes; requiring payment of interest to the department under certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 245 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 444 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

SB 245 was laid on the table.

SB 247—A bill to be entitled An act relating to dealers in explosives; amending s. 552.091(5), Florida Statutes; exempting specified dealers from the dealer license fees; providing an effective date.

—was read the second time by title. On motion by Senator Fechtel, by two-thirds vote SB 247 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 464 was taken up and on motion by Senator Stuart, by two-thirds vote HB 556 was withdrawn from the Committee on Education.

On motion by Senator Stuart—

HB 556—A bill to be entitled An act relating to education; amending s. 243.151(2), Florida Statutes, as amended, relating to lease agreements with respect to income-producing student housing facilities, to authorize the use of certain trust funds for the payment of rent; providing for replacement of trust funds; repealing s. 243.151(2), Florida Statutes, as amended, removing conflicting provisions; providing an effective date.

—a companion measure, was substituted for SB 464 and read the second time by title.

Senator Stuart moved the following amendment which was adopted:

Amendment 1—On page 2, line 7, strike all of said line and insert: Section 3. Section 240.296, Florida Statutes, is created to read:

240.296 State University Housing Loan Fund.—

(1) SHORT TITLE.—This section shall be known and may be cited as the "State University Housing Loan Fund Act."

(2) DEFINITIONS.—As used in this section:

(a) "Current severe housing shortage" is an existing shortage in supply of acceptable safe and sanitary housing available for currently enrolled full-time students at reasonable rents within commuting area of the educational institution.

(b) "Developmental cost" means the cost of land and site improvement, architectural and engineering services, construction, the cost of acquiring existing and related dining facilities, and the cost of built-in or installed kitchen equipment of food service equipment in central dining facilities.

(c) "Eligible applicant" means any institution within the State University System.

(d) "Housing" means structures or portions of structures which consist of living accommodations for students.

(3) LEGISLATIVE INTENT.—The Legislature recognizes the need for rehabilitation, alteration, renovation of housing facilities to provide housing for students attending the state universities. It is further recognized that loans from the fund established by this section may be made in accordance with

applicable rules only to the extent that applicants are unable to obtain the necessary financing elsewhere on equally favorable terms or conditions. It is therefore the intent of the Legislature to establish a loan fund to provide the opportunity for each state university to obtain funds for student housing. This loan program shall be administered through the existing Board of Regents offices and no new office or agency shall be established for this purpose.

(4) ELIGIBILITY REQUIREMENTS.—The following projects shall be eligible for application:

(a) Rehabilitation and renovation projects to conserve energy and reduce fuel consumption, maintain the quality of life, provide for the safety of residents, and reduce operating costs of existing housing and related dining facilities. Applications for funds allocated under this category must include estimated number of months before operating cost savings would equal development cost, less current inflation factors. Allocations shall be based upon age of facility, its physical condition, status of deferred maintenance, and the need or demand for university housing.

(b) Renovation, refurbishing, alterations, and equipment as determined as necessary to meet state and federal requirements for accessibility for handicapped students. Funds allocated under this category must meet specifically the needs of handicapped students as defined in Section 504 of the Rehabilitation Act of 1973 and as they relate to the university's housing program.

(c) In order to exclude projects which are uneconomical or exceed reasonable design standards, applications proposing a developmental cost exclusive of land or extraordinary cost in excess of \$14,000 per occupant based upon designated capacity of proposed housing projects are not eligible.

(5) APPLICATION AND ALLOCATION OF FUNDS.—

(a) Applications shall be received once a year and must be filed in the Board of Regents office no later than August 1.

(b) Only one application for request of funds may be submitted and considered per institution under each of the three categories.

(c) A subcommittee of the Board of Regents shall be established to review and approve all applications.

(d) All construction allocations shall be governed by state rules pertaining to construction and purchase.

(6) LOAN TERMS AND LIMITATIONS.—

(a) Loans will be amortized by approximately equal periodic payments of combined principal and interest over the life of the loan. Such payments shall be made not less than annually and not more than semiannually.

(b) The Board of Regents is hereby authorized to establish a state university housing loan fund from excess funds in the Capital Improvement Fee Trust Fund to be used for the purposes of this act.

(c) The minimum loan which may be requested is \$25,000.

Section 4. This act shall take effect July 1, 1980.

Senators Stuart and Skinner offered the following amendment which was moved by Senator Stuart and adopted:

Amendment 2—On page 1, line 8, after "funds," insert: creating s. 240.296, Florida Statutes; establishing a state university housing loan fund; providing definitions and intent; specifying eligibility of projects; providing procedures for application and allocation of funds; specifying loan terms and limitations

On motion by Senator Stuart, by two-thirds vote HB 556 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Chamberlin	Frank	Holloway
Anderson	Childers, D.	Gorman	Jenne
Barron	Childers, W. D.	Grizzle	Johnston
Beard	Dunn	Hair	MacKay
Carlucci	Fechtel	Hill	Maxwell

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

Nays—None

SB 464 was laid on the table.

On motion by Senator Stuart, the rules were waived and HB 556 was ordered immediately certified to the House.

SB 483—A bill to be entitled An act relating to education; creating s. 228.062, Florida Statutes; providing for participation in the federal migratory child compensatory education program; providing for funding and administration; providing an effective date.

—was read the second time by title. On motion by Senator Don Childers, by two-thirds vote SB 483 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
Fechtcl	Johnston	Scott	Winn

Nays—None

SB 484—A bill to be entitled An act relating to educational finance; amending s. 236.013(2)(a) and (c), Florida Statutes, providing for an extended school day or week for children of migrant farmworkers; providing for computation as a full-time student of each such student for purposes of determining full-time equivalent student membership; providing an effective date.

—was read the second time by title.

Senator Don Childers moved the following amendments which were adopted:

Amendment 1—On page 2, line 27, after the period (.) insert: *Such plan may be approved to accommodate the needs of migrant students only or may serve all students in schools having a high percentage of migrant students.*

Amendment 2—On page 2, line 28, insert: *Provided however that the plan herein described is optional for any school district and is not mandated by the State of Florida.*

On motion by Senator Don Childers, by two-thirds vote SB 484 as amended was read the third time by title, passed, ordered engrossed and then 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
Fechtcl	Johnston	Scott	Winn

Nays—None

SB 496 was taken up and on motion by Senator Maxwell—

HB 583—A bill to be entitled An act relating to financial matters; amending s. 215.425, Florida Statutes, which prohibits certain extra compensation claims, to specify that a district school board may apply adopted salary schedules for payment of all services rendered subsequent to the beginning of the fiscal year; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 1, line 29, insert: Section 2. Subsection 215.32(2)(b)3., Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of the aforesaid funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The Administration Commission of the Department of Administration shall have the power and authority to approve the establishment of any trust fund it deems necessary to preserve the integrity of any moneys received or collected by a state agency for a specific use or purpose authorized by law. The state agency receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law.

2. In order to maintain a minimum number of trust funds in the State Treasury, each state agency may consolidate, if permitted under the terms and conditions of their receipt, and trust funds administered by it; provided, however, the agency employs effectively a uniform system of accounts sufficient to preserve the integrity of such trust funds; and provided further, that such consolidation is approved by the Administration Commission of the Department of Administration.

3. All such moneys are hereby appropriated ~~for the purpose for which they were received~~, to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds, and ~~other~~ applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

(Renumber subsequent section.)

Amendment 2—On page 1 in title, line 8, after the semicolon insert: amending ss. 215.32(2)(b)3., Florida Statutes, relating to state trust funds to require that such funds be subject to the provisions of chapter 216, Florida Statutes;

On motion by Senator Maxwell, by two-thirds vote HB 583 as amended was read the third time by title, passed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 496 was laid on the table.

CS for SB 526, by the Committee on Ways and Means and Senators Don Childers, Tobiassen and Barron, was read the first time by title and SB 526 was laid on the table.

Pending further consideration of CS for SB 526, on motions by Senator Don Childers, the rules were waived and by two-thirds vote HB 1573 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Don Childers—

HB 1573—A bill to be entitled An act relating to retirement; adding subsection (3) to s. 112.05, Florida Statutes, and amending ss. 121.091(9), 122.16 and 238.181, Florida Statutes, providing that, with respect to the retirement system set forth in chapter 112, Florida Statutes, the Florida Retirement System, the State and County Officers and Employees' Retirement System, and the Teachers' Retirement System of Florida, certain restrictions upon the employment of a person who has retired under any such retirement system are eliminated; authorizing reemployment of such person for 600 hours per year with a monetary earning limit per year, without suspension of benefits; prohibiting reemployment within 1 month of retirement with any employer within the system; providing that a retired person holding public office is subject to the same reemployment limitations as any other member of the system; providing an exception; providing an effective date.

—a companion measure, was substituted for CS for SB 526 and read the second time by title.

Senator Don Childers moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Subsection (3) is added to section 112.05, Florida Statutes, to read:

112.05 Retirement; cost-of-living adjustment.—

(3) Any person who is retired under this section may be employed by an employer who does not participate in a state administered retirement system and receive compensation from such employment without limiting or restricting in any way the retirement benefits payable to such person. Any person who is retired under this section may be employed by an employer that participates in a state administered retirement system and receive compensation from such employment and retirement benefits at the same time, provided that:

(a) Such person may receive retirement benefits at the same time that compensation is received, so long as the employment does not exceed 600 hours each calendar year, or the compensation earned in such employment does not exceed \$4,000 each calendar year, whichever limitation permits the longest employment. Provided however, such limitation shall not apply to persons aged 65 or older.

(b) Any person to whom the limitation in paragraph (a) applies who will exceed such limitation shall give timely notice in writing to his employer and to the division of this fact and shall advise both of the date on which he will exceed the limitation. The division shall suspend such retired person's benefits for the remainder of the calendar year during which he continues employment in excess of the limitation in paragraph (a). Upon commencement of the next calendar year, the division shall resume payment of said retired person's benefits until he again exceeds the employment limitation of paragraph (a), at which time his benefits shall again be suspended for the remainder of the calendar year. Should such person fail to provide timely notice to the division of his employment in excess of the limitation, and should he receive and retain both benefits and compensation in excess of the limitation of paragraph (a), the division shall suspend his retirement benefits until he has repaid to the retirement trust fund all benefits received after the limitation was reached.

(c) Notwithstanding the provisions of paragraph (a), any retired person who is employed by an employer under the system within 1 calendar month of retirement shall forfeit his right to benefits during said month.

(d) The limitations of this subsection shall apply to reemployment in any capacity with an employer as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

Section 2. Subsection (9) of section 121.091, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 121.091(9), F.S., for present text.)

121.091 Benefits payable under the system.—

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(a) Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be employed by an employer that does not participate in a state administered retirement system and receive compensation from such employment without limiting or restricting in any way the retirement benefits payable to such person.

(b) Any person retired under this chapter, except under the disability retirement provisions of subsection (4), may be employed by an employer that participates in a state administered retirement system and receive compensation from such employment and retirement benefits at the same time, provided that:

1. Such person may receive retirement benefits at the same time that compensation is received, so long as the employment does not exceed 600 hours each calendar year, or the compensation earned in such employment does not exceed \$4,000 each calendar year, whichever limitation permits the longest employment. Provided however, such limitation shall not apply to persons aged 65 or older.

2. Any person to whom the limitation in subparagraph 1. applies who will exceed such limitation shall give timely notice in writing to his employer and to the division of this fact and shall advise both of the date on which he will exceed the limitation. The division shall suspend such retired person's benefits for the remainder of the calendar year during which he continues employment in excess of the limitation in subparagraph 1. Upon commencement of the next calendar year, the division shall resume payment of said retired person's benefits until he again exceeds the employment limitation of subparagraph 1., at which time his benefits shall again be suspended for the remainder of the calendar year. Should such person fail to provide timely notice to the division of his employment in excess of the limitation, and should he receive and retain both benefits and compensation in excess of the limitation of subparagraph 1., the division shall suspend his retirement benefits until he has repaid to the retirement trust fund all benefits received after the limitation was reached.

3. The employment by an employer of any retiree of any state administered retirement system shall have no effect on the average final compensation or years of creditable service of such retiree, nor shall any deductions or contributions for retirement be made from or for the compensation received by such retiree with respect to such employment.

4. Notwithstanding the provisions of subparagraph 1., any retired person who is employed by an employer under the system within 1 calendar month of retirement shall forfeit his right to benefits during said month.

5. Any person who has previously retired and who is holding public office on or after July 1, 1969, may have his membership in the Florida Retirement System reinstated by making the necessary contributions to the retirement fund for the period of reemployment. Any person electing this alternative shall not be eligible for retirement compensation during the period of employment. During this period of employment, such contributions shall be included in the computation of the employee's average final compensation, and his years of creditable service.

6. Any person who has retired and subsequently is elected or appointed to an elective public office which is covered by the Florida Retirement System and who does not elect to reinstate his membership in the Florida Retirement System shall continue to receive his retirement benefits in addition to the compensation of the elective office to which he is elected or appointed without regard to the time limitations otherwise provided in this subsection.

7. The limitations of this paragraph shall apply to reemployment in any capacity with an employer as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

Section 3. Section 122.16, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 122.16, F.S., for present text.)

122.16 Employment after retirement.—

(1) Any person who is retired under this chapter, except under the disability retirement provisions of ss. 122.09 and 122.34, may be employed by an employer that does not participate in a state administered retirement system and receive compensation from such employment without limiting or restricting in any way the retirement benefits payable to such person.

(2) Any person retired under this chapter, except under the disability retirement provisions of ss. 122.09 and 122.34, may be employed by an employer that participates in a state administered retirement system and receive compensation from such employment and retirement benefits at the same time, provided that:

(a) Such person may receive retirement benefits at the same time that compensation is received, so long as the employment does not exceed 600 hours each calendar year, or the compensation earned in such employment does not exceed \$4,000 each calendar year, whichever limitation permits the longest employment. Provided however, such limitation shall not apply to persons aged 65 or older.

(b) Any person to whom the limitation of paragraph (a) applies who will exceed such limitation shall give timely notice in writing to his employer and to the division of this fact and shall advise both of the date on which he will exceed the limitation. The division shall suspend such retired person's benefits for the remainder of the calendar year during which he continues employment in excess of the limitation of paragraph (a). Upon commencement of the next calendar year, the division shall resume payment of said retired person's benefits until he again exceeds the employment limitation of paragraph (a), at which time his benefits shall again be suspended for the remainder of the calendar year. Should such person fail to provide timely notice to the division of his employment in excess of the limitation, and should he receive and retain both benefits and compensation in excess of the limitation of paragraph (a), the division shall suspend his retirement benefits until he has repaid to the retirement trust fund all benefits received after the limitation was reached.

(c) The employment by an employer of any retiree of any state administered retirement system shall have no effect on the average final compensation or years of creditable service of such retiree, nor shall any deductions or contributions for retirement be made from or for the compensation received by such retiree with respect to such employment.

(d) Notwithstanding the provisions of paragraph (a), any retired person who is employed by an employer under the system within 1 calendar month of retirement shall forfeit his right to benefits during said month.

(e) The limitations of this subsection shall apply to reemployment in any capacity with an employer as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

Section 4. Section 238.181, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 238.181, F.S., for present text.)

238.181 Reemployment after retirement; conditions and limitations.—

(1) Any person who is retired under this chapter, except under the disability provisions of s. 238.07, may be employed by an employer that does not participate in a state administered retirement system and receive compensation from such employment without limiting or restricting in any way the retirement benefits payable to such person. Any person retired under this chapter, except under the disability retirement provisions of s. 238.07, may be employed by an employer that participates in a state administered retirement system and receive compensation from such employment and retirement benefits at the same time, provided that:

(a) Such person may receive retirement benefits at the same time that compensation is received, so long as the employment does not exceed 600 hours each calendar year, or the compensation earned in such employment does not exceed \$4,000

each calendar year, whichever limitation permits the longest employment. Provided however, such limitation shall not apply to persons aged 65 or older.

(b) Any person to whom the limitation in paragraph (a) applies who will exceed such limitation shall give timely notice in writing to his employer and to the division of this fact and shall advise both of the date on which he will exceed the limitation. The division shall suspend such retired person's benefits for the remainder of the calendar year during which he continues employment in excess of the limitation in paragraph (a). Upon commencement of the next calendar year, the division shall resume payment of said retired person's benefits until he again exceeds the employment limitation of paragraph (a), at which time his benefits shall again be suspended for the remainder of the calendar year. Should such person fail to provide timely notice to the division of his employment in excess of the limitation, and should he receive and retain both benefits and compensation in excess of the limitation of paragraph (a), the division shall suspend his retirement benefits until he has repaid to the retirement trust fund all benefits received after the limitation was reached.

(c) The employment by an employer of any retiree of any state administered retirement system shall have no effect on the average final compensation or years of creditable service of such retiree, nor shall any deductions or contributions for retirement be made from or for the compensation received by such retiree with respect to such employment.

(d) Notwithstanding the provisions of paragraph (a), any retired person who is employed by an employer under the system within 1 calendar month of retirement shall forfeit his right to benefits during said month.

(e) The limitations of this subsection shall apply to reemployment in any capacity with an employer as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

Section 5. Paragraphs (b) and (c) of subsection (19) of section 121.021, Florida Statutes, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(19) "Prior service" under this chapter means:

(b) *Service prior to an employee's membership in the Florida Retirement System with an employer as defined in s. 121.021(10), either before or during said employer's participation in an existing system. The word "service" as used in this paragraph and paragraph (c) means employment service which, at the time it is claimed as prior service, satisfies the requirements for a regularly established position, as defined by rules of the Florida Retirement System. Service with an employer under another system prior to an employee's membership in the Florida Retirement System, during which service the employee was not a member of an existing retirement system and did not make any retirement contributions, provided such service would have otherwise been creditable under the Florida Retirement System.*

(c) Service as described in paragraph (b) for which no contributions were made due to the fact that the employee made a written rejection of an existing system ~~the Florida Retirement System~~. If such person withdraws his rejection he may purchase retirement credit for all his service during the period of rejection, ~~provided such service would have otherwise been creditable under the Florida Retirement System~~. Any governmental entity may contribute up to 50 percent of the amount required to purchase any prior service under (b) and (c).

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

Amendment 2—On page 1, in title, strike all of lines 3-23 and insert: ss. 121.091(9), 122.16, 238.181, Florida Statutes; eliminating certain restrictions upon the employment of retirees of the retirement system set forth in chapter 112, Florida Statutes, and the Florida Retirement System, the State and County Officers and Employees' Retirement System, and the Teachers' Retirement System of Florida; authorizing reemployment of such persons for 600 hours per year with a monetary earning limit per year, without suspension of benefits; providing an exception for persons aged 65 or older; providing

for forfeiture of benefits if reemployment occurs within 1 month of retirement with any employer within the system; requiring notice to the Division of Retirement and to employers; providing a procedure for retirees who are subsequently elected or appointed to public office; amending s. 121.021(19)(b) and (c), Florida Statutes, providing for "prior service" in certain instances; providing an effective date.

On motion by Senator Don Childers, by two-thirds vote HB 1573 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 526 was laid on the table.

On motion by Senator Don Childers, the rules were waived and HB 1573 was ordered immediately certified to the House.

SB 590 was taken up and on motions by Senator Ware, the rules were waived and by two-thirds vote HB 1088 was withdrawn from the Committee on Commerce, Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Ware—

HB 1088—A bill to be entitled An act relating to intangible personal property tax; adding paragraph (g) to s. 199.072(1), Florida Statutes, exempting from intangible personal property tax the assets of a corporation registered under the investment company act of 1940 of the United States; providing an effective date.

—a companion measure, was substituted for SB 590 and read the second time by title. On motion by Senator Ware, by two-thirds vote HB 1088 was read the third time 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	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtel	Johnston	Skinner	

Nays—None

SB 590 was laid on the table.

SB 604—A bill to be entitled An act relating to unclaimed motor vehicles; amending s. 715.05(1), (2), (4), Florida Statutes; deleting the requirement that motor vehicles left unclaimed in storage for more than a specified period must be reported to the police department and the Florida Highway Patrol; changing such specified period for reports to other agencies; deleting the requirement that reports be made in quadruplicate; providing that such report be made within a specified number of days from the date of storage; changing the number of days within which the Department of Highway Safety and Motor Vehicles must notify the owner of the vehicle of the vehicle's location; providing that the department shall notify the reporting person of the name and address of the owner of the vehicle and lienholders; providing that failure to comply with the reporting requirements shall preclude storage charges after a specified period; providing an effective date.

—was read the second time by title.

Senator McClain moved the following amendment which was adopted:

Amendment 1—On page 2, line 10, after the word "storage" insert: exclusive of weekends and holidays

On motion by Senator McClain, by two-thirds vote SB 604 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 679—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.57(4)(e), Florida Statutes, exempting permanently and totally disabled persons from hunting license requirements; amending s. 372.573(2); Florida Statutes, exempting permanently and totally disabled persons from the payment of permit fees to hunt on public recreational lands; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Barron and adopted:

Amendment 1—On page 2, lines 10-15, strike all of said lines and insert: (e) A permanent state hunting and No fishing license shall be issued, upon request, to required for any person who is a resident of the state and who is totally and permanently disabled, as defined in s. subsection 196.012(10), upon production of proof of disability. Each such person, while hunting or fishing, shall have such license in his possession at all times possess documentation of his condition of total and permanent disability.

Amendment 2—On page 1, lines 4 and 5, strike all of said lines and insert: providing for the issuance of permanent hunting and fishing licenses to totally and permanently disabled residents of the state; requires possession of the license while hunting or fishing;

On motion by Senator Barron, by two-thirds vote SB 679 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

By the Committee on Health and Rehabilitative Services and Senators MacKay, Barron, Chamberlin, Vogt, Johnston, Jenne, McKnight and Poole—

CS for SB 722—A bill to be entitled An act relating to community care for the elderly; amending ss. 410.021, 410.022, 410.023, 410.024, 410.025, 410.026, Florida Statutes; providing

a short title; providing definitions; providing for the establishment of a community care service system by the Department of Health and Rehabilitative Services or contracting agency; providing for the consolidation of services to functionally impaired elderly persons; providing for the use and training of volunteers; providing for minimum local funding; providing for contributions by functionally impaired elderly persons; providing for a uniform cost accounting and reporting system; providing for home-delivered care services; providing for a multi-service senior center program to provide core services; authorizing the Department of Health and Rehabilitative Services to provide advance funding to contracting agencies; creating s. 410.0241, Florida Statutes; providing for the establishment of community care service systems; defining core services; providing for the location of a community care service system in multi-service senior centers; providing for service integration; providing for the facilitation of core service delivery through the establishment of programs; authorizing the Department of Health and Rehabilitative Services to establish standards for core services and to conduct demonstration projects; providing for training of service providers and staff; providing eligibility for services; creating s. 410.029, Florida Statutes; providing for the development of state and multiyear plans for the effective implementation of the act; repealing s. 410.027, Florida Statutes, relating to family placement program; providing an effective date.

—was read the first time by title and SB 722 was laid on the table.

On motions by Senator Barron, by two-thirds vote CS for SB 722 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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
Frank	MacKay	Skinner	

Nays—None

SB 787—A bill to be entitled An act relating to Polk, Hardee, DeSoto, and Charlotte Counties; prohibiting the discharge of firearms in the vicinity of the Peace River; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 10, between the words “person” and “may” insert: other than a law enforcement officer in the course of his duty

Amendment 2—On page 1, line 14, strike the word “Statutes.” and insert: Statutes, except nothing in this part shall prohibit any person from discharging a firearm on property he owns, leases or rents or if otherwise authorized by law.

Amendment 3—On page 1, in title, lines 3 and 4, strike all of said lines and insert: Charlotte Counties; prohibiting persons from discharging firearms in the vicinity of the Peace River; exempting certain persons;

On motion by Senator Peterson, by two-thirds vote SB 787 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Johnston

By the Committee on Commerce and Senator Jenne—

CS for SB 815—A bill to be entitled An act relating to life insurance solicitation; creating s. 626.990, Florida Statutes; providing a statement of purpose; providing exemptions; providing definitions; providing disclosure requirements; providing for general rules relating to solicitation; requiring insurers soliciting life insurance to adopt the National Association of Insurance Commissioners’ Buyer’s Guide; providing penalties for failure to comply; providing an effective date.

—was read the first time by title and SB 815 was laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for SB 815 was read the second time by title.

Senator Anderson moved the following amendments which were adopted:

Amendment 1—On page 8, lines 6-11, strike all of said lines.

Amendment 2—On page 10 between lines 9 and 10, insert: Section 2. Section 627.516, Florida Statutes, is amended to read:

(Substantial rewording of Section. See s. 627.516, F.S., for present text.)

627.516 Advance payment of premiums.—Each insurer shall allow a refund or discount on advance premiums paid for an industrial life insurance policy if such premiums are paid in a single sum covering a period of at least 13 weeks. Such refund or discount shall reflect the difference in costs between weekly or monthly premium payment and the advance premiums being paid, with an interest factor used to reflect the time value of money.

Section 3. Section 627.517, Florida Statutes, is amended to read:

(Substantial rewording of Section. See s. 627.517, F.S., for present text.)

627.517 Conversion.—Each industrial life insurance policy issued or issued for delivery on or after January 1, 1981, shall provide that if, upon the sale of any new industrial life insurance policy, the combined face value of all industrial life insurance policies including the new policy issued by any one insurer, insuring any one life and owned by any one person would exceed \$3,000, then the owner shall have the option of merging and converting such industrial life insurance policies to one regularly offered ordinary life insurance policy with the same insurer with no further evidence of insurability required.

(Renumber subsequent section.)

Amendment 3—On page 9, line 31, strike “promulgated” and insert: adopted May 4, 1976,

Amendment 4—On page 1, in title, line 2, strike “life insurance solicitation” and insert: insurance

Amendment 5—On page 1, line 11, after the semicolon (;) insert: amending ss. 627.516, 627.517, Florida Statutes; provid-

ing for advance payment of premiums and conversion of industrial life insurance policies;

On motion by Senator Jenne, by two-thirds vote CS for SB 815 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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

HB 1796—A bill to be entitled An act relating to educational capital outlay; adding a new subsection (2) to s. 236.25, Florida Statutes, to authorize district school boards to levy up to 2 mills ad valorem tax for specified purposes; amending s. 236.081(6)(c), Florida Statutes, relating to allocations from the Florida Education Finance Program, to conform; creating s. 200.066, Florida Statutes; specifying procedures for levying such millage; providing for notice and hearings; providing a penalty for failure to comply; providing appropriations for specified capital outlay projects from the Public Education Capital Outlay and Debt Service Trust Fund to the district school boards, the Board of Regents, community college boards of trustees, and the Florida School for the Deaf and Blind; providing amount to equalize up to 1 mill of capital outlay millage; providing appropriations from the General Revenue Fund to various educational agencies for specified projects; amending s. 203.01, Florida Statutes; requiring monthly reports and payments of the tax on gross receipts for utility services; amending s. 215.61(3), Florida Statutes; requiring the State Board of Education to utilize the average annual amount of revenue collected for the 24 months preceding the last collection known by the Legislature that authorizes the bond issue included in the Public Education Capital Outlay and Debt Service Trust Fund appropriation in determining the amount of bonds which can be serviced by the gross receipts tax; providing an effective date.

—as amended passed this day.

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

Amendment 10—On page 69, line 12, strike “255, and 287,” and insert: and 255,

HB 1796 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fechtcl	MacKay	Stuart
Anderson	Frank	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	Scott	
Dunn	Johnston	Steinberg	

Nays—None

SB 829—A bill to be entitled An act relating to unemployment compensation; amending s. 443.03(5)(m), (n), Florida Statutes; providing that paragraph (m) does not apply to persons covered under federal unemployment compensation sys-

tems; postponing coverage of alien agricultural workers; amending s. 443.06(8), Florida Statutes; specifying which retirement benefits are disqualifying; amending s. 443.07(3)(c), Florida Statutes; prohibiting redetermination later than 1 year after the end of the last compensable week of the claim; amending ss. 443.08(3)(i), 443.15(2)(b), Florida Statutes; requiring an employer to file reports and make payments pending certain actions; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 829 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 831 was taken up and on motion by Senator Williamson, the rules were waived and by two-thirds vote HB 1115 was withdrawn from the Committee on Transportation.

On motion by Senator Williamson—

HB 1115—A bill to be entitled An act relating to motor vehicle safety equipment; creating s. 325.271, Florida Statutes, providing for the administration and operation of certain charter county safety equipment inspection stations by private firms; providing an effective date.

—a companion measure, was substituted for SB 831 and read the second time by title. On motion by Senator Williamson, by two-thirds vote HB 1115 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 831 was laid on the table.

SB 905—A bill to be entitled An act relating to the Beverage Law; adding subsections (12) and (13) to s. 561.01, Florida Statutes, defining the terms “special airport license” and “airport terminal”; amending s. 561.20(2)(a), Florida Statutes, and adding paragraph (f) thereto, exempting certain alcoholic beverage vendors operating in airports publicly owned or leased by a county or municipality from the quota alcoholic beverage license limitations; providing for the issuance of “special airport licenses”; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

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

Section 1. Section 564.07, Florida Statutes, is created to read:

564.07 Price affirmation and filing of price schedule.—

(1)(a) Each primary American source, as defined in s. 564.045(1), authorized to sell wine to the licensed distributors in this state shall file with the division, semiannually, by January 15 for the 6-month period commencing February 1 and by July 15 for the 6-month period commencing August 1, or within 30 days after the time such primary American source first becomes eligible to sell such wine in the state, a verified affirmation that the bottle and case price of all wine which such primary American source shall offer for sale to a Florida distributor shall be sold to that distributor at a price which is no higher than the lowest price at which such items will be offered for sale at any time during such 6-month period by such primary American source to any distributor in any other state or the District of Columbia or to any state or state agency which owns or operates retail stores for the sale of wine.

(b) At the conclusion of the initial 6-month filing period, and for every subsequent filing, each newly filed affirmation shall contain as a part thereof a listing of all the licensed distributors in Florida to whom wine was sold during the previous 6-month period and the net price, by brand, by bottle or case, charged to such distributors.

(c) The reporting requirements of this section shall not apply to transactions between distributors licensed in Florida.

(2) In determining the lowest price for which any item of wine is sold in any other state or in the District of Columbia or to any state or state agency which owns or operates retail stores for the sale of wine, appropriate reductions shall be made to reflect all discounts and all rebates, free goods, allowances, and other inducements in any kind whatsoever offered or given to any out-of-state distributor, other state, or state agency purchasing such items in such other states or in the District of Columbia.

(3)(a) Such primary American source shall also file at the same time and in addition to the affirmation required in subsection (1), a written schedule, in the number of copies and on the form required by the division, which shall contain the following information as to each item it is offering for sale in Florida during the 6 months covered by the affirmation, by brand or trade name:

1. The capacity of each package thereof so offered for sale;
2. The nature of the contents thereof;
3. The age and percentage of alcohol thereof where stated on the container label;
4. The number of bottles thereof contained in a case of said item; and
5. The bottle and case price to the Florida distributor, which price in each such instance shall be individual for each item and not in combination with any other item.

(b) Any such primary American source may amend such schedule by the 15th day of any month, such amended schedule to take effect on the first of the following month.

(4) Notwithstanding the provisions of subsections (1) and (3), if the effect of any discounts, rebates, free goods, allowances, or other inducements offered or given in any other state or the District of Columbia with respect to any item set forth on a schedule filed pursuant to subsection (3) is to reduce the price of such item elsewhere below that in which it is being sold in this state during the same period, the primary American source filing such schedule shall indicate thereon the date, location, and amount of discounts, rebates, free goods, allowances, and other inducements, per case, to the extent that the price elsewhere for the same item of wine is less than at which it is sold in this state. Such discounts, rebates, free goods, allowances, and other inducements shall be offered in this state with respect to such item within a 12-month period, including the month in which they are given elsewhere.

(5) The penalty for any violation of this section shall be as provided in ss. 561.29 and 564.05. In addition, the division may bring suit for injunction in the courts of this state to enjoin a violation of any of the provisions of this section.

(6) The first report due under this section shall not be required until January 15, 1981.

(renumber subsequent sections)

Amendment 2—On page 1, line 2, strike all of said line and insert: An act relating to alcoholic beverages; creating s. 564.07, Florida Statutes; requiring a price affirmation and a price schedule for wine sold to Florida distributors by manufacturers or other authorized persons; providing penalties; providing for injunction; adding

On motions by Senator Henderson, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted. By permission Senator Henderson withdrew the amendments.

On motion by Senator Henderson, by two-thirds vote SB 905 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—3

Childers, D. Peterson Trask

SB 923—A bill to be entitled An act relating to building construction standards; amending ss. 553.73(1), (2), (7), 553.77(1)(d), 553.84, Florida Statutes; delaying requirement that codes be adopted; updating references to model codes; requiring that codes be enforced; providing procedure for amending codes; specifying who may receive advisory opinions; specifying weight of advisory opinions; providing civil action for nonenforcement; providing an effective date.

—was read the second time by title.

Senator Holloway moved the following amendments which were adopted:

Amendment 1—On page 1, line 31, strike "Codes" and insert: Code

Amendment 2—On page 2, line 21, strike "organizations" and insert: agency

On motion by Senator Holloway, by two-thirds vote SB 923 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Hair

SB 943—A bill to be entitled An act relating to regulation of boats; amending s. 371.021(18)(b), Florida Statutes; redefining the term "live-aboard vessel"; providing an effective date.

—was read the second time by title.

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

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

Section 1. Paragraphs (a) and (b) of subsection (18) of Section 371.021, Florida Statutes, are amended to read:

371.021 Definitions.—As used in this part, unless the context clearly requires a different meaning:

(18) "Live-aboard vessel" means:

(a) Any vessel used principally as a residence Any barge primarily designed or constructed as a living unit, supported on the water by a floating base, and fitted for use as a dwelling; or

(b) Any vessel represented as a place of business, a professional or other commercial enterprise, or legal residence, and providing or serving on a long-term basis the essential services or functions typically associated with a structure or other improvement to real property, and, if used as a means of transportation, said use is clearly a secondary or subsidiary use; or

(c) Any vessel used by any club or any other association of whatever nature when clearly demonstrated to serve a purpose other than a means of transportation. Commercial fishing boats are expressly excluded from the term "live-aboard vessel."

Section 2. This act shall take effect upon becoming a law and shall apply to the 1980 tax roll.

Amendment 2—On page 1, line 3 in title, strike "s. 371.021(18)(b)" and insert: s. 371.021 (18)(a)(b)

On motion by Senator Holloway, by two-thirds vote SB 943 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—W. D. Childers, MacKay, Myers

On motion by Senator Holloway, the rules were waived and SB 943 after being engrossed was ordered immediately certified to the House.

SB 954—A bill to be entitled An act relating to the Department of Health and Rehabilitatives Services; amending s. 409.2671(2)(d), (3), (6), (7)(c), (e), Florida Statutes; providing for a 1-year extension of an existing pilot project to test the feasibility of increasing hospital outpatient service benefits through local agency contributions to the medical assistance program for outpatient hospital services; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, lines 12 and 19, strike "1980" and insert: 1978

On motion by Senator Myers, by two-thirds vote SB 954 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Myers, the rules were waived and SB 954 after being engrossed was ordered immediately certified to the House.

Consideration of SB 89 was deferred.

HB 430—A bill to be entitled An act relating to compulsory school attendance; amending the introductory paragraph of s. 232.09, Florida Statutes, and subsection (2) thereof, and amending s. 232.19(6)(a), Florida Statutes; prohibiting criminal prosecution of parents with respect to nonattendance of children under certain circumstances; providing an exception from criminal liability rather than from parental responsibility for parents who are unable to control their child with respect to the child's nonattendance at school; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 430 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Maxwell

SB 727 was taken up and on motion by Senator McKnight, the rules were waived and by two-thirds vote HB 452 was withdrawn from the Committee on Commerce. On motion by Senator McKnight—

HB 452—A bill to be entitled An act relating to Monroe County; approving certain special restaurant beverage licenses issued in the county and exempting them from suspension, revocation, or denial of renewal or transfer for failure to comply with certain space requirements provided by general law; entitling persons holding such licenses to change location without payment of any fee; providing an effective date.

—a companion measure, was substituted for SB 727 and read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 452 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Peterson Trask

SB 727 was laid on the table.

On motion by Senator Holloway by unanimous consent—

SB 1329—A bill to be entitled An act relating to Monroe County; declaring legislative intent to remedy existing inequity in s. 112.061, Florida Statutes; providing for reimbursement of travel expenses of school board members for travel out of the member's residence area incurred for a public purpose; providing that mileage allowance, when authorized, shall be computed from member's residence and return; authorizing reimbursement for all in-county travel for each member of the board of county commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote SB 1329 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Peterson

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

CS for SB 722—A bill to be entitled An act relating to community care for the elderly; amending ss. 410.021, 410.022, 410.023, 410.024, 410.025, 410.026, Florida Statutes; providing a short title; providing definitions; providing for the establishment of a community care service system by the Department of Health and Rehabilitative Services or contracting agency; providing for the consolidation of services to functionally impaired elderly persons; providing for the use and training of volunteers; providing for minimum local funding; providing for contributions by functionally impaired elderly persons; providing for a uniform cost accounting and reporting system; providing for home-delivered care services; providing for a multi-service senior center program to provide core services; authorizing the Department of Health and Rehabilitative Services to provide advance funding to contracting agencies; creating s. 410.0241, Florida Statutes; providing for the establishment of community care service systems; defining core services; providing for the location of a community care service system in multi-service senior centers; providing for service integration; providing for the facilitation of core service delivery through the establishment of programs; authorizing the Department of Health and Rehabilitative Services to establish standards for core services and to conduct demonstration projects; providing for training of service providers and staff; providing eligibility for services; creating s. 410.029, Florida Statutes; providing for the development of state and multiyear plans for the effective implementation of the act; repealing s. 410.027, Florida Statutes, relating to family placement program; providing an effective date.

—passed this day.

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

Amendment 1—On pages 2—14, strike everything after the enacting clause and insert:

Section 1. Section 410.021, Florida Statutes, is amended to read:

410.021 Short title.—Sections 410.021-410.029 ~~410.027 shall be known, and~~ may be cited, as "The Community Care for the Elderly Act."

Section 2. Section 410.022, Florida Statutes, is amended to read:

410.022 Legislative intent.—The purpose of this act is to ~~find acceptable and cost effective ways to~~ assist functionally impaired and other elderly persons ~~in living to continue to live~~ dignified and reasonably independent lives in their own homes or in the homes of relatives or ~~caregivers caretakers~~ through the development, expansion, reorganization, and coordination of various community-based ~~services service programs~~. The Legislature intends that a continuum of care be established so that ~~functionally impaired elderly persons age 60 and older may be assured the least restrictive environment suitable to their needs. The development of innovative approaches to management, training, and service delivery that impact on cost avoidance, cost-effectiveness and program efficiency shall be encouraged. the home delivered service program, the multi-service senior center program, or the family placement program be established in at least three districts, on a trial basis, in order that such programs may be demonstrated, studied, and evaluated. This shall be done to determine the feasibility of such programs as a means of satisfying the needs of Florida's elderly population with respect to community delivered services while conserving scarce state resources. In addition, an evaluation shall be made of the cost effectiveness of such programs, as well as the ability of such programs to diminish:~~

(1) The rate of inappropriate entry and placement of functionally impaired elderly persons in institutions; and

(2) The utilization of noninstitutional services and facilities.

Section 3. Section 410.023, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 410.023, F.S., for present text.)

410.023 Definitions.—As used in this act:

(1) "Community Care Service System" means a network of community care for the elderly services for functionally impaired elderly persons provided by several agencies under the direction of a single lead agency. Its purpose is to provide a continuum of care encompassing a full range of preventive, maintenance, and restorative services for functionally impaired elderly persons.

(2) "Department" means the Department of Health and Rehabilitative Services.

(3) "District" means a specified, geographic service area, as defined in s. 20.19(4)(a), in which the department's programs are administered and services are delivered.

(4) "Functionally impaired elderly person" means any person, 60 years of age or older, with physical or mental limitations that restrict individual ability to perform the normal activities of daily living and which impede individual capacity to live independently without the provision of core services. Functional impairment shall be determined through a functional assessment administered to each applicant for community care for the elderly core services. The functional assessment shall be developed by the department.

(5) "Health maintenance service" means that routine health service necessary to help maintain the health of a functionally impaired elderly person, but shall be limited to medical therapeutic services, prevention services, personal care services, home health aid, home nursing services, and an emergency response system.

(6) "Lead agency" means an agency designated in each community care service system which shall have the authority and responsibility to coordinate services for functionally impaired elderly persons; to provide case management as needed,

except when the department agrees to provide case management directly through its own service workers; to provide, or subcontract for the provision of, no fewer than three core services; to compile community care statistics; and to monitor subcontracts with agencies providing core services.

(7) "Multi-service senior center" means a facility acquired, altered, or renovated for the purpose of serving as the focal point for a community care service system in order to facilitate the delivery of core services.

Section 4. Section 410.024, Florida Statutes, is amended to read:

410.024 Community care for the elderly programs; powers and duties of the department.—

(1) The department shall establish, directly or through a contracting agency, in each district, and in each subdistrict where practicable, at least one community care service system which shall have as its primary responsibility the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. Whenever feasible, an Area Agency on Aging shall be the contracting agency of preference to engage only in the planning and funding of community care for the elderly core services for functionally impaired elderly persons. ~~conduct, or cease to be conducted, a combination demonstration project and evaluation study to determine the desirability of establishing a home delivered service program, a multi-service senior center program, or a family placement program throughout the state. In carrying out the project, the department shall establish, or cease to be established, programs in at least three districts.~~

(2) All existing community resources available to the functionally impaired elderly person ~~client~~ shall be coordinated into a community care service system to provide a continuum of care utilized to support program objectives. Additional services may be incorporated into the system, but shall not be funded from the community care for the elderly core service funds ~~a program as appropriate and to the extent that resources are available. The lead agency shall insure that all other funding sources available have been used prior to utilizing community care for the elderly funds. The department and contracting agencies are authorized to accept gifts and grants in order to carry out a community care service system program.~~

(3) The use of volunteers shall be maximized to provide a range of ~~personal~~ services for the functionally impaired elderly person ~~client~~. Training and supervision of volunteers shall be provided by the department or contracting agency to insure the delivery of quality services. The department or contracting agency shall assure appropriate insurance coverage to protect volunteers from personal liability while acting within the scope of their volunteer assignments under a community care service system ~~program~~. Coverage may also include excess automobile liability protection.

(4) The department or contracting agency may contract for the provision of ~~any portion or all of the services required by a community care service system program~~. Such purchase of service contracts shall be utilized whenever the requirements of subsection 20.19(13) exist.

(5) Entities contracting with the department to ~~provide services conduct demonstration projects~~ under this act shall provide a minimum of 10 ~~25~~ percent of the funding necessary for the support of project operations. Contributions in kind, whether materials, commodities, transportation, office space, other types of facilities, or personal services, and ~~contributions of money or services from functionally impaired elderly persons~~, may be evaluated and counted as part or all of this required local funding.

(6) When possible, services shall be obtained under:

(a) The Florida Comprehensive Annual Services Program Plan under Title XX of the Social Security Act;

(b) The Florida Plan for Medical Assistance under Title XIX of the Social Security Act;

(c) The State Plan on Aging under ~~Title~~ Titles III and VII of the Older Americans Act, or

(d) The Florida Financial Assistance for Community Services Act of 1974.

(7) Funds appropriated for community care for the elderly shall be used only for the provision of community care for the elderly core services, case management, and directly related expenditures. The department shall have the authority to provide advance funding for community care for the elderly.

(8)~~(7)~~ Contracting agencies shall be responsible for the collection of fees for services in accordance with rules to be promulgated by the department. Provider agencies are authorized to assess fees for services rendered in accordance with those rules. If the department determines that it is necessary to help pay for services received from community care for the elderly ~~programs~~, a functionally impaired elderly person ~~client~~ shall contribute an amount of money ~~or service of a specified value based on an overall ability to pay~~. The amount of money or service to be contributed shall be fixed according to a rate schedule established by the department ~~or entity developing the program~~. Services of specified value may be accepted in lieu of a monetary contribution. ~~This rate schedule shall consider expenses and resources of the client and overall ability of the client to pay for the services. This rate schedule shall be developed by January 1, 1981, and in effect on July 1, 1981. This subsection shall not apply to programs utilizing other federal funds where regulations prohibit fees or where regulations require contributions to revert to the original funding source.~~

(9)~~(8)~~ The department shall submit on January 1 of each year an evaluation report to the Speaker of the House of Representatives and to the President of the Senate summarizing the progress of community care service systems ~~the project~~. The report shall include the information and data necessary for an accurate analysis of the costs and benefits associated with the establishment and operation of the programs as determined through a uniform cost accounting and reporting system. The evaluation shall provide an assessment of the ability of these programs to reduce:

(a) The rate of inappropriate entry and placement of functionally impaired elderly persons in institutions; and

(b) The use of institutional services and facilities. ~~that were established.~~

Section 5. Section 410.0241, Florida Statutes, is created to read:

410.0241 Community care service system.—

(1) The department or contracting agency shall establish in each district, and in each subdistrict where practicable, at least one community care service system which shall provide case management as needed, and no fewer than three core services to functionally impaired elderly persons. Core services are those services which are most needed to prevent unnecessary institutionalization. Core services shall be limited to homemaker and chore services, respite care, adult day care, transportation and escort services, counseling services, home delivered meals and health maintenance services. Services other than the community care for the elderly core services may be incorporated into a community care service system, but shall not be funded with funds designated for community care for the elderly. Case management services shall be provided to functionally impaired elderly persons as needed to ensure that arrangements are made for appropriate services. If independent living is no longer possible for a functionally impaired elderly person, the case manager shall assist the person in locating the most appropriate, least restrictive, and most cost-beneficial alternate living arrangement.

(2) Core and other support services may be furnished by public or private agencies or organizations. Each community care service system shall be under the direction of a lead agency which shall coordinate the activities of individual contracting agencies providing community care for the elderly services. When practicable, the community care service system shall be located in a multi-service senior center and coordinated with other services offered therein. The multi-service senior center shall be the focal point for locally provided community care for the elderly services. Nothing in this subsection shall require programs in existence prior to the effective date of this act to be relocated.

(3) Services shall be coordinated into the community care service system and shall include:

(a) Community care core services.

- (b) Older Americans Act services.
- (c) Title XX services.
- (d) Senior center services.
- (e) Protective services.
- (f) Hospice services.
- (g) Financial assistance services, including, but not limited to, food stamps, Medicaid, Medicare, and Supplemental Security Income.
- (h) Other community services.

(4) The department shall define each core service pursuant to s. 410.0241(1) and establish minimum standards for the delivery of core services and may conduct or contract for demonstration projects to determine the desirability of new concepts of organization, administration, or service delivery designed to prevent the institutionalization of functionally impaired elderly persons. Evaluations shall be made of the cost-effectiveness of such demonstration projects, the ability of the projects to reduce the rate of placement of functionally impaired elderly persons in institutions, and the impact of projects on the use of institutional services and facilities.

(5) A pre-service and inservice training program for community care for the elderly service providers and staff shall be designed and implemented to help assure the delivery of quality services. Community care for the elderly service providers and staff shall participate in inservice training at least three times a year. Training that is currently provided may be used to satisfy this requirement. Training programs may be offered to volunteers to fulfill the requirements of s. 410.24(3). Training shall be funded through the Older Americans Act, Title XX of the Social Security Act, and other available sources.

(6) Any person who has been classified as a functionally impaired elderly person, as defined in s. 410.023(5), shall be eligible to receive community care for the elderly core services. Those elderly persons who are determined by the functional assessment to be at risk of institutionalization shall be given primary consideration.

Section 6. Section 410.025, Florida Statutes, is hereby repealed.

Section 7. Section 410.026, Florida Statutes, is amended to read:

410.026 Multi-service senior center program.—

(1) A multi-service senior center shall be ~~program, primarily~~ geared to enable a functionally impaired elderly person to live independently outside of an institution by ~~servicing as the focal point for providing a coordinated program of services, shall include community care for the elderly core services pursuant to s. 410.0241 and other community support services.~~

- (a) Health maintenance service.
- (b) Homemaking and chore service.
- (c) Mobile meal service.
- (d) Counseling service.
- (e) Telephone reassurance service.
- (f) Information and referral service.

Additional services, such as transportation service, legal service, and employment service, may be incorporated into the program as appropriate and to the extent that resources are available.

(2) When feasible, such services shall be available on an emergency basis, 24 hours a day.

(3) When feasible, a multi-service senior center shall be centrally located and easily accessible to public transportation. Provision may be made for transporting persons to the center. A center shall be designed to provide ease of access and use, considering the infirmities of frail and handicapped elderly persons.

(4) Services may be furnished by public agencies or private organizations, but the total program of providing services with-

in, and outside of, the center shall be coordinated by means of a single, centralized management unit which operates within the center and is established, staffed, and equipped for such purpose.

(5) As part of a multi-service senior center program, nursing home or hospital day care for the elderly services may be offered for mentally or physically impaired or frail individuals who are 60 years of age or older and who have a regular place of domicile or who do not require 24 hour a day care in a hospital, nursing home, or other health care institution, but who may, in the absence of day care for the elderly services, require admission to an acute or long term health care facility.

(a) Each day care for the elderly service established pursuant to this subsection shall:

1. Provide a protective physical environment for elderly persons.
2. Make available to all day care participants at least one meal on each day of operation.
3. Provide facilities to enable day care participants to obtain needed rest while attending the program and provide social activities designed to stimulate interest and rekindle motivation.
4. Provide socialization in large and small groups.

(b) Participants in day care for the elderly services in a hospital as licensed under chapter 395 or nursing home as licensed under part I of chapter 400 shall not be counted as part of the hospital's or nursing home's general patient population in determining requirements for licensure.

Section 8. Section 410.027, Florida Statutes, is hereby repealed.

Section 9. Section 410.029, Florida Statutes, is created to read:

410.029 Multiyear plans.—The department shall develop a multiyear plan which shall provide for the implementation of at least one community care system in each district, and in each subdistrict where practicable. The multiyear plan shall be developed concurrent with and integrated into the State Plan on Aging required under the Older Americans Act and shall provide statewide coordination of all community based services for the elderly. The multiyear plan shall include an inventory of existing services and an analysis comparing the cost of institutional care and the cost of community care and other community-based services for the elderly. The multiyear plan shall emphasize potential savings to the state made by providing community-based services for the elderly under this act. The multiyear plan shall be presented to the Speaker of the House of Representatives and the President of the Senate by October 1, 1980, and at such times thereafter as required by the Older Americans Act.

Section 10. The Department of Health and Rehabilitative Services shall, by January 1, 1981, adopt rules to implement the provisions of this act.

Section 11. This act shall take effect upon becoming a law.

Senator MacKay moved the following amendment which was adopted:

Amendment 2—On page 1, in title, lines 1-31, and on page 2, lines 1-9, strike all of said lines and insert:

A bill to be entitled An act relating to community care for the elderly, amending ss. 410.021, 410.022, 410.023, 410.024, 410.026, Florida Statutes; providing a short title; providing definitions; providing for the establishment of a community care service system by the Department of Health and Rehabilitative Services or contracting agency; providing for the coordination of services to functionally impaired elderly persons; providing for the training and supervision of volunteers; providing for minimum local funding; providing for contributions by functionally impaired elderly persons; providing for a uniform cost accounting and reporting system; authorizing the Department of Health and Rehabilitative Services to provide advance funding to contracting agencies; creating s. 410.0241, Florida Statutes; providing for the establishment of community care service systems; defining core services; providing for each community care service system to be under

the direction of the department or contracting agency; providing for the location of a community care service system in multi-service senior centers, where practicable; providing for service integration; providing for the facilitation of core service delivery through the establishment of programs; authorizing the Department of Health and Rehabilitative Services to establish standards for core services and to conduct demonstration projects; providing for preservice and inservice training of service providers and staff; providing eligibility for services; creating s. 410.029, Florida Statutes; providing for the development of a state and multiyear plan for the effective implementation of the act; providing for adoption of rules; repealing s. 410.025, Florida Statutes, relating to home delivered service program; repealing s. 410.027, Florida Statutes, relating to family placement program; providing an effective date.

CS for SB 722 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

LOCAL BILL CALENDAR

SB 471—A bill to be entitled An act relating to Pinellas County; prohibiting the use of nets or seines except cast nets in Pinellas County within 100 yards of any bridge, dock, pier, causeway, or jetty or within 100 yards of certain uplands; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Grizzle moved the following amendments which were adopted:

Amendment 1—On page 1, line 20-22, strike "all of said lines" and insert: shall be a misdemeanor, and shall be punishable as provided by law.

Amendment 2—On page 1, line 13, before the word "Pinellas" insert: the salt waters of

Amendment 3—On page 1, line 4-6, strike all of said lines and insert: Pinellas County within 50 yards of any dock or seawall from certain upland used for private residential purposes; providing a penalty;

Amendment 4—On page 1, line 13-16, strike all of said lines and insert: fish in Pinellas County within 50 yards of any dock or seawall from any upland used for private residential purposes when there are two or more

Amendment 5—On page 1 in title, line 3, after the word "in" insert: the salt waters of

On motion by Senator Grizzle, by two-thirds vote SB 471 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—1

Chamberlin

SB 1361—A bill to be entitled An act relating to Okaloosa County; providing a limit on the number of speckled sea trout taken from certain salt water; providing penalties; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 1361 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 1363—A bill to be entitled An act relating to Manatee County; creating the Manatee County Transportation Authority; providing definitions; providing for appointment of members by the Governor; providing procedures; providing powers of the authority; authorizing the issuance of bonds by the authority; authorizing the issuance of general obligation bonds by the Board of County Commissioners of Manatee County; authorizing Manatee County and the governing bodies of any municipality to make certain contributions or conveyances to the authority; authorizing the authority to issue industrial revenue bonds; providing remedies for any bondholder and any trustee under any trust agreement; providing that the authority is a political subdivision for the purposes of certain tax exemptions; providing that the authority shall be considered an agency subject to the provisions of chapter 120, Florida Statutes; requiring an appropriation by Manatee County; providing; an effective date.

—was read the second time by title.

Senator Neal moved the following amendment which was adopted:

Amendment 1—On page 3, line 14, strike "menas" and insert: means

Senator Henderson moved the following amendments which were adopted:

Amendment 2—On page 28, line 9, strike all of line 9 and insert:

Section 22. This act, except for this section which shall take effect upon becoming a law, shall take effect only upon approval by a majority vote of the electors of Manatee County voting in a referendum election which shall be called by the Board of County Commissioners of Manatee County at the first primary election to be held September 9, 1980. There shall be at least 30 days' notice of the election as provided by s. 100-342, Florida Statutes.

Amendment 3—On page 1, line 22, after the semicolon (;) insert: providing for a referendum;

On motion by Senator Neal, by two-thirds vote SB 1363 as amended was read the third time by title, passed, ordered engrossed and then 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
Fechtcl	Johnston	Scott	Winn

Nays—None

On motion by Senator Neal, the rules were waived and the Senate immediately reconsidered the vote by which SB 1363 as amended passed. The vote was:

Yeas—27

Mr. President	Childers, W. D.	Jenne	Peterson
Anderson	Dunn	Johnston	Steinberg
Barron	Fechtcl	MacKay	Stuart
Beard	Frank	McClain	Thomas
Carlucci	Gorman	McKnight	Trask
Chamberlin	Grizzle	Myers	Vogt
Childers, D.	Hair	Neal	

Nays—9

Henderson	Scarborough	Tobiassen	Williamson
Hill	Scott	Ware	
Poole	Skinner		

On motion by Senator Henderson, the Senate reconsidered the vote by which Amendment 2 was adopted. The question recurred on the adoption of Amendment 2 which failed.

On motion by Senator Henderson the Senate reconsidered the vote by which Amendment 3 was adopted. The question recurred on the adoption of Amendment 3 which failed.

SB 1363 as amended was read by title, passed, ordered engrossed and then 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
Fechtcl	Johnston	Scott	Winn

Nays—None

SB 1364—A bill to be entitled An act relating to Broward County; amending s. 4, chapter 24415, Laws of Florida, 1947, as amended; authorizing the Board of Commissioners of the South Broward Hospital District to invest and reinvest surplus public funds; authorizing the board to delegate such authority; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 1364 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

SB 1367—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County, Florida; amending section 40, chapter 61-1439, Laws of Florida, as amended; providing that any person who willfully obstructs certain watercourses or damages or destroys certain drainage works shall be liable to the district for double the cost of repair; providing that any person who obstructs certain watercourses or impedes or obstructs the flow of water therein or damages or destroys certain drainage works is guilty of a misdemeanor of the first degree; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendment which was adopted:

Amendment 1—On page 1, line 21, strike "Section 6." and insert: Section 40.

On motion by Senator Jenne, by two-thirds vote SB 1367 as amended was read the third time by title, passed, ordered engrossed and then 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
Fechtcl	Johnston	Scott	Winn

Nays—None

Consideration of Senate Bills 1368, 1369, 1370 and 1371 was deferred.

SB 1372—A bill to be entitled An act relating to the Port Everglades Authority, Broward County; amending s. 1(a), (q), Article 3, Part I, chapter 59-1157, Laws of Florida, as amended; specifying the powers of the Port Authority; authorizing the Port Director to hire a harbor master; prohibiting Port Commissioners from participating in the hiring of certain employees; amending ss. 1, 2, 3, 5, 6, Article 1, Part II, chapter 59-1157, Laws of Florida, as amended, and creating a new s. 7 of said article; increasing the membership of the Port Everglades Commission to nine members; providing that the Governor shall initially fill the additional Port Commission seats for specified terms; providing that the Port Commission Chairman shall be selected annually, and may not serve more than two consecutive terms; deleting certain Port Commission powers and duties; prohibiting the Port Commission from interfering with the Port Director in the discharge of his duties; authorizing the Port Commission to determine and fix the compensation of Port Commissioners in an amount not to exceed \$200 per month for each Commissioner; authorizing \$100 per month for travel expenses for each Commissioner and \$150 per month for the Chairman; requiring that all Port Commissioners and candidates for the office of Port Commissioner shall comply with part III of chapter 112, Florida Statutes, requiring full and public disclosure of financial interest; amending ss. 1, 2, Article II, Part II, chapter 59-1157, Laws of Florida, as amended; amending ss. 3, 5, Article III, Part II, chapter 59-1157, Laws of Florida, as amended; requiring five affirmative votes to pass resolutions of the Port Commission; providing for recording; authorizing any five members to call special meetings of the Port Commission under certain circumstances; modifying certain language relating to the validity of proceedings at a meeting called improperly; specifying

quorum; amending ss. 1, 2, 5, Article I, Part III, chapter 59-1157, Laws of Florida, as amended; increasing the authority of the Port Director and decreasing the authority of the Port Commission with regard to hiring and discharging employees, fixing salaries, and setting bonds for certain employees; amending s. 1, Article 2, Part III, chapter 59-1157, Laws of Florida, as amended; limiting the term of the Port Chairman-Commissioner to one year; amending Article 3, Part III, chapter 59-1157, Laws of Florida, as amended; providing that the Port Commission may not reduce the salary of the Port Director during his term of office; requiring that the Port Director enter into an employment contract during his term of office for a period not to exceed two years; providing that a Port Commissioner may not serve as Port Director during the term for which elected and until one year after its expirations; expanding the powers and duties of the Port Director with regard to the operation of the Port; amending ss. 1, 2, Article 4, Part III, chapter 59-1157, Laws of Florida, as amended; placing the Port Secretary and Port Treasurer under the direct supervision of the Port Director; specifying duties of Port Secretary and Port Treasurer; amending ss. 1, 6, Part IV, chapter 59-1157, Laws of Florida, as amended, and creating ss. 3(a), 4(a) of said part; providing for the election of certain Port Commissioners; providing terms of office for certain Port Commissioners; amending ss. 1, 7, Article 3, Part V, chapter 59-1157, Laws of Florida, as amended; providing that certain terms and conditions of Port Everglades Authority bonds shall be in accordance with general law; amending s. 1, Article 4, Part V, chapter 59-1157, Law of Florida, as amended; providing procedure for issuance of bonds; amending s. 1(b), (c), Part IX, chapter 59-1157, Laws of Florida, as amended; increasing to \$10,000 the amount of goods, supplies, materials, or equipment that may be purchased without competitive bid; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 5, line 22, after the period (.) insert: The five commissioners in office on the effective date of this act shall continue to serve until the expiration of their terms.

Amendment 2—On page 11, line 23, strike the word "shall" and insert: the word "may"

Amendment 3—On page 12, line 13, between "functions" and "and" insert: , duties

Amendment 4—On page 15, line 23, strike "." after February 1, 1981 and insert: , subject to approval and adoption of a special act by the Broward County Legislative Delegation.

Amendment 5—On page 16, line 27, after "Port Director," insert: subject to approval of the Port Commission, and

Amendment 6—On page 16, line 27, between "Port Director," and "shall" insert: subject to approval of the Port Commission, and

Amendment 7—On page 23, strike all of lines 8 through 14 and insert: Section 12. This act shall take effect November 1, 1980.

On motion by Senator Jenne, by two-thirds vote SB 1372 as amended was read the third time by title, passed, ordered engrossed and then 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
Fechtcl	Johnston	Scott	Winn

Nays—None

SB 1374—A bill to be entitled An act relating to Santa Rosa County; providing a limit on the number of speckled sea trout taken from salt water; providing penalties; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 1374 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
Fechtcl	Johnston	Scott	Winn

Nays—None

SB 1375—A bill to be entitled An act relating to Escambia County; providing a limit on the number of speckled sea trout taken from salt water; providing penalties; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 1375 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
Fechtcl	Johnston	Scott	Winn

Nays—None

HB 884—A bill to be entitled An act relating to Palm Beach County; amending Chapter 71-604, Laws of Florida, as amended, which established the Delray Beach Downtown Development Authority; amending Section 3, the Downtown Area Description by expanding said area; amending Section 4, Creation of the Authority, Composition, and Provisions Relating to Members, expanding the Board composition to seven members, four of whom must be owners of realty within the Downtown area, a lessee required by the lease to pay taxes thereon, or a director, officer, or managing agent of an owner or of a lessee thereof so required to pay taxes thereon; providing that the members of said Board should be geographically proportioned as evenly as is possible in the entire area encompassing the Downtown; providing that this act will become effective upon becoming a law and upon approval at a Referendum Election and upon securing the consent of a majority of the property owners of the area to be added to the present Downtown area.

—was read the second time by title.

Senator Don Childers moved the following amendment which was adopted:

Amendment 1—On page 8, lines 30 and 31, strike the words "become effective immediately upon passage of this Act," and insert: take effect on the date this Act becomes a law,

On motion by Senator Johnston, by two-thirds vote HB 884 as amended 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
Barron	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

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

—was read the second time by title.

Senator Grizzle moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 9-10, insert: (11) To study the feasibility of financing and establishing one or more trauma centers appropriately located throughout Pinellas County, and to establish a trauma center or centers.

Amendment 2—On page 4, line 14, after “services,” insert: including the financing and establishment of a trauma center or centers,

Amendment 3—On page 4, line 11, after “to” insert: review and evaluate studies commissioned by the Authority upon the Authority’s request, and to

Amendment 4—On page 5, line 13, strike the words “by this act” and insert: in section 6

Amendment 5—On page 6, lines 6-7, strike all of said lines and insert: Section 11. This act, except for this section which shall take effect upon becoming a law, shall take effect only upon approval by a majority vote of the electors of Pinellas County voting in a referendum election which shall be called and held by the Board of County Commissioners in Pinellas County. There shall be at least 30 days’ notice of the election as provided by s. 100.342, Florida Statutes.

Amendment 6—On page 1, line 21, after the semicolon (;) insert: providing a referendum;

On motion by Senator Grizzle, by two-thirds vote HB 995 as amended 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

HB 1008—A bill to be entitled An act relating to Pinellas County; amending section 1, subsection (1) of section 2, and section 6 of chapter 63-1790, Laws of Florida, and adding a new section, and amending section 5 of chapter 63-1790, Laws of Florida, as amended, relating to uniform closing hours for all businesses in Pinellas County dealing in alcoholic beverages, whether licensed or not licensed under the state beverage law, enlarging the scope and purpose of the act; redefining “business establishment” to include devices used in “Bottle Clubs” to avoid coverage under the act; confirming that such businesses are not exempted from local government zoning and land use prohibitions and requirements; prescribing prohibited conduct by owners, operators, employees, patrons and other persons, and presumptions and evidence required to prove violations; specifying second degree misdemeanor penalty; adding greater penalties for owners, etc., upon subsequent convictions; providing for severability; providing an effective date.

—was read the second time by title.

Senator Grizzle moved the following amendment which was adopted:

Amendment 1—On page 7, line 3-15, strike all of said lines and insert: thereof, guilty of a misdemeanor and shall be punished therefor as provided by law.

On motion by Senator Grizzle, by two-thirds vote HB 1008 as amended 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

HB 1222—A bill to be entitled An act relating to Orange County; repealing chapters 59-1651, 67-1821, 69-1380, 71-801, 71-802, 71-805, 74-552, 75-460, 76-448, and 79-529, Laws of Florida, relating to the creation, establishment, and maintenance of fire control districts in parts of Orange County and to the inspection and regulation of fire hazards by said fire control districts; providing that each of said special laws shall become an ordinance of the county; providing authority to the board of county commissioners to create, revise, or abolish fire control districts; requiring ordinances consolidating the present fire control districts to be approved by vote of the electors; providing for transfer of assets and liabilities of abolished districts; requiring a report; providing an effective date.

—was read the second time by title. On motion by Senator Gorman, by two-thirds vote HB 1222 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

HB 1458—A bill to be entitled An act relating to Hendry County; creating, establishing and incorporating the Pioneer Plantation Water Control District in Hendry County; defining its boundaries; prescribing its powers, privileges, duties, lia-

bilities and officials; making applicable to said district the provisions of Chapter 298, Florida Statutes, being an act relating to the creation, organization and maintenance of water control districts and statutes amendatory thereto; providing for the appointment of the first board of supervisors and the appointment of future supervisors, defining their term of office and prescribing their duties, powers and qualifications; providing for the levies of assessments and taxes upon the lands in said district and for the collection and enforcement thereof; providing for the levy of a uniform acreage tax on lands in said district to be used for paying expenses in organizing said district; authorizing said district to borrow money and issue negotiable or nonnegotiable notes, bonds and other evidences of indebtedness in order to better carry out the provisions of this act; authorizing the drainage, reclamation and irrigation of the lands in said district by units; providing for severability of the provisions of the act; providing that the act shall take precedence over any conflicting law to the extent of such conflict; enacting other provisions relating to this subject; providing for a referendum and that this act shall not take effect until ratified by the landowners in the district in said referendum.

—was read the second time by title.

Senator Johnston moved the following amendment which was adopted:

Amendment 1—On page 17, lines 4-6, strike lines 4 through 6, and insert:

Section 15. Except for this section and sections 13 and 14 which shall take effect upon becoming a law, this act shall take effect only upon approval at the referenda provided in sections 13 and 14.

On motion by Senator Johnston, by two-thirds vote HB 1458 as amended 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
Fechtcl	Johnston	Scott	Winn

Nays—None

HB 1494—A bill to be entitled An act relating to Sarasota County, Fruitville Area Fire Control District; amending sections 2, 4 and 11 and adding section 21 to chapter 65-2251, Laws of Florida, as amended, providing authority for the District to enter into lease or lease-purchase agreements; providing for the appointment and authority of a district fire marshal; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1494 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
Fechtcl	Johnston	Scott	Winn

Nays—None

HB 1495—A bill to be entitled An act relating to Sarasota County, South Trail Area Fire Control District; amending sec-

tion 11 of chapter 65-2241, Laws of Florida, as amended, providing for the appointment and authority of a district fire marshal; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1495 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
Fechtcl	Johnston	Scott	Winn

Nays—None

HB 1499—A bill to be entitled An act relating to Pinellas County; providing for a home rule charter; providing a preamble; providing for creation of government; providing for county name and county seat; providing powers and duties; providing for security of rights of citizens; providing for prohibition of conflict of interest; providing for just and equitable taxation; providing for full access to public records and proceedings; providing for protection of human rights; providing for protection of consumer rights; providing for exercise of powers; providing special powers to the county; authorizing the county to furnish additional services pursuant to contract with a municipality; providing for limitation of powers; providing that nothing in the charter shall prevent a municipality from annexing in accordance with general law; providing for a legislative branch of government; providing for a board of county commissioners; providing for the enactment of ordinances and resolutions; providing for an administrative branch of county government; providing for the appointment and duties of a county administrator; providing for the appointment, qualifications, and duties of a county attorney; providing that this document shall in no manner change the status, duties, or responsibilities of the Clerk of the Circuit Court, Property Appraiser, Tax Collector, Sheriff, or Supervisor of Elections; providing for effectiveness of existing laws, ordinances, rules, resolutions, and policies of the county; providing that certain special laws and general laws of local application shall become county ordinances; providing that this document shall in no manner change the status, duties, or responsibilities of certain boards, authorities, districts or councils; providing for construction of the charter; providing for charter amendments; providing for severability; providing for charter initiative; providing for charter review; providing for the continuation of proceedings involving or before county government; providing for continuation of outstanding bonds; repealing section 16 of chapter 77-642, Laws of Florida, relating to a personnel system for employees of the Pinellas Board of County Commissioners; providing for a referendum; providing for effective date of charter after approval at referendum; providing for question on ballot; providing an effective date.

—was read the second time by title.

Senator Grizzle moved the following amendments which were adopted:

Amendment 1—On pages 16 and 17, strike all of sections 3, 4, and 5 and insert:

Section 3. Except for this section and section 4, both of which shall take effect upon becoming a law, this act shall take effect only upon approval by a majority vote of the electors of Pinellas County voting in a referendum election called by the Board of County Commissioners of Pinellas County. Said election shall be conducted in accordance with the applicable provisions of Florida law and may be called in conjunction with any other election. Section 2 shall take effect upon approval of this act and section 1 shall take effect 30 days after being approved by a majority of those electors voting on the question.

Section 4. The question on the ballot shall be in substantially the following form:

Limited Home Rule Charter

Shall the Home Rule Charter of Pinellas County contained in Chapter 80- , Laws of Florida, which defines the role and responsibilities of the Board of County Commissioners, be approved?

For Home Rule Charter

Against Home Rule Charter

Amendment 2—On page 5, line 8, after the word "office" insert: , except for those officers for which removal is provided under the State Constitution.

On motion by Senator Grizzle, by two-thirds vote HB 1499 as amended 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

HB 1564—A bill to be entitled An act relating to Clay County; establishing a local government study commission in Clay County, to study the structures, functions and operations of all governmental units and bodies located within the said county, including the county government, municipal governments, public bodies corporate, and all offices, agencies, commissions, boards, authorities and other subdivisions thereof; providing that said commission may draft a plan or plans for any solution of problems disclosed as a result of such study and submit the same to the members of the Legislature representing Clay County; providing the manner of appointment of the chairman and members of such commission and providing a method of filling vacancies; providing for the organization and term of such commission, prescribing its duties and powers; providing for a method for the payment of the expenses of such commission; providing an effective date.

—was read the second time by title. On motion by Senator Fechtel, by two-thirds vote HB 1564 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

HB 1582—A bill to be entitled An act relating to Clay County; repealing chapter 71-589, Laws of Florida, relating to the issuance of special alcoholic beverage licenses to certain bona fide restaurants in Clay County which do not meet the requirements of general law with respect to the issuance of such licenses; providing an effective date.

—was read the second time by title. On motion by Senator Fechtel, by two-thirds vote HB 1582 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Peterson	Trask
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HB 1594—A bill to be entitled An act relating to the City of Sanibel; authorizing the city council to create special taxing districts for the maintenance of canals, waterways and navigable channels, including bank management; providing a procedure therefor; providing for a referendum prior to the creation of any such district; providing for the expenses of creation; providing the powers of the district.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1594 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

HB 1599—A bill to be entitled An act relating to Bradford County; amending subsection (1) of section 4 and section 5 of chapter 73-408, Laws of Florida, increasing from 7 to 11 the number of members on the Bradford County Historical Board of Trustees; increasing from 4 to 6 the number of members required for a quorum; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 1599 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

HB 1628—A bill to be entitled An act relating to Broward County; amending section 9 of chapter 24415, Laws of Florida, 1947, as amended, authorizing and empowering the Board of Commissioners of the South Broward Hospital District to borrow funds to carry out work of the hospital authorized by the act, to borrow funds not to exceed the sum of \$1 million, to finance acquisition of personal property to be repaid over 5 years, and to secure said loans by a pledge of the personal property acquired; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1628 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 1369 was laid on the table.

HB 1629—A bill to be entitled An act relating to Broward County; amending section 4 of chapter 27438, Laws of Florida, 1951, relating to the North Broward Hospital District, to authorize and empower the board of commissioners of said district to delegate their authority to invest district "surplus funds" as defined in chapter 218, Florida Statutes, in such investments as allowed by s. 218.345, Florida Statutes; providing that said delegation by the Board of Commissioners shall be proper when said delegation is made in writing to a national banking organization acting pursuant to a written trust agreement as a trustee of District funds; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1629 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

HB 1630—A bill to be entitled An act relating to Broward County; amending section 6 of chapter 24415, Laws of Florida, 1947, as amended, relating to the South Broward Hospital District; authorizing the Board of Commissioners of the South Broward Hospital District to acquire a hospital or hospitals, including the construction and acquisition of parking facilities and such other facilities as are necessary and incidental to the operation of such hospital or hospitals, and to acquire said hospital or hospitals for the preservation of the public health and public good; amending section 10 of chapter 24415, Laws of Florida, 1947, as amended, authorizing the Board of Commissioners of the South Broward Hospital District to issue bonds of said district bearing a rate of interest not to exceed 9 1/2 percent per annum becoming due not more than 40 years from the date of issuance in an amount not to exceed \$50 million as the total bonded indebtedness of said district (excluding from such total bonded indebtedness such obligations of said district that are payable from moneys other than taxation raised annually within said district as provided in section 11 of chapter 24415, Laws of Florida, 1947) for the purpose of raising funds to establish, construct, acquire, add to, operate and maintain such hospital or hospitals and to refund any and all previous issues of bonds in such manner as said district determines to be in its best interests; amending section 11 of chapter 24415, Laws of Florida, 1947, providing reference to issuance of such bonds; amending section 12 of chapter 24415, Laws of Florida, 1947, as amended, providing that all bonds, except refunding bonds and revenue certificates, be issued only after approval at a bond election; amending section 13 of chapter 24415, Laws of Florida, 1947, as amended, authorizing the Board of Commissioners of the South Broward Hospital District to issue revenue certificates of the hospital district for the furnishing and reconstruction of any hospitals of the district; providing for such revenue certificates to bear interest at rates as determined

by the board of commissioners and to mature not more than 40 years from their date or dates in such denominations as may be determined by the board; providing that such revenue certificates shall not be considered as part of the total bonded indebtedness of the district; authorizing the board of commissioners to provide by resolution for the issuance of refunding certificates under such terms and conditions as the board of commissioners shall determine to be in the best interests of the district; amending section 15 of chapter 24415, Laws of Florida, 1947, providing that all bonds issued under the provisions of section 10 of chapter 24415, Laws of Florida, 1947, shall be in the denomination of \$100 or \$1,000 and shall be payable at such place or places as the governing authority may determine; amending section 16, of chapter 24415, Laws of Florida, 1947, providing that bonds issued pursuant to the provisions of section 10 of chapter 24415, Laws of Florida, 1947, may be either registered or coupon bonds; amending section 17 of chapter 24415, Laws of Florida, 1947, providing that the Board of Commissioners of the South Broward Hospital District shall investigate and determine the legality of the proceedings before any bonds are issued pursuant to the provisions of section 10 of chapter 24415, Laws of Florida, 1947; providing that where a recital is authorized it shall be deemed to be an authorized declaration by the governing body of the district and shall import that there is constitutional and statutory authority for incurring debt and issuing bonds; amending section 18 of chapter 24415, Laws of Florida, 1947, providing that in issuing bonds under the provisions of section 10 or in issuing revenue certificates under the provisions of section 13 of chapter 24415, Laws of Florida, 1947, there may be more than one improvement in hospital purpose in any such issuance; amending section 19 of chapter 24415, Laws of Florida, 1947, as amended, providing that all bonds issued under the provisions of section 10 of chapter 24415, Laws of Florida, 1947, shall be advertised for sale on sealed bids; providing that such notice of sale shall also be published one time at least 10 days preceding the date fixed for the reception of bids, in a financial paper or journal of general circulation in the City of New York, New York; providing that no bonds issued hereunder shall be sold at such price or prices so as to produce a net interest cost in excess of 9 1/2 percent per annum; amending section 20 of chapter 24415, Laws of Florida, 1947, providing that no publication of any resolution or proceeding relating to the issuance of said certificates shall be required, except such as required by this act; amending section 21 of chapter 24415, Laws of Florida, 1947, providing for the Board of Commissioners of the South Broward Hospital District to provide by resolution for the issuance of refunding bonds of an existing bond indebtedness, issued under the provisions of section 10 of chapter 24415, Laws of Florida, 1947; amending section 22 of chapter 24415, Laws of Florida, 1947, providing that such refunding bonds mature not later than 40 years from their respective dates; amending section 23 of chapter 24415, Laws of Florida, 1947, providing that the authority of the district to issue obligations under this act may be determined and obligations to be issued under this act may be validated as provided by law; amending section 24(a) of chapter 24415, Laws of Florida, 1947, providing that the refunding bonds may be sold or exchanged at any time, on, before, or after the maturity of any of the outstanding bonds, to be refinanced thereby; amending section 24(b) of chapter 24415, Laws of Florida, 1947, providing for the private exchange of any refunding bonds by the Board of Commissioners of the South Broward Hospital District for any of the outstanding bonds; providing that such exchange may be for a like or greater principal amount of such bonds of the district; providing the holder of such outstanding bonds need not pay accrued interest on the refunding bonds to be delivered in exchange therefor if and to the extent that interest is due or accrued and unpaid on such outstanding bonds to be surrendered; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 1630 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

SB 1371 was laid on the table.

HB 1742—A bill to be entitled An act relating to the City of Graceville, Jackson County; amending Chapter 61-2203, Laws of Florida, being the Charter of the City of Graceville; amending Section 130 pertaining to Adoption of General Laws of State: Absentee Voting in Municipal Elections; providing for absentee voting in Graceville municipal elections.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote HB 1742 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
Fechtcl	Johnston	Scott	Winn

Nays—None

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

HB 666—A bill to be entitled An act relating to the Jacksonville Port Authority; amending section 2(f) of chapter 63-1447, Laws of Florida, as amended by chapter 73-452, Laws of Florida, providing for the inclusion of facilities for recreational programs and activities in the definition of the word "project"; providing an effective date.

—passed.

On motion by Senator Hair, the rules were waived and the Senate reconsidered the vote by which HB 666 was read the third time.

Senator Scarborough moved the following amendment which was adopted:

Amendment 1—On page 1, line 21, strike all of line 21 and insert: on page 2, line 15, after "thereof." *The authority is authorized to use such of its real property as it deems fit for facilities for recreational programs and activities, provided, however, that such programs and activities are approved by a simple majority vote of the Jacksonville City Council.*

On motion by Senator Hair, by two-thirds vote HB 666 as amended 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
Fechtcl	Johnston	Scott	Winn

Nays—None

On motion by Senator Don Childers, 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 recalled from the Governor's office by HCR 1837 and returns to the Senate as requested—

By Representative Nergard—

HB 934—A bill to be entitled An act relating to St. Lucie County; amending section 1 of chapter 29502, Laws of Florida, 1953, as amended, changing the boundaries of the St. Lucie County Mosquito Control District; providing an effective date.

Allen Morris, Clerk

On motion by Senator Don Childers, the rules were waived and the Senate immediately reconsidered the vote by which HB 934 passed.

Senator Don Childers moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 1, lines 16-31, on page 2, lines 1-13, strike all of said lines and insert: expanded to include that part of St. Lucie County, Florida, described as follows:

The Northwest 1/4 of the Southeast 1/4 and Southwest 1/4 of the Southeast 1/4 and Southeast 1/4 of the Southeast 1/4; all lying and being in Section 11, Township 36 South, Range 38 East, St. Lucie County, Florida.

Amendment 2—On page 2, line 17, strike "created" and insert: added

HB 934 as amended was read 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
Fechtcl	Johnston	Scott	Winn

Nays—None

HB 1216—A bill to be entitled An act relating to Pinellas County; providing for the establishment of a code enforcement board in each municipality of Pinellas County; providing short title; providing legislative intent; providing applicability; providing definitions; providing organization; providing enforcement procedures; providing powers; providing fines; providing for appeal; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote HB 1216 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
Fechtcl	Johnston	Scott	Winn

Nays—None

SB 1338—A bill to be entitled An act relating to Lee County; amending s. 2, s. 3, and s. 13 of Chapter 27676, Laws of Florida,

1951, as amended, providing for the election of members of the board of the Fort Myers Beach Fire Control District; providing for method and time of such elections; expanding the board to five members; providing for assumption of office by members of the board; providing for vacancies; providing for continuation in office for a certain period of time by members of the board in office on the effective date of the act; requiring a referendum on whether to dissolve the district; providing for an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

Amendment 1—On page 1, line 19, strike everything after the enacting clause and insert: Section 1. Findings of fact.—The Legislature of the State of Florida hereby finds that Gasparilla Island, including Boca Grande Isles and Gasparilla golf course island, Three Sisters Island, Hoagen's Key and Loomis Island, lying within Charlotte County and Lee County, including all adjacent submerged lands, tidal lands, overflow lands and tidal ponds, are fragile barrier islands as defined in the Presidential Directive on barrier islands dated May 23, 1977, and are areas of particular natural beauty containing abundant plant, marine, animal and bird life. The conservation of the natural beauty, plant, marine, animal and bird life of the islands is in the best interest of the residents and property owners of the islands and the citizens of Lee and Charlotte Counties and the State of Florida. The manner and extent to which development of the islands is permitted to occur will have a substantial effect on the ecology and natural beauty of the islands. In order to preserve and conserve the fragile ecosystems and natural characteristics of the islands, it is necessary to restrict by this act land uses and the height and density of structures and to prevent the proliferation of exterior advertising signs on the island. The purpose of this act is to permit limited development of the islands while preserving the natural beauty and plant, marine, animal and bird life.

Section 2. Short title.—This act shall be known and cited as the Gasparilla Island Conservation District Act.

Section 3. District creation and boundaries.—There is hereby created a special conservation district, for the uses and purposes set forth herein, known as the Gasparilla Island Conservation District. The boundaries of the district are determined as follows: all of Gasparilla Island, including Boca Grande Isles and Gasparilla golf course island, Three Sisters Island, Hoagen's Key, and Loomis Island, situated in Lee County and Charlotte County, including all adjacent submerged lands, tidal lands, overflow lands, and tidal ponds.

Section 4. Restrictions on density, height, land uses and advertisement.—

(1) No building or other structure shall be erected or altered within the district so that the peak of the roof is more than 38 feet above the average grade of the lot or parcel on which the building or structure is located, or is more than 42 feet above mean sea level, whichever is lower.

(2) The density of any development which includes dwelling units, whether or not it includes commercial rental dwelling units, shall not exceed 5 dwelling units per acre. In computing such density, only land above mean sea level, contiguous and under single ownership may be utilized. Parcels which are bisected by a publicly dedicated road, including state and county roads, shall not be considered contiguous for the purpose of computing density hereunder.

(3) A single family dwelling may be constructed on lands zoned for such use, including lots which were platted and recorded prior to the effective date of this act or lands rezoned for single family use after the effective date of this act. Notwithstanding, the use of nonconforming lots shall be governed by local zoning regulations.

(4) No land within the district shall be used for commercial, industrial or multi-family purposes except land that was zoned for such uses prior to the effective date of this act. Nothing contained in this act shall preclude maintenance of fuel supply facilities at existing port of off-loading facilities.

(5) No exterior advertising sign shall be erected or displayed within the district except on-site signs which relate in subject matter to the premises on which they are located. Exterior advertising signs which are banners, beacons, neon, rotating, flashing or animated are prohibited.

(6) This section shall not render legally existing structures and/or signs unlawful.

Section 5. Rules of construction.—

(1) This act shall not be construed as limiting the application of or repealing any local comprehensive land use plan or law or rule dealing with the subject of zoning, conservation, or air and water pollution standards or advertising (signs); but if any of the standards specified by this act are more restrictive than those specified in such other plan, law or rule, the standards specified by this act shall prevail.

(2) That southern portion of Gasparilla Island consisting of approximately 42 acres and used generally as a port operation, more specifically described as a tract or parcel of land lying in Sections 23 and 26, Township 43 South, Range 20 East, Gasparilla Island, Lee County, Florida, which tract or parcel is described as follows:

Beginning at the intersection of the approximate Mean High Tide Line of Charlotte Harbor with the south line of the north half (N ½) of the south half (S ½) of Government Lot 3 said Section 26, being also the south line of lands owned by Florida Power & Light Company as described in deed recorded in Deed Book 273 at page 236 of the public records of said Lee County, Florida, run S 89° 21' W along said south line to the southwest corner of said lands described in said deed; thence run N 00° 39' W, perpendicular to said south line, for 513.46 feet to an intersection with the south line of a County Road as described in County Commission Minute Book 8 at page 298; thence run S 89° 43' 20" E along said south line and an easterly prolongation thereof for 587.88 feet to the southwest corner of lands described in deed recorded in Official Record Book 1346 at page 1236 of said public records; thence run N 00° 16' 40" E along the west line of said lands for 165 feet to the south line of lands of the Seaboard Coast Line Railroad (formerly Charlotte Harbor & Northern Railway) as described in deed recorded in Deed Book 129 at page 346 of said public records; thence run N 89° 43' 20" W along said south line for 1450 feet more or less to the approximate Mean High Tide Line of the Gulf of Mexico; thence run northerly along said line for 350 feet more or less to an intersection with a line bearing N 89° 58' W and passing through Monument "B", as described in said Railroad deed; thence run S 89° 58' E along said line, being a northerly line of said lands described in said deed, for 510 feet more or less to said Monument "B"; thence run N 00° 08' W along a west line of said lands for 1200 feet to Monument "A", as described in said deed; thence run N 89° 52' E along a north line of said lands for 597.4 feet; thence run N 46° 29' E for 145.35 feet to an intersection with a line 50 feet westerly from and parallel with the centerline of the main track of said Railroad; thence run northerly along said parallel line for 8122.5 feet to the north line of said Section 23, being the south line of First Street as shown on the Revised Plat of Boca Grande recorded in Plat Book 7 at pages 1 and 1A of said public records; thence run easterly along said south line of First Street for 103 feet to an intersection with a line 50 feet easterly from and parallel with said centerline of said main track; thence southerly along said parallel line for 5545 feet; thence easterly for 30 feet to an intersection with a line 80 feet easterly from and parallel with said centerline; thence southerly along said parallel line for 2677.5 feet to an intersection with a line bearing N 89° 52' E and passing through said Monument "A"; thence run N 89° 52" E along said line, being also a north line of said Railroad lands, for 285 feet more or less to the approximate Mean High Tide Line of Charlotte Harbor; thence run southerly along said line for 2250 feet more or less to the Point of Beginning. TOGETHER WITH the existing right-of-way for the Seaboard Coast Line Railroad (formerly Charlotte Harbor & Northern Railway) running northerly from the hereinabove described south line of First Street to the north shore of said Gasparilla Island in Charlotte County, Florida, shall be exempt from the provisions of this act until July 1, 1981.

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

Section 6. Any owner of real property within the district may enjoy the violation of this act and/or enforce the

provisions of this act by instituting civil proceedings filed in a court of competent jurisdiction. In order to enforce the provisions of this act and/or to enjoin a violation of same, a real property owner need not allege or prove that the violation of this act will adversely affect the property rights of said real property owner to any greater extent or different degree than said violation will affect any other real property owner within the district. A real property owner who is successful in his/her efforts to enforce this act through civil proceedings shall be awarded a reasonable attorney's fee and court costs which shall be assessed as a judgment against the person or persons determined by the court to have violated this act. No action by any county commission shall be required as a condition precedent to enforcement of this act pursuant to this section.

Section 7. Recording of the act.—The Secretary of State shall cause a certified copy of this act to be recorded with the Clerk of the Circuit Court of Lee County and the Clerk of the Circuit Court of Charlotte County, in the Official Records of each county within 30 days following approval of this act by vote of the electors. The cost of recording shall be paid out of the general funds of the county wherein the act is recorded.

Section 8. Notice of intention to seek enactment of this act by the Florida Legislature has been published as required by s. 11.02, Florida Statutes, and s. 10, Art. III of the Florida Constitution. An affidavit of proof of such publication, together with a true copy of such notice, was duly attached to this act when the bill therefor was introduced in the Legislature. Such notice and affidavit are sufficient in form and substance; they have accompanied the bill throughout the Legislature; and they shall be filed and preserved with the bill in the Department of State.

Section 9. This act, except for sections 7, 8 and this section which shall take effect upon becoming a law, shall take effect upon approval by a majority vote of the qualified persons voting in a referendum election which shall be called and held by the Boards of County Commissioners of Lee County and Charlotte County in the proposed Gasparilla Island Conservation District on the date of the next general election (on or about November 4, 1980). Any person who is an elector of Lee County or Charlotte County and is a resident of the proposed district is eligible to vote in such referendum election; however, no person shall be eligible to vote more than one ballot. The supervisors of elections of each county jointly shall prepare a list containing the names of persons who are eligible to vote in such referendum election. There shall be at least 30 days' notice of the election as provided by s. 100.342, Florida Statutes. The procedures prescribed by general law for absentee ballots shall control. The election required by this section shall be paid for by the Board of County Commissioners of Lee County and the Board of County Commissioners of Charlotte County, and the expenditure of funds for this purpose is a proper county expense.

Amendment 2—On page 1, in title, lines 2-15, strike all of lines 2 through line 15 and insert: An act relating to Gasparilla Island, including Boca Grande Isles and Gasparilla golf course island, Three Sisters Island, Hoagen's Key, and Loomis Island, located in Charlotte County and Lee County; making legislative findings of fact that said islands are fragile barrier islands of particular natural beauty containing abundant plant, marine, animal and bird life; providing for the creation of the Gasparilla Island Conservation District; establishing the district boundaries as the above named islands, including all adjacent submerged lands, tidal lands, overflow lands and tidal ponds; restricting the density of dwelling units to not more than 5 per acre; restricting the commercial, industrial or multi-family use of land to those lands zoned for such uses prior to the effective date of this act; providing height limitations on all buildings and structures erected within the district; prohibiting exterior advertising signs; providing an exception for certain on-site signs; providing that this act shall not repeal applicable local government comprehensive land use plans, state and local zoning, air and water pollution and conservation and sign regulations; providing an exemption; providing that this act shall prevail where it is more restrictive than such regulations; providing that any real property owner in the district may enforce the 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.

On motion by Senator Henderson, by two-thirds vote SB 1338 as amended was read the third time by title, passed, ordered engrossed and then 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
Fechtcl	Johnston	Scott	Winn

Nays—None

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

HB 1684—A bill to be entitled An act relating to early retirement under the Florida Retirement System; amending s. 121.091(3), Florida Statutes, clarifying the meaning of normal retirement date as it applies to the calculation of the early retirement benefit; amending s. 121.121(4), Florida Statutes, authorizing leaves-of-absence to be purchased under the membership class from which the leave of absence was granted; providing an appropriation from the system trust fund; providing an effective date.

—as amended passed this day.

On motion by Senator Scarborough, the Senate reconsidered the vote by which HB 1684 was read the third time.

On motion by Senator Scarborough, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted.

The question recurred on Amendments 1 and 2 which failed.

On motion by Senator Scarborough, by two-thirds vote HB 1684 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Fechtcl, Ware

CONSENT CALENDAR, continued

SB 89—A bill to be entitled An act relating to compensation for victims of crimes; amending s. 960.13(2), (7), Florida Statutes; providing that any compensation granted shall be subsequent to all benefits payable by primary insurance carriers; providing that compensation to victims of crime shall not depend upon the financial status of the claimant; amending s. 960.14(2), Florida Statutes; providing that compensation to a claimant may be modified or rescinded at any time based upon a change in benefits derived from other enumerated sources; amending s. 960.20, Florida Statutes; requiring clerks of the courts to collect and forward the proceeds of certain additional costs imposed by the act; deleting authorization to waive, modify, or defer payment of such costs; amending s. 960.25, Florida Statutes; eliminating the surcharge on civil penalties; adding s. 775.0835(3), Florida Statutes; giving prior-

ity to collection and credit of court costs created by s. 960.20, Florida Statutes; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole offered the following amendment which was moved by Senator Carlucci and failed:

Amendment 1—On page 1, line 28 through page 2 line 30, strike Sections 1 and 2 (and renumber subsequent sections accordingly)

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

Amendment 2—On page 1, line 28, insert: Section 1. Subsections (2) and (7) of section 960.13, Florida Statutes, are amended to read:

960.13 Awards.—

(2) Any award shall be granted on an "actual need" basis and shall be provided subsequent to all benefits payable provided by primary insurance carriers, including, but not limited to, health and accident insurers, workers' compensation, and automobile accident coverage.

(7) ~~The financial status of an eligible claimant shall not be used to determine whether to grant an award, nor to determine the amount of an award. If the commission member, as the case may be, finds that the claimant, if not granted assistance pursuant to this chapter to meet the loss of earnings, support, or out of pocket loss, will not suffer serious financial hardship as a result of the loss of earnings or support and the out of pocket loss incurred as a result of the injury, the commission or commission member shall deny the award. In determining serious financial hardship, the commission or commission member shall consider all the financial resources of the claimant. Unless a total dependency is established, members of a family are considered to be partially dependent upon a homemaker with whom they reside, without regard to actual earnings.~~

Section 2. Subsection (2) of section 960.14, Florida Statutes, is amended to read:

960.14 Manner of payment; execution or attachment.—

(2) The commission may reconsider a claim at any time and modify or rescind previous orders for compensation to, based upon a change in financial circumstances of a victim or intervenor, or one or more of the surviving dependents of either, based upon a change of benefits provided by any of the sources set forth in s. 960.13(5).

(Renumber subsequent sections accordingly.)

The Committee on Corrections, Probation and Parole offered the following amendment which was moved by Senator Carlucci and failed:

Amendment 3—On page 1 in title, lines 3-13, strike all of said lines and insert: crimes; amending s.

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

Amendment 4—On page 1 in title, line 3, after the words "amending s." insert: 960.13(2), (7), Florida Statutes, providing that any compensation granted shall be subsequent to all benefits payable by primary insurance carriers; providing that compensation to victims of crime shall not depend upon the financial status of the claimant; amending s. 960.14(2), Florida Statutes; providing that compensation to a claimant may be modified or rescinded at any time based upon a change in benefits derived from other enumerated sources; amending s.

Senator Dunn moved the following amendment:

Amendment 5—On page 1, line 28, strike everything after the enacting clause and insert: Section 1. There is created within the Division of Workers' Compensation of the Department of Labor and Employment Security a Bureau of Crimes Compensation. The Crimes Compensation Commission, established and created by s. 960.05, Florida Statutes, is hereby abolished and its program, activity, and function is hereby

transferred by a type four transfer, pursuant to s. 20.06(4), Florida Statutes, from the Department of Health and Rehabilitative Services Crimes Compensation Commission to the Division of Workers' Compensation of the Department of Labor and Employment Security; provided, however, that the offices of the Crimes Compensation Commissioner and Crimes Compensation Commission chairman are hereby abolished.

(1) No legal or administrative proceeding pending as of the effective date of this act shall be abated because of any assignment made in this act, but the unit of the Bureau of Crimes Compensation, Division of Workers' Compensation of the Department of Labor and Employment Security, to which the function relating to the pending proceeding is reassigned shall be substituted as a party in interest in such proceedings.

(2) If any agency, program, activity, or function assigned is changed in name or substance by another act of the Legislature during the 1980 regular session, the agency, program, activity or function, as amended, is assigned in a manner consistent with the intent expressed by this act.

Section 2. Section 960.02, Florida Statutes, is amended to read:

960.02 Declaration of policy and legislative intent.—The Legislature recognizes that many innocent persons suffer personal injury or death as a direct result of criminal acts or in their efforts to prevent crime or apprehend persons committing or attempting to commit crimes. Such persons or their dependents may thereby suffer disabilities, incur financial hardships, or become dependent upon public assistance. The Legislature finds and determines that there is a need for government financial assistance for such victims of crime. Accordingly, it is the intent of the Legislature that aid, care, and support be provided by the state, as a matter of moral responsibility, for such victims of crime. It is the express intent of the Legislature that all state departments and agencies cooperate with the Department of Labor and Employment Security Health and Rehabilitative Services in carrying out the provisions of this chapter.

Section 3. Section 960.03, Florida Statutes, is amended to read:

960.03 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "Claimant" means any person filing a claim pursuant to this chapter.

(2) "Division Commission" means the Division of Workers' Compensation of the Department of Labor and Employment Security Florida Crimes Compensation Commission.

(3) "Crime" means the commission by any person of a felony or misdemeanor under the laws of this state, which is punishable under the criminal laws of the State of Florida and which results in physical injury to or death of a resident of this state. However, no act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft, or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

(4) "Department" means the Department of Labor and Employment Security Health and Rehabilitative Services.

(5) "Deputy commissioner" means a deputy commissioner created by s. 440.45.

(6) ~~(5)~~ "Intervenor" means any person who goes to the aid of another and suffers bodily injury or death as a direct result of acting, not recklessly, to prevent the commission of a crime, to lawfully apprehend a person reasonably suspected of having committed a crime, or to aid the victim of a crime.

(7) ~~(6)~~ "Victim" means any person who suffers personal physical injury or death as a direct result of a crime.

Section 4. Subsection (1) of section 960.04, Florida Statutes, is amended to read:

960.04 Eligibility for awards.—

(1) Except as provided in subsection (2), the following persons shall be eligible for awards pursuant to this chapter section:

- (a) A victim.
- (b) An intervenor.
- (c) A surviving spouse, parent, or child of a deceased victim or intervenor.
- (d) Any other person who is dependent for his principal support upon a deceased victim or intervenor.
- (e) A dependent child of a deceased victim of a crime who is related to or residing in the same household as the person who committed the crime.

Section 5. Section 960.05, Florida Statutes, is amended to read:

960.05 ~~Bureau of Florida~~ Crimes Compensation Commission.—

(1) There is hereby created within the *Division of Workers' Compensation of the Department of Labor and Employment Security a Bureau of Crimes Compensation which shall be the organizational unit through which the division exercises its duties and responsibilities pursuant to this chapter. Department of Health and Rehabilitative Services the Florida Crimes Compensation Commission, to be composed of a chairman and two other members to be appointed by the Governor, subject to confirmation by the Senate. Members shall serve for terms of 4 years, except that members first appointed shall serve for terms of 4, 3, and 2 years, respectively. A vacancy for the unexpired term of a member shall be filled in the same manner as herein provided for on original appointment. The commission, in the performance of its duties and powers under this chapter, shall not be subject to control, supervision, or direction by the Department of Health and Rehabilitative Services.*

(2) ~~The chairman and members shall receive a salary as established pursuant to the provisions of s. 216.251. The commission shall have the authority to employ an executive director and such other personnel as may be necessary to carry out the provisions of this chapter.~~

Section 6. Section 960.06, Florida Statutes, is amended to read:

960.06 ~~Division Commission;~~ powers and duties.—

- (1) The ~~division commission~~ shall have the power and duty:
 - (a) To establish and maintain an office in Tallahassee and to prescribe the duties of the employees of the ~~bureau commission~~.
 - (b) To adopt, promulgate, amend, and rescind such rules as are necessary to carry out the provisions of this chapter, ~~including rules for the approval of attorney's fees for representation before the commission or before the court upon judicial review as hereinafter provided.~~
 - (c) To request from the state attorney or from the law enforcement agencies involved such investigation and data as will enable the ~~division commission~~ to determine if, in fact, a crime was committed or attempted, and the extent, if any, to which the victim or claimant was responsible for his own injury or death.
 - (d) To ~~investigate hear and determine~~ all claims for awards filed with the ~~division commission~~ pursuant to this chapter, considering all other *available* programs providing valid and collectible benefits to the claimant, and to reinvestigate or reopen cases as the ~~division commission~~ deems *appropriate and equitable necessary*.
 - (e) To require the submission of such medical records as are required and, when necessary, to direct medical examination of the victim or intervenor.

(f) ~~To hold hearings, to administer oaths or affirmations, to examine persons under oath or affirmation and to issue summons requiring the attendance and giving of testimony of witnesses, and to require the production of any books or papers or documentary or other evidence. The powers provided in this subsection may be delegated by the commission to any member or employee thereof.~~

(g) ~~To take, or cause to be taken, affidavits or depositions within or without the state.~~

(f)(h) To render, prior to January 1 of each year, to the Governor, to the Secretary of *Labor and Employment Security Health and Rehabilitative Services*, and to the presiding officers of the Senate and House of Representatives a written report of its activities.

(g) *To authorize other units within the division to assist in the investigation of claims filed under this chapter.*

(2) The department of ~~Legal Affairs~~ shall *provide the division with legal representation relative to its duties and responsibilities under this chapter be the legal advisor to the commission.*

Section 7. Subsections (2), (3), and (4) of section 960.07, Florida Statutes, are amended to read:

960.07 Filing of claims for compensation.—

(2) A claim must be filed not later than 1 year after the occurrence of the crime upon which the claim is based or not later than 1 year after the death of the victim or intervenor. However, for good cause the ~~division commission~~ may extend the time for filing for a period not exceeding 2 years after such occurrence.

(3) Claims may be filed in the Tallahassee office of the ~~division commission~~ in person or by mail or with the department in person. Any employee of the department receiving a claim for compensation shall, immediately upon receipt of such claim, mail the claim to the ~~division commission~~ at its office in Tallahassee. In no event and under no circumstances shall the rights of a claimant under this chapter be prejudiced or lost by the failure or delay of the employees of the department in mailing claims to the ~~division commission~~ in Tallahassee.

(4) Upon filing of a claim pursuant to this chapter, the ~~division commission~~ shall promptly notify the state attorney of the circuit wherein the crime is alleged to have occurred. If within 10 days after such notification such state attorney advises the ~~division commission~~ that a criminal prosecution is pending upon the same alleged crime and requests that action by the ~~division commission~~ be deferred, the ~~division commission~~ shall defer all proceedings under this chapter until such time as a trial verdict has been rendered, and shall so notify such state attorney and claimant. When a trial verdict has been rendered, such state attorney shall promptly notify the ~~division commission~~. Nothing in this subsection shall limit the authority of the ~~division commission~~ to grant emergency awards pursuant to s. 960.12 ~~807.12~~.

Section 8. Section 960.08, Florida Statutes, is amended to read:

960.08 Out-of-pocket loss.—“Out-of-pocket loss” shall mean unreimbursed and unreimbursable expenses or indebtedness incurred for medical care, nonmedical remedial care, or other treatment rendered in accordance with a religious method of healing, ~~as approved by the commission~~, or for other services necessary as a result of the injury or death upon which such claim is based.

Section 9. Section 960.09, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 960.09, F.S., for present text.)

960.09 Determination of claims.—

(1) The division shall have authority to allow, deny, controvert and litigate claims made against it and to delegate to the Chief of the Bureau of Crimes Compensation such authority.

(2) The action of the division or bureau in allowing, denying, or controverting a claim shall be exempt from the provisions of chapter 120.

(3) If the division or bureau denies or controverts the claim, the right to reimbursement under this chapter shall be barred unless an application for a hearing thereon is filed with the division or bureau at their offices in Tallahassee within 60 days after notice to the claimant of such denial or controversion. When such application for a hearing is filed in a timely manner, the claim shall be heard and determined in accordance with the procedure prescribed in s. 440.25, to the extent that same is applicable, and in accordance with the workers' com-

penetration rules of procedure, except that an appeal from an order of a deputy commissioner allowing or denying a claim under this chapter shall be to the District Court of Appeal in which district the hearing was conducted or one of the parties resides. Adjudications before deputy commissioners of cases arising under this chapter shall be exempt from chapter 120.

Section 10. Section 960.12, Florida Statutes, is amended to read:

960.12 Emergency awards.—Notwithstanding the provisions of s. ss. 960.07 and 960.09, if it appears to the ~~division commission member to whom the claim is assigned, prior to taking action upon such claim,~~ that such claim is one with respect to which an award probably will be made, and that either the claimant is a recipient of benefits under the Federal Social Security Act or that undue hardship will result to the claimant if immediate payment is not made, the ~~division commission member~~ may make an emergency award to the claimant, pending a final decision in the case, on the following conditions:

- (1) The amount of such emergency award shall not exceed \$500;
- (2) The amount of such emergency award shall be deducted from any final award made to the claimant; and
- (3) The amount of such emergency award which is in excess of the final award, or the full amount of the emergency award if no final award is made, shall be repaid by the claimant to the ~~division commission.~~

Section 11. Subsections (1), (6), and (7) of section 960.13, Florida Statutes, are amended to read:

960.13 Awards.—

(1)(a) No award shall be made unless the ~~division commission or the commission member, as the case may be,~~ finds that:

1. A crime was committed;
2. Such crime directly resulted in personal injury to, or death of, the victim or intervenor; and
3. Such crime was promptly reported to the proper authorities.

(b) In no case may an award be made when the record shows that such report was made more than 72 hours after the occurrence of such crime unless the ~~division commission,~~ for good cause shown, finds the delay to have been justified. The ~~division commission,~~ upon finding that any claimant or award recipient has not duly cooperated with all law enforcement agencies, may deny, reduce, or withdraw any award, as the case may be.

(6) In determining the amount of an award, the ~~division commission or commission member, as the case may be,~~ shall determine whether, because of his conduct, the victim of such crime or the intervenor contributed to the infliction of his injury or to his death, and the ~~division commission or commission member~~ shall reduce the amount of the award or reject the claim altogether, in accordance with such determination. However, the ~~division commission or commission member, as the case may be,~~ may disregard for this purpose the contribution of the intervenor to his own injury or death when the record shows that such contribution was attributed to efforts by an intervenor as set forth in s. 960.03(6) (5).

(7) If the ~~division commission or commission member, as the case may be,~~ finds that the claimant, if not granted assistance pursuant to this chapter to meet the loss of earnings, support, or out-of-pocket loss, will not suffer serious financial hardship as a result of the loss of earnings or support and the out-of-pocket loss incurred as a result of the injury, the ~~division commission or commission member~~ shall deny the award. In determining serious financial hardship, the ~~division commission or commission member~~ shall consider all the financial resources of the claimant. Unless a total dependency is established, members of a family are considered to be partially dependent upon a homemaker with whom they reside, without regard to actual earnings. However, effective January 1, 1981 the financial status of an eligible claimant shall not be used to determine whether to grant an award, nor to determine the amount of an award.

Section 12. Section 960.14, Florida Statutes, is amended to read:

960.14 Manner of payment; execution or attachment.—

(1) Any award made under this chapter shall be in accordance with the discretion and direction of the ~~division commission~~ as to the manner of payment. No award made pursuant to this chapter shall be subject to execution or attachment other than for expenses resulting from the injury or death which is the basis for the claim. In every case providing for compensation to a claimant under this chapter, the ~~division commission~~ may, if in its opinion the facts and circumstances of the case warrant it, convert the compensation to be paid into a partial or total lump sum without discount. All medical bills shall be paid by the ~~division directly to affected health care providers.~~

(2) The ~~division commission~~ may reconsider a claim at any time and modify or rescind previous orders for compensation, based upon a change in ~~medical financial~~ circumstances of a victim or intervenor, or one or more of the surviving dependents of either.

Section 13. Section 960.15, Florida Statutes, is amended to read:

960.15 Records.—~~The record of a proceeding before the commission or a commission member shall be a public record. However, Any record or report obtained by the division or deputy commissioner a commission member or the commission, the confidentiality of which is protected by any other law or regulation, shall remain confidential, subject to such law or regulation.~~

Section 14. Section 960.18, Florida Statutes, is amended to read:

960.18 Penalty for fraud.—Any person who procures compensation under this chapter by any fraud, or any person who counsels another person to procure compensation under this chapter by any fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any moneys so procured shall be recoverable by the ~~division commission,~~ including punitive damages, and costs of such action plus interest, and any attorney's fees paid by the ~~commission.~~

Section 15. Section 960.20, Florida Statutes, is amended to read:

960.20 Additional costs.—When any person, after January 1, 1978, pleads guilty or nolo contendere to, or is convicted of, any felony or misdemeanor under the laws of this state, there shall be imposed as an additional cost in the case, in addition and prior to any other cost required to be imposed by law, the sum of \$10. ~~The clerk of the court shall collect and forward \$9 of each \$10 collected. The court may waive, modify, or defer payment of the additional costs imposed by this act if it finds they would impose a severe financial hardship. All such sums shall be paid over to the State Treasurer, to be deposited in the Crimes Compensation Trust Fund. The clerk shall retain the remaining \$1 of each \$10 collected as a service charge from the clerk's office. Under no condition shall a political subdivision be held liable for the payment of this sum of \$10.~~

Section 16. Subsections (1) and (2) of section 960.21, Florida Statutes, are amended to read:

960.21 Crimes Compensation Trust Fund.—

(1) There is hereby created a special fund, to be known as the Crimes Compensation Trust Fund, for the purpose of providing for the payment of all necessary and proper expenses incurred by the operation of the ~~division commission~~ and the payment of claims. The ~~division commission~~ shall administer the Crimes Compensation Trust Fund.

(2) The moneys placed in the Crimes Compensation Trust Fund shall consist of all moneys appropriated by the Legislature for the purpose of compensating the victims of crime and other claimants under this act, and of moneys recovered on behalf of the ~~division commission~~ by subrogation or other action, recovered through restitution, received from the Federal Government, received from additional court costs, received from fines, or received from any other public or private source.

Section 17. Section 960.22, Florida Statutes, is amended to read:

960.22 Application for federal funds.—The ~~division commission~~ is authorized to apply for funds from, and to submit all necessary forms to, any federal agency participating in a cooperative program to compensate victims of crime.

Section 18. Section 960.23, Florida Statutes, is amended to read:

960.23 Notice of provisions of this chapter.—It shall be the duty of every hospital licensed under the laws of this state to display prominently in the lobby or waiting area of its emergency room posters giving notification of the existence and general provisions of this chapter. The Department of Labor and Employment Security shall provide posters, application forms as approved by the ~~division commission~~, and general information regarding the provisions of this chapter to each hospital licensed to operate in this state and to each law enforcement agency.

Section 19. Section 960.25, Florida Statutes, is amended to read:

960.25 Surcharge on fines, ~~civil penalties~~, and bail bonds.—In addition to any fine for any criminal offense or ~~civil penalty~~ prescribed by law, there is hereby established and created an additional 5 percent surcharge thereon which shall be imposed, levied, and collected together with such fine or ~~civil penalty~~. The principal amount of any bail bond given as prescribed by law shall be increased by an additional 5 percent surcharge which is established hereby.

Section 20. Subsection (3) is added to section 775.0835, Florida Statutes, to read:

775.0835 Fines; surcharges; Crimes Compensation Trust Fund.—

(3) The additional \$10 obligation created by s. 960.20 shall be collected and \$9 of each \$10 collected shall be credited to the Crimes Compensation Trust Fund prior to any fine or surcharge authorized by this chapter.

Section 21. Sections 960.10, 960.11, and 960.19, Florida Statutes, are hereby repealed.

Section 22. This act shall take effect July 1, 1980.

Senator Scarborough presiding

Senator Chamberlin moved the following amendment to Amendment 5, which was adopted:

Amendment 5A—On page 11, lines 6-9, strike all underlined language

Amendment 5 as amended was adopted.

On motion by Senator Dunn, by two-thirds vote SB 89 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Anderson	Frank	Jenne	Scarborough
Barron	Gordon	Johnston	Scott
Beard	Gorman	McClain	Steinberg
Carlucci	Grizzle	McKnight	Stuart
Chamberlin	Hair	Myers	Vogt
Childers, D.	Henderson	Neal	Ware
Childers, W. D.	Hill	Peterson	Winn
Dunn	Holloway	Poole	

Nays—4

Fechtler	Skinner	Trask	Williamson
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Votes after roll call:

Yea—MacKay, Thomas

On motion by Senator Myers, by unanimous consent—

HB 1165—A bill to be entitled An act relating to investigative agencies and deception detectors; creating part I of chapter 493, Florida Statutes, substantially revising provisions relating to investigative agencies; redefining terms with respect to in-

vestigative agencies; providing for rules; providing access by the Department of State to criminal justice information; specifying classes of licenses; providing restrictions upon certain classes; altering licensing requirements; requiring licensed agencies to notify the department of changes of partners, corporate officers or licensees; providing for and increasing license fees; providing for the investigation of applicants for licenses; changing provisions with respect to the issuance of licenses and grounds for denial; requiring certificates of insurance and removing bonding requirements; removing provisions regulating who may supervise an agency; providing for biennial licenses; expanding the applicability of provisions requiring identification cards; entitling certain licensees to be special process servers; removing the licensure exemption for central burglar or fire alarm protection businesses; conforming to the act license renewal provisions; providing additional conditions upon the renewal of certain licenses; conforming to the act provisions relating to change of location of licensee; changing and expanding upon the grounds for disciplinary action; specifying disciplinary actions; creating a trust fund and restricting its balance; removing provisions relating to the carrying on of a business if the licensee dies; abolishing the Private Investigative Agency Licensing Trust Fund; changing the classes of licensees which must obtain local occupational licenses; removing provisions authorizing the issuance of statewide permit to certain licensees to carry a firearm or weapon; changing provisions relating to the possession of firearms and weapons by licensees; abolishing the department's advisory council; requiring repossessor licensees to maintain inventories; removing provisions prohibiting licensees from indicating certain association with government agencies; creating part II of chapter 493, Florida Statutes, relating to deception detectors; changing the license requirements for deception detectors and increasing the fees for detection of deception examiners and interns; removing provisions relating to the investigation of applicants; removing provisions requiring licensees to post bonds; removing provisions relating to the issuance of licenses; providing for biennial licensing; adopting by reference for deception detectors the disciplinary actions and grounds therefor which are applicable to investigative agencies; deleting provisions relating to the department's advisory council; repealing the existing chapter 493, Florida Statutes, relating to investigative agencies and deception detectors; providing for repeal and legislative review; providing an effective date.

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

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

Amendment 1—On page 3, line 11, strike everything after the enacting clause and insert: Section 1. Paragraph (e) of subsection (6) of section 493.01, Florida Statutes, is amended and subsections (11), (12), (13) are added to said section to read:

493.01 Definitions, part I.—As used in this act:

(6) "Private investigation" means and includes investigation by a person or persons for the purpose of obtaining information with reference to any of the following matters:

(e) The location or recovery of lost or stolen property, including the business of repossessing or finance adjusting;

(11) "Manager" means any person who actively directs the business of the agency or branch office but who does not have a proprietary interest in, or is a corporate officer of, the agency or branch office.

(12) "Repossessor" means any person, who for compensation, recovers motor vehicles, as defined in s. 320.27(1)(b), as a result of default in payment for such motor vehicle.

(13) "Intern" means one who studies repossession work on a trainee status under the personal supervision and control of a Class "E" licensee.

Section 2. Section 493.02, Florida Statutes, is amended to read:

493.02 Powers and duties of Department of State.—

(1) The department is hereby vested with the power, jurisdiction and authority to issue and revoke licenses to private investigative agencies, watchman, guard or patrol agencies, private detectives, watchmen, guards, patrolmen, and watchman, guard or patrol contractors therefor, to deny such applicants a license or to suspend a license for reasonable period,

or to assess a civil penalty against the licensee in an amount not to exceed \$1,000. The department shall have the power, jurisdiction and authority to adopt all promulgate reasonable rules necessary to administer this chapter. However, no rule shall be adopted that unreasonably restricts competition or the availability of private security services in the state or in a significant part of the state, or unnecessarily increases the cost of private security services without a corresponding or equivalent public benefit. and regulations for its own government and in the exercise of its powers hereunder, for the conduct of the business of private investigative agencies, private detective, and watchman, guard or patrol contractors, watchman, guard or patrol agencies, not in conflict with the Constitution and laws of the United States or of this state and may amend same as provided in chapter 120.

(2) No person, firm, company, partnership or corporation shall furnish private investigations, watchman, guard or patrolman services, nor shall he advertise, solicit nor in any way promise nor inform anyone that he will perform such services without receiving from the Department of State a license as provided herein.

(2)(3) In order to carry out the duties of the department prescribed in this part, designated employees of the Division of Licensing of the department shall have access to the information in criminal justice information systems and to criminal justice intelligence information, as defined in s. 943.07.

Section 3. Section 493.03, Florida Statutes, is amended to read:

493.03 Application for license.—

(1) Each person, partner, or, in the case of corporations, each corporate officer, or manager, must qualify separately for a license under this part and shall file with the department a written application accompanied by a fee of \$25 to cover costs in an amount to be determined by rule, except that an applicant for a Class "F" or a Class "G" license shall not be required to pay the \$25 application fee. The fee shall not be rebatable. The written application shall be in accordance with the following provisions:

(a) If the applicant is an individual, the application shall be signed and verified by the individual.

(b) If the applicant is a firm or partnership, a separate application shall be signed and verified by each individual composing or intending to compose, in the immediate future, such firm or partnership.

(c) If the applicant is a corporation, a separate application shall be signed and verified by each officer (not including assistant secretaries or assistant treasurers) thereof.

(d) The application shall contain the following information concerning the individual signing the same:

1. Full name and title of position held with applicant;
2. Age and, date and place of birth;
3. The present residence address and the residence addresses within the 5 years immediately preceding the submission of the application;
4. Occupations held presently and within the 5 years immediately preceding the submission of the application;
5. A statement that he is 18 years of age or older;
6. The address of the principal place in which the business is to be conducted;
7. The address of all branch offices within the state;
8. The name under which the business is to be conducted;
9. The names and addresses of all partners or officers and directors, as the case may be;
10. A full set of fingerprints and a photograph of the signatory taken within 2 years immediately preceding the submission of the application;
11. A statement of the experience of the signatory which he believes would qualify him, his firm or his corporation for a license under this chapter;

12. A statement of any or all arrests of the signatory; and

13. Such further facts as may be required by the department to show that the person signing the application is competent, honest, truthful, trustworthy, of good moral character and bears a reputation for fair dealing.

(2) Every person shall, before being employed as a watchman, guard, or patrolman by any agency, make application to the department for a Class "F" license. An unarmed watchman, guard, or patrolman may be employed by an agency before such application is approved.

(3)(2) The provisions of this section shall not apply to any full-time police officer, full-time deputy sheriff, part-time police officer, part-time deputy sheriff, auxiliary police officer, or auxiliary deputy sheriff who is duly certified by the Police Standards and Training Commission when he is performing duties approved by his superiors.

Section 4. Section 493.04, Florida Statutes, is amended to read:

493.04 License requirements.—

(1) Every corporation applying for a license hereunder must be organized, or authorized to do business, under the laws of this state and shall have the capacity to make valid contracts and to sue and be sued in this state.

(2) Each individual required to file an application with the department shall:

- (a) Be at least 18 years of age.
- (b) Be of good moral character.

(3) Each person, each partner, the president of a corporation, and the officer or manager of the corporation who actively directs the business of the licensee corporation, shall have had at least 3 years' experience performing the type of service permitted under the license applied for or the equivalent thereof in related fields, except that this requirement does not apply to applicants for a Class "F" or a Class "G" license. One year of such experience shall be within this state.

(4)(a) Good moral character as used in this chapter means a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.

(b) The department may refuse to license an applicant for failure to satisfy this requirement only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the business for which the license is sought.
2. The findings by the department of lack of good moral character is supported by clear and convincing evidence.

(c) When the applicant is found to be unqualified for a license because of a lack of good moral character, the department shall furnish the applicant a statement containing the findings of the department, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

(2) Every person shall, before being employed as a watchman, guard, or patrolman, as defined herein, by any person, firm, company, partnership, or corporation, make application to the department for a Class "F" license. An unarmed watchman, guard, or patrolman may be employed by any person, firm, company, partnership, or corporation before such application is approved. If the department denies, suspends or revokes a license after issuance, the employment of such person shall be terminated immediately. Each person, firm, company, partnership, or corporation shall, upon the employment or termination of employment of a watchman, guard, or patrolman, report such employment or termination immediately to the department. During the period of employment of any person who has a Class "F" or Class "G" license, or a temporary Class "G" license, the licensee shall keep the license in his possession. No Class "F" or Class "G" licensee is authorized to do business except as an employee of another person, firm, company, partnership, or corporation; nor is such licensee authorized to use any fictitious or assumed name unless he qualified under the Fictitious Name Statute.

(5)(2) The provisions of this section shall not apply to any full-time police officer, full-time deputy sheriff, part-time police officer, part-time deputy sheriff, auxiliary police officer, or auxiliary deputy sheriff who is duly certified by the Police Standards and Training Commission when he is performing duties approved by his superiors.

Section 5. Section 493.05, Florida Statutes, is amended to read:

493.05 Notification to Department of State of new partner or corporate officer.—After filing the application, unless the department declines to issue the license, or revokes it after issuance, all ~~private investigative agencies, and all watchman, guard or patrolmen agencies,~~ shall notify the department within 10 days of the removal, replacement or addition of any ~~person, partner, corporate officer, or manager or all partners and officers~~ of the ~~corporate~~ agency, and upon receipt of application forms from the department, shall cause the same to be completed by the new ~~person, partner, corporate or officer, or manager~~ and the same shall be filed with the department and an application fee of \$25 paid. The agency's good standing under this part shall be contingent upon the department's approval of any such new ~~person, partner, corporate or officer, or manager~~.

Section 6. Subsections (1) and (3) of section 493.06, Florida Statutes, are amended to read:

493.06 License and other fees.—

(1) ~~The department, by rule, shall establish biennial fees for licenses which shall not exceed the following. The license fees applicable to the seven types of licenses provided for under this part are:~~

- (a) Class A. Private investigative agency: ~~\$300~~ \$100.
- (b) Class B. Watchman, guard, or patrolman agency: ~~\$300~~ \$100.
- (c) Class C. Private detective: ~~\$150~~ \$50.
- (d) Class D. Watchman, guard, or patrolman contractor: ~~\$75~~ \$25.
- (e) Class ~~GBB~~ E. Branch office: ~~\$75~~ \$25.
- (f) Class F. Unarmed watchman, guard, or patrolman employee: ~~\$30~~ \$10.
- (g) Class G. Statewide gun permit: ~~\$75~~ \$25. Issuance of this permit shall not authorize the possession of a concealed weapon.

(3) The department, ~~by rule, may establish charge the following fees which shall not exceed the following:~~

- (a) Replacement of a Class "F" or Class "G" laminated card: ~~\$15~~ \$5.
- (b) Transfer of Class "G" license: ~~\$30~~ \$10.

Section 7. Section 493.07, Florida Statutes, is amended to read:

493.07 Investigation of applicants by Department of State.—

(1) ~~Except as provided for in (3), prior to the issuance of licenses under this part, the department shall make individual investigations of the general fitness and suitability, including the mental and physical fitness, of applicants for all licenses. The investigations shall include:~~

- (a) A thorough background investigation of the individual's ~~good moral general character and reputation for honesty, truthfulness, integrity, moral fitness, and fair dealing.~~
- (b) An examination of fingerprint records and police records.
- (c) Such other investigation of individuals as the department may deem necessary.

(2) ~~In the case of Class "G" license applicants, the department shall make an investigation of the general mental and physical fitness of the applicant to carry a weapon or firearm in addition to such investigations required by s. 493.07(1). Prior to the issuance of permits under s. 493.21 to armed~~

~~watchmen, guards, or patrolmen, the department shall make an additional investigation of applicants, which shall include:~~

- (a) ~~Fingerprint records.~~
- (b) ~~Police records.~~
- (c) ~~General mental and physical fitness to carry a weapon or firearm.~~

(3) ~~In the case of Class "F" license applicants, the department shall make an examination of fingerprint records and police records, and such additional investigations as it shall deem necessary.~~

Section 8. Section 493.08, Florida Statutes, is amended to read:

493.08 Issuance of license.—

(1) ~~When the department shall be satisfied that the applicant meets the license requirements of the good character, competency and integrity of the applicant, or, if the applicant be a firm or partnership, the individual members thereof, or, if the applicant be a corporation, the officers thereof, it shall inform the applicant of its findings and that license shall be issued upon the applicant's filing a posting a licensee's bond certificate of insurance as provided for in s. 493.09. Upon the filing posting of such licensee's bond certificate of insurance, the department shall issue and deliver to such applicant a license to conduct the type of business applied for at the premises stated in the application. During the period of employment of any person who has a Class "F" or Class "G" license, the licensee shall keep the license in his possession. Such license shall not be transferable and shall be revoked or cancelled only by the department.~~

(2) ~~Grounds for denial of license shall be:~~

- (a) ~~Conviction of a felony in this or any other state where civil rights have not been restored;~~
- (b) ~~Conviction of a crime involving moral turpitude or dishonest dealings;~~
- (c) ~~Has not reached his 18th birthday;~~
- (d) ~~Failure to meet the experience qualifications required under the provisions of this part;~~
- (e) ~~Failure to meet character qualifications;~~
- (f) ~~Falsifying application for license;~~
- (g) ~~Conducting business without benefit of proper license; and~~
- (h) ~~Failure to meet any qualification or requirement prescribed in this part, or for any cause which, if the applicant had already been licensed hereunder, would be grounds for revocation of such license.~~

Section 9. Section 493.09, Florida Statutes, is amended to read:

493.09 Licensee's bond and insurance.—

(1) ~~The licensee's bond referred to in s. 493.08 shall be a surety bond executed by the applicant and two or more sureties, or by a surety company authorized to do business in this state; payable to the Governor of this state in the sum of \$5,000 conditioned upon the faithful and honest conduct and performance by the licensee of the business so licensed. If any person shall be aggrieved by the misconduct of any such licensed agency, such person may maintain an action in his own name upon the bond of said agency, in any court having jurisdiction of the amount claimed. Any remedies given by this section shall not be exclusive of any other remedy which would otherwise exist. No bond shall be required for those persons who receive a Class "F" or Class "G" license.~~

(2) ~~No license shall be issued unless the applicant files with the department a certificate of insurance evidencing comprehensive general liability coverage for death, bodily injury, property damage, and personal injury. Coverage shall include false arrest, detention or imprisonment, malicious prosecution, libel, slander, defamation of character, and violation of the right of privacy in the amount of \$250,000 \$100,000 per person and \$500,000 \$300,000 per occurrence and property damage in~~

the amount of \$100,000 per occurrence, or a single bodily injury limit in the amount of \$500,000 per occurrence. The certificate shall provide that the insurance shall not be modified or canceled unless 30 days' prior written notice is given to the department. The licensee shall timely notify the department of any claim against such insurance. However, this subsection shall not apply to those who receive a Class "G," "E," Class "F," or Class "G" license.

Section 10. Section 493.091, Florida Statutes, is amended to read:

493.091 Supervision of agencies.—Each agency and each branch office of such agency shall ~~must~~ be under the direct supervision of the person, partner, ~~the owner or~~ corporate officer, or manager upon whose qualifications the agency is licensed.

Section 11. Section 493.10, Florida Statutes, is amended to read:

493.10 License; contents; posting; identification card.—

(1) All licenses issued pursuant to this part shall be in a form prescribed by the department. The license shall specify the name under which the applicant is to operate, the address of the principal place of business, the expiration date, the full names and titles of the persons who submitted application forms, the number of the license, and any other information the department deems necessary. All licenses issued by the department shall be renewed biennially. The department shall determine by rule the expiration date of each class of license, except Class "F" and Class "G" licenses, expire at midnight on June 30 of each year. Class "F" and Class "G" licenses expire each year at midnight on the date of birth of the licensee. The department may prorate license fees.

(2) The license shall at all times be posted in a conspicuous place in the principal place of business of the licensee in this state.

(3)(a) The department shall upon application and payment of fee issue a separate license for each branch office mentioned in the application. Said license shall be in a form designed by the department but it shall at least specify the name under which the licensee operates, its license number and the address of the location to which the license applies. ~~Each branch office must be under the direct supervision of a licensed owner, partner, corporate officer or other person licensed to perform the services offered by the agency. The agency shall provide proper surety bond as provided by s. 493.09 for each branch office.~~

(b) No license shall be valid to protect any business transacted at any place other than that designated in the license unless consent is first obtained from the department ~~and until written consent of the surety or sureties on the bond required to be filed by s. 493.09 to such transfer be filed with the original bond and the change of location of licensee provisions of s. 493.12 of this part be complied with.~~

(c) Such license shall not be valid to protect any licensee who engages in the business under any name other than that specified in said license. A license issued under this part shall not be assignable, and no licensee shall conduct a business under a fictitious name unless and until it has obtained the written authorization of the department to do so. The department shall not authorize the use of a fictitious name which is so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby. The authorization for the use of a fictitious name shall require as a condition precedent to the use of such name the filing of a certificate of doing business under a fictitious name under s. 865.09. No licensee shall be permitted to conduct business under more than one name except as licensed. A licensee desiring to change its licensed name at any time except upon renewal of license shall notify the department and pay a fee not to exceed \$30 ~~of \$10~~ for each authorized change of name; and upon returning the license to the department ~~with a certificate from his surety on the bond provided for in s. 493.09 to the effect that said bond covers the licensee's new name, the newly authorized name shall then be entered upon the license and same returned to the licensee.~~

(4) It shall be the duty of every licensee to furnish all of its people, partners, and corporate officers, and managers as

the case may be, and all employees who are private investigators or watchmen, guards and patrolmen, and to furnish himself in the case of a private detective or watchman, guard or patrolman contractor, an identification card. Such card shall be in a form and design as may be approved by the Department of State, but shall specify at least the name of the holder of the card, the name and number of the licensee, and be signed by a representative of the licensee and by the holder of the card. Such card shall be in the possession of each person, partner, corporate officer, manager, or employee while on duty. Upon suspension or revocation of a license, it shall be the duty of each person, partner, corporate officer, manager, or employee to return the card to his employer.

(5) Each Class "F" or Class "G" license shall remain in the custody and control of the employee. Upon termination of employment, the employer shall immediately notify the department on the form provided.

(6) Each person to whom a license and card have been issued shall be responsible for the safekeeping of same and shall not loan, or let or allow any other person to use or display, said license or card.

Section 12. Section 493.12, Florida Statutes, is amended to read:

493.12 Renewal of license.—

(1) A license granted under the provisions of this part may be renewed by the department.

(2) No less than 90 days prior to the expiration date of the license, the department shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the department.

(3) A licensee shall renew his license prior to expiration by filing with the department, at least 45 days prior to expiration, the renewal form accompanied by:

(a) Payment of the fee prescribed in s. 493.06, except that the Class "G" renewal fee shall not exceed \$45 ~~be \$15~~.

(b) Proof of the comprehensive general liability insurance coverage required in s. 493.09. Posting of the surety bond required in s. 493.09.

(4) A licensee who fails to file a renewal application ~~renew~~ his license at least 45 days prior to expiration before it expires may renew his license by fulfilling the requirements of paragraphs s. 493.12(3)(a), (b), subsection (3) and paying a late fee equal to the amount of the license fee.

(5) No license shall be renewed 6 months or more after the expiration date unless the applicant submits a new application and respective fees. Such applicant may be subject to a background investigation.

(6) No person, firm, company, partnership, or corporation shall carry on any business regulated by this part during any period which may exist between the date of expiration and the date of renewal of a license.

(7) Before a Class "G" license is renewed, the licensee shall complete not less than 4 nor more than 6 hours of range training and fulfill such other health and training requirements which the department shall adopt ~~promulgate~~ by rule.

Section 13. Section 493.14, Florida Statutes, is amended to read:

493.14 Disciplinary proceedings Power of department to deny, suspend or revoke license.—

(1) The following acts constitute grounds for which disciplinary actions in subsection (2) may be taken. The department may deny, refuse to renew, or may suspend or may revoke a license for any one or more of the following grounds:

(a) Fraud or willful misrepresentation in application for or in obtaining a license;

(b) Use of any fictitious or assumed name by a licensee unless he has department approval and qualifies under the Fictitious Name Statutes Willfully and knowingly violating any of the provisions of this part by the licensee or any of his employees;

(c) If a person the licensee or anyone in his employ has, regardless of adjudication, been found adjudged guilty of the commission of a crime which directly relates to the business for which the license is held involving moral turpitude;

(d) If a person has, regardless of adjudication, been found guilty of the commission of a felony unless his civil rights have been restored, or his record has been expunged.

(e)(d) A false statement by the licensee that any person is or has been in his employ;

(f)(e) If the licensee or any of his or its employees is found guilty of willful betrayal of a professional secret;

(g)(f) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of his business for which the license is held; if the licensee or any of his employees is incompetent, or is guilty of conduct against the interest of the general public, or

(h) If the person conducts business without a license, or with a revoked or suspended license; has been convicted of a felony in this, or any other state, and has not had his civil rights restored;

(i)(g) Failure of the licensee to maintain in full force and effect the surety bond comprehensive general liability insurance coverage, if required, as referred to in s. 493.09;

(h) Upon the disqualification or insolvency of the sureties of the bond referred to in s. 493.09, unless such licensee files a new bond with sufficient sureties within 30 days after notice from the Department of Insurance of this state or of the surety company's home state;

(j)(i) If the licensee impersonated, permitted, or aided and abetted an employee to impersonate, a law enforcement officer or any employee of this state, United States, or any political subdivision thereof;

(j) Willfully failed or refused to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties;

(k) Committed assault, battery, or kidnapping; or used force or violence on any person except in self-defense or in the defense of a client;

(l) Knowingly violated or advised, encouraged or assisted the violation of any court order or injunction in the course of business as a licensee;

(m) Acted as a runner or a capper for any attorney;

(n) Falsification, alteration, or failure to maintain for 4 years an inventory of recovered personal property as required by s. 493.26;

(o)(n) Transferred or attempt to transfer a license. Committed any act which is a ground for a denial of an application for license under this chapter and these acts.

(2) When the department finds any violation of subsection (1), it may impose one or more of the following penalties:

(a) Deny an application for licensure.

(b) Revoke or suspend a license.

(c) Impose an administrative fine not to exceed \$1,000 per violation.

(d) Issue a reprimand.

(e) Place the licensee on probation for a period of time and subject to such conditions as the department may specify.

(3) If the department denies, suspends, or revokes a Class "F" or Class "G" license, the employment of such person shall be terminated immediately. The agency shall report such termination to the department.

If committed by the applicant prior to issuance of license, the foregoing shall be grounds for the refusal by the department to issue such license.

(4)(2) Upon revocation or suspension of license, the licensee shall forthwith return the license which was suspended.

(5)(3) The Department of State shall hold as confidential any information of a personal nature or that relating to the conduct of the trade or profession.

Section 14. Section 493.18, Florida Statutes, is amended to read:

493.18 Trust fund.—There is created within the Division of Licensing of the department a Division of Licensing Trust Fund. All moneys required to be paid under this chapter shall be collected by the division and deposited in the trust fund. The Legislature shall appropriate from such fund such amounts as it deems necessary for the purpose of administering the provisions of this chapter.

(1) All funds derived from renewal of Class "C" license fees paid under this part shall be deposited into a trust fund to be known as the Private Investigative Agency Licensing Law Trust Fund, to be used by the Division of Licensing of the department to employ personnel and pay expenses to carry out the provisions of this chapter.

(2) The unencumbered balance in the trust fund at the beginning of each fiscal year shall not exceed \$50,000, and any excess shall be transferred to the General Revenue Fund.

Section 15. Paragraph (b) of subsection (2), paragraph (c) of subsection (4) and subsection (6) of section 493.21, Florida Statutes, are amended, and subsection (7) is added to said section to read:

493.21 Weapons and firearms; training requirements; permit.—

(2) The department shall issue a Class "G" statewide permit to persons licensed under the provisions of this part to carry a weapon or firearm to be owned and issued by their employers upon:

(a) Satisfactory completion of a thorough background investigation of the individual's police record and general character made by the department, which investigation indicates that the individual is a fit person to carry a weapon or firearm;

(b) The meeting of minimum training criteria for weapons and firearms, not less than 8 to exceed 10 hours, which shall be adopted promulgated by the department.

(4)

(c) The department may issue a 45-day temporary Class "G" license which may be renewed once. This temporary license may be issued only if the applicant holds a valid Class "F" license and after:

1. Completion of an investigation of the individual's Florida police record by the department, which investigation indicates that the individual is a fit person to carry a weapon or firearm; and

2. The meeting of minimum physical fitness criteria and minimum training criteria for weapons and firearms, not less than 8 to exceed 10 hours, which criteria shall be adopted promulgated by the department.

(6) The only firearms firearm a Class "G" licensee may carry are: is

(a) A standard police .38 caliber revolver with standard ammunition, unless otherwise approved by the department.

(b) A shotgun, but only if the department determines that extraordinary circumstances exist.

(7) The only weapons a class "G" licensee may carry are those specifically approved by the department.

Section 16. Section 493.26, Florida Statutes, is amended to read:

493.26 Requirement of inventory by recoverer of personal property.—If personal effects or other personal property not covered recovered by a security agreement conditional sales agreement or by a chattel mortgage are contained in or on personal property at the time it is recovered, a complete and accurate inventory shall be made of such personal effects or other personal property. The date and time the inventory is made shall be indicated and it shall be signed by the person or persons who recovered the personal property on behalf of the se-

~~cured party legal owner or mortgagee. The inventory shall be filed and maintained for 4 years in the permanent records of the licensee and shall be made available to representatives of the department upon demand during normal business hours. Falsification or alteration of an inventory shall be grounds for suspension or revocation of license.~~

Section 17. Section 493.41, Florida Statutes, is amended to read:

493.41 ~~Rules Powers and duties of Department of State; applicability.~~—

(1) ~~The Department of State is hereby vested with the power, jurisdiction and authority to issue and revoke licenses to detection of deception examiners. The department shall have the power, jurisdiction and authority to adopt promulgate rules necessary to administer this chapter. However, no rule shall be adopted that unreasonably restricts competition or the availability of detection of deception services in the state or in a significant part of the state, or unnecessarily increases the cost of detection of deception services without a corresponding or equivalent public benefit. and regulations for its own government and the exercise of its power hereunder for the conduct of the business or practice of administering examinations for the purpose of detecting truth or deception (lie detector examinations) not in conflict with the Constitution and laws of the United States or this state and may amend same at its pleasure.~~

(2) ~~No person shall administer examinations for the purposes of detecting truth or deception without first receiving from the Department of State a license as provided herein.~~

(2)(2) This part is not applicable to a detection of deception examiner employed by a municipal, county, state or federal agency as long as his sole use of the instrument described in s. 493.40(1) is in the performance of his official duties.

Section 18. Subsection (1) and paragraphs (k) and (m) of subsection (2) of section 493.42, Florida Statutes, are amended to read:

493.42 Application for license.—

(1) Every person administering detection of deception examinations must qualify individually for a license under this part and shall file with the department a written application accompanied by a fee of \$25 to cover costs in an amount to be determined by rule. The fee shall not be rebatable.

(2) The written application shall be in accordance with the following provisions, and the application shall be signed and verified by the individual and shall contain the following information:

(k) A statement of the *internship* experience of the signatory as required by s. 493.43(3) signed by the licensed supervising examiner which he believes would qualify him for a license under this part;

(m) Such further facts as may be required by the department to show that the person signing the application is competent, honest, truthful, trustworthy, of good moral character and bears a reputation for fair dealing.

Section 19. Section 493.43, Florida Statutes, is amended to read:

493.43 License requirements.—An applicant is qualified to receive a license as a detection of deception examiner if he:

(1) ~~Who~~ Is at least 18 years of age; and

(2) ~~Is of good moral character Who establishes that he is a person of honesty, truthfulness, integrity, moral fitness, and has a reputation for fair dealing; and~~

(3) ~~Who has not been convicted of a misdemeanor involving moral turpitude or a felony or has not been released or discharged under any other than honorable conditions from any of the armed forces of the United States; and~~

(3)(4) ~~Who~~ Has a bachelor's degree from a full 4-year university or college recognized as such by the department. This requirement may be waived for those persons who have a high school diploma and 5 years' experience as an investigator or detective with a municipal, county, state or federal agency; and

(4)(5) ~~Who~~ Has satisfactorily completed a formal training course of at least six weeks' duration at an examiner's school instructing in the use of an instrument as described in s. 493.40(5), which school must be recognized and approved by the department; and

(5)(6) ~~Who~~ Has completed a period of a minimum of 1 year as licensed intern examiner under the supervision of a licensed qualified examiner in this state.

Section 20. Section 493.435, Florida Statutes, is created to read:

493.435 Approval of schools.—

(1) Each person, partner, or corporate officer who owns or directs the business of the polygraph school shall, before departmental approval of such school, file with the department a written application accompanied by an application fee to cover costs in an amount to be determined by rule. The fee shall not be rebatable.

(2) The written application shall be in accordance with the following provisions and the application shall be signed and verified by the individual and shall contain the following information:

(a) Full name and title of position;

(b) The address of the principal place in which business is to be conducted;

(c) The name under which the business is to be conducted;

(d) A full set of fingerprints and a photograph of the signatory taken within 2 years immediately preceding the submission of the application;

(e) A statement of any or all arrests of the signatory;

(f) Proof that the person holds a valid detection of deception examiner's license;

(g) Such further facts relating to the facilities and curriculum of the proposed school as the department may require; and

(h) Such further facts as may be required by the department to show the person signing the application is of good moral character.

Section 21. Section 493.44, Florida Statutes, is amended to read:

493.44 Fees.—*The department, by rule, shall establish biennial fees for licenses which shall not exceed the following. The license fees applicable to the two types of licenses provided under part II of this chapter are as follows:*

(1) Detection of deception examiners—\$150 \$59.

(2) Detection of deception intern—\$30 \$10.

Section 22. Section 493.46, Florida Statutes, is hereby repealed.

Section 23. Subsection (1) of section 493.47, Florida Statutes, is amended to read:

493.47 Issuance of license.—

(1) When the Department of State shall be satisfied that the applicant meets the license requirements, ~~it shall of the good character, competency and integrity of the applicant for a detection of deception examiner's license, it shall inform the such applicant of its findings and that license shall be issued upon the applicant's filing a certificate of insurance posting a licensee's bond as provided for in s. 493.09. Upon the filing posting of such certificate of insurance licensee's bond, the department shall issue and deliver to such applicant a license to conduct the type of business applied for at the premises stated in the application. Such license shall not be transferable, and shall be revoked or canceled only by the department.~~

Section 24. Subsection (1) of section 493.48, Florida Statutes, is amended to read:

493.48 License, contents and posting.—

(1) The license issued pursuant to part II of this chapter shall be for a period of 1 year and shall be in such form as

may be determined by the Department of State, but shall at least specify the applicant's name, the type and number of the license, the address of the principal place of business and the date on which it will expire. *The license shall be renewed biennially. The department may prorate license fees.*

Section 25. Section 493.51, Florida Statutes, is amended to read:

~~493.51 Disciplinary proceedings Power of Department of State to deny, suspend, or revoke licenses.—The Department of State may take the same disciplinary actions based deny, refuse to renew or may suspend or may revoke licenses issued under part II of this chapter upon the same grounds as set forth in s. 493.14.~~

Section 26. Subsection (3) of section 790.01, Florida Statutes, is hereby repealed.

Section 27. Notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended, chapter 493, Florida Statutes, shall not stand repealed on July 1, 1980, as scheduled by such act, but chapter 493, Florida Statutes, as amended, is hereby revived and readopted.

Section 28. This act shall take effect July 1, 1980, and if it does not become a law on or before July 1, 1980, it shall operate retroactively to said date.

On motion by Senator Myers, the Senate reconsidered the vote by which Amendment 1 was adopted.

Senator Myers moved the following substitute amendment:

Amendment 2—On page 3, line 11, strike everything after the enacting clause and insert: Section 1. Part I of chapter 493, Florida Statutes, consisting of sections 493.001, 493.002, 493.003, 493.004, 493.005, 493.006, 493.007, 493.008, 493.009, 493.011, 493.012, 493.013, 493.014, 493.015, 493.016, 493.017, 493.018, 493.019, 493.021, 493.022, 493.023, 493.024, 493.025, 493.026, 493.027, and 493.028, is created to read:

PART I

PRIVATE INVESTIGATIVE AGENCIES, PATROL AGENCIES, ETC.

493.01 Definitions, part I.—As used in this act:

(1) "Private investigative agency" means and includes any person, firm, company, partnership or corporation, engaged in the business of furnishing for hire private investigations.

(2) "Watchman," "guard," or "patrol agency" means and includes any person, firm, company, partnership or corporation, engaged in the business of furnishing for hire watchman, guard or patrolman services.

(3) "Private investigator" means and includes anyone who performs the services of private investigation, or who directly supervises others in the performance of such services.

(4) "Private investigation" means and includes investigation by a person or persons for the purpose of obtaining information with reference to any of the following matters:

(a) Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for authorizing such investigations;

(b) The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any person, group of persons, association, organization, society, other group of persons or partnership or corporation;

(c) The credibility of witnesses or other persons;

(d) The whereabouts of missing persons;

(e) The location or recovery of lost or stolen property;

(f) The causes and origin of, or responsibility for fires, or libels, or slanders, or losses, or accidents, or damage, or injuries to real or personal property;

(g) The business of securing evidence to be used before investigating committees, boards of award, or arbitration; or in the trial of civil or criminal cases and the preparation therefor;

(h) The conducting of studies or surveys to determine methods and means of providing security for the person requesting the studies or surveys;

(i) Service of court process for consideration by persons other than employees of federal, state, county, or municipal police agencies.

(5) "Watchman," "guard," or "patrolman" means and includes persons who directly supervise others who, or who themselves, separately or collectively, guard persons or property or attempt to prevent theft or unlawful taking of goods, wares and merchandise, or attempt to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes, or other documents, papers and articles of value, or to procure the return thereof, or who perform the services of such watchman, guard or patrolman, or other person for any of said purposes.

(6) "Repossessor" means any person, who for compensation, recovers motor vehicles, as defined in s. 320.01(1), and motorboats, as defined in s. 371.021(2), as a result of default in payment for such motor vehicle.

(7) "Intern" means one who studies investigative or repossession work on a trainee status under the personal supervision and control of a Class "C" or "E" licensee.

(8) "Licensee" means and includes any person, firm, company, partnership or corporation licensed under this chapter.

(9) The personal pronoun "he" implies the impersonal pronoun "it."

(10) Department means the Department of State.

493.002 Authority to make rules.—The department shall adopt rules necessary to administer this chapter. However, no rule shall be adopted that unreasonably restricts competition or the availability of private security services in the state or in a significant part of the state, or unnecessarily increases the cost of private security services without a corresponding or equivalent public benefit.

493.003 Access to criminal justice information.—In order to carry out the duties of the department prescribed in this part, designated employees of the Division of Licensing of the Department of State may obtain access to the information in criminal justice information systems and to criminal justice information as defined in s. 943.07, on such terms and conditions as are reasonably calculated to provide necessary information and protect the confidentiality of such information.

493.004 Classes of licenses.—

(1) Any person, firm, company, partnership or corporation, who engages in business as a private investigative agency shall have a Class "A" license.

(2) Any person, firm, company, partnership or corporation who engages in the business as a watchman, guard, or patrol agency shall have a Class "B" license.

(3) Any person who performs the services of a private investigator shall have a Class "C" license.

(4) Any person who studies or performs private investigative work as an intern under the supervision of a Class "C" licensee shall have a Class "CC" license.

(5) Any person who performs the services of a watchman, guard, or patrolman shall have a Class "D" license.

(6) Any person who performs the services of a reposessor shall have a Class "E" license.

(7) Any person who studies or performs repossession as an intern under the supervision of a Class "E" licensee shall have a Class "EE" license.

(8) Only Class "C" and "D" licensees are permitted to carry or use a firearm and any such licensee who carries or uses a firearm must have a Class "G" license.

(9) A Class "A" or "B" license is valid for only one location. Each additional or branch office of a Class "A" or "B" licensee shall have a Class "GBB" license.

493.005 Application for license.—

(1) Each person, partner, or, in the case of corporations, each corporate officer, must qualify separately for a license under this part and shall file with the department a written application accompanied by an application fee of \$25, except that an applicant for a Class "G" or "D" license shall not be required to pay the application fee. The fee shall not be rebateable. The written application shall be in accordance with the following provisions:

(a) If the applicant is an individual, the application shall be signed and verified by the individual.

(b) If the applicant is a firm or partnership, a separate application shall be signed and verified by each individual composing or intending to compose, in the immediate future, such firm or partnership.

(c) If the applicant is a corporation, a separate application shall be signed and verified by each officer (not including assistant secretaries or assistant treasurers) thereof.

(d) The application shall contain the following information concerning the individual signing the same:

1. Full name and title of position held with applicant;
2. Age, date and place of birth;
3. The present residence address and the residence addresses within the 5 years immediately preceding the submission of the application;
4. Occupations held presently and within the 5 years immediately preceding the submission of the application;
5. A statement that he is 18 years of age or older;
6. The address of the principal place in which the business is to be conducted;
7. The address of all branch offices within the state;
8. The name under which the business is to be conducted;
9. The names and addresses of all partners or officers and directors, as the case may be;
10. A full set of fingerprints and a photograph of the signatory taken within 2 years immediately preceding the submission of the application;
11. A statement of the experience of the signatory which he believes would qualify him, his firm or his corporation for a license under this chapter;
12. A statement of any or all convictions which should include any withholding of adjudication of guilt of the signatory; and
13. Such further facts as may be required by the department to show that the person signing the application is of good moral character and qualified by experience and training to satisfy the requirements of this part.

(2) An applicant for a Class "D" license may be employed by an agency as an unarmed watchman, unarmed guard, or unarmed patrolman before such application is approved. "Unarmed" shall mean that no firearm shall be carried or used during official duty, regardless of whether the applicant has any other authority to carry a firearm. If the department denies a Class "D" license the employment of such person shall be terminated immediately. Each person, firm, company, partnership, or corporation shall, upon the employment or termination of employment of a watchman, guard, or patrolman, report such employment or termination immediately to the department.

493.006 License requirements.—

(1) Each individual licensed by the department shall:

- (a) Be at least 18 years of age.
- (b) Be of good moral character.

(2)(a) As used in this chapter, "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.

(b) The department may refuse to license an applicant for lack of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the business for which the license is sought.

2. The finding by the department of lack of good moral character is supported by clear and convincing evidence.

(c) When the applicant is found to be unqualified for licensure for lack of good moral character, the department shall furnish the applicant a statement containing the findings of the department, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

(3) Each agency or branch office must designate a minimum of one person to act as manager, actively directing the activities of the Class "C," "D," and "E" employees. The person or persons designated as manager shall have at least 2 years' experience or equivalent training performing the type of service permitted under the agency license applied for.

(4) In addition to the above requirements, an application for a Class "C" license must have 2 years' experience and/or training in one or a combination of more than one of the following:

(a) Private investigative work or related fields of work that provided equivalent experience or training;

(b) College course work and seminars related to private investigation, except that no more than 1 year may be used from this category;

(c) Work as a Class "CC" licensed intern;

(5) In addition to any other requirements, an applicant for a Class "E" license must have one year of work experience performing repossessing, one year as a Class "EI" reposessor intern, or a combination of one year of work experience and internship.

(6) In addition to any other requirements, an applicant for a Class "G" license must:

(a) Satisfy minimum training criteria for firearms established by rule of the department which shall consist of not less than 8 or more than 10 hours of range and classroom training, and

(b) Demonstrate fitness to carry a firearm based upon a complete background investigation by the department of the individual's police record and general character.

493.007 Notification to Department of State of changes of partner or corporate officer or licensee.—After filing the application, unless the department declines to issue the license, or revokes it after issuance, all private investigative agencies, and all watchman, guard or patrolman agencies, shall notify the department within 10 days of the withdrawal, removal, replacement or addition of any or all partners, officers, or licensees of the corporate agency, and upon receipt of application forms from the department, shall cause the same to be completed by the new partner or officer and the same shall be filed with the department and an application fee of \$25 paid. The agency's good standing under this part shall be contingent upon the department's approval of any such new partner or officer.

493.008 Fees.—

(1) The department, by rule, shall establish biennial fees which shall not exceed the following:

(a) Class "A" license. Private investigative agency: \$300.

(b) Class "B" license. Watchman, guard, or patrolman agency: \$300.

(c) Class "C" license. Private investigator: \$50. A natural person who has a Class "A" license does not have to pay the Class "C" license fee.

(d) Class "D" license. Watchman, guard, or patrolman: \$30. A natural person who has a Class "B" license does not have to pay the Class "D" license fee.

(e) Class "E" license. Reposessor: \$50.

(f) Class "GBB" license. Branch office: \$75.

(g) Class "G" license. Statewide gun permit: \$75. Issuance of this permit shall not authorize the possession of a concealed weapon.

(2) The department, by rule, may establish a fee for the replacement of a Class "D" or Class "G" laminated card which shall not exceed \$15.

(3) The fees set forth in this section shall be paid by certified check or money order or, at the discretion of the department, by company check at the time the license is issued, except that the applicant for a Class "D" or Class "G" license shall pay the license fee at the time the application is made. If a license is revoked, the license fee shall not be returned to the licensee.

493.009 Investigation of applicants by Department of State.—

(1) Except as provided in subsection (3), prior to the issuance of licenses under this part, the department shall make individual investigations of applicants for all licenses. The investigations shall include:

(a) A thorough background investigation of the individual's good moral character.

(b) An examination of fingerprint records and police records.

(c) Such other investigation of individuals as the department may deem necessary.

(2) In the case of Class "G" license applicants, the department shall make an investigation of the general mental and physical fitness of the applicant to carry a weapon or firearm in addition to such investigations required by subsection (1) of this section.

(3) In the case of Class "D" license applicants, the department shall make an examination of fingerprint records and police records, and such additional investigations as it shall deem necessary.

493.011 Licensee's insurance.—No agency license shall be issued unless the applicant first files with the department a certificate of insurance evidencing comprehensive general liability coverage for death, bodily injury, and personal injury. Said certificate shall provide the state as an additional insured for purposes of all notices of modification or cancellation of such insurance. Coverage shall also include false arrest, detention or imprisonment, malicious prosecution, libel, slander, defamation of character, and violation of the right of privacy in the amount of \$100,000 per person and \$300,000 per occurrence and property damage in the amount of \$100,000 per occurrence. The agency license shall be automatically suspended upon the date of cancellation unless evidence of insurance is provided prior to the effective date of cancellation. Coverage shall insure for the liability of all agency employees licensed by the department. The agency shall notify the department of any claim against such insurance arising from any claim of false arrest, detention or imprisonment, malicious prosecution, libel, slander, defamation of character or violation of the right of privacy.

493.012 License; contents; posting; identification card.—

(1) All licenses issued pursuant to this part shall be in a form prescribed by the department. The license shall specify the name under which the applicant is to operate, the address of the principal place of business, the expiration date, the full names and titles of the persons who submitted application forms, the number of the license, and any other information the department deems necessary. All licenses, except Class "CC" and Class "EE" licenses, issued by the department shall be renewed biennially. The department shall determine by rule the expiration date of each class of license. The department may prorate license fees.

(2) The agency license shall at all times be posted in a conspicuous place in the principal place of business of the licensee in this state. Each agency shall display in a place that is in clear and unobstructed public view, a notice stating that the business operated at this location is licensed and regulated by the Department of State and that any questions or complaints should be directed to the department. The notice shall be in a form specified by the department and the department shall adopt rules to insure that the notice is dis-

played in such place where a client of the agency would be most likely to see it.

(3)(a) The department shall upon application and payment of fee issue a separate license for each branch office mentioned in the application. Said license shall be in a form designed by the department but it shall at least specify the name under which the licensee operates, the license number and the address of the location to which the license applies.

(b) No license shall be valid to protect any business transacted at any place other than that designated in the license unless consent is first obtained from the department.

(c) Such license shall not be valid to protect any licensee who engages in the business under any name other than that specified in said license. A license issued under this part shall not be assignable and no licensee may conduct a business under a fictitious name without prior written authorization of the department to do so. The department may not authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby. The authorization for the use of a fictitious name shall require as a condition precedent to the use of such name the filing of a certificate of doing business under a fictitious name under s. 865.09. No licensee shall be permitted to conduct business under more than one name except as licensed. A licensee desiring to change its licensed name at any time except upon renewal of license shall notify the department and pay a fee not to exceed \$30 for each authorized change of name; and upon returning the license to the department, the newly authorized name shall then be entered upon the license and same returned to the licensee.

(4) It shall be the duty of every agency licensee to furnish all of its people, partners, corporate officers, and managers, as the case may be, and all licensed employees, an identification card. Such card shall be in a form and design as may be approved by the Department of State, but shall specify at least the name of the holder of the card, the name and number of the licensee, and be signed by a representative of the licensee and by the holder of the card. Such card shall be in the possession of each person, partner, corporate officer, manager, or licensed employee while on duty. Upon suspension or revocation of a license or upon termination of a business association with the licensee, it shall be the duty of each person, partner, corporate officer, manager or licensed employee to return the card to the agency licensee.

(5) Each person to whom a license and card have been issued shall be responsible for the safekeeping of same and shall not loan, or let or allow any other person to use or display, said license or card.

493.013 Service of process.—Any Class "C" licensee shall be deemed a special process server under the provisions of s. 48.021 in any individual proceeding when appointed by a circuit or county judge without the necessity of appointment by the sheriff.

493.014 Inapplicability of part I of this chapter.—This part shall not apply:

(1) To any detective or officer employed by any agencies of the United States or this state, or any county or municipality of this state, while any such officer is engaged in the performance of his official duties or when performing activities approved by his superiors.

(2) To special police officers appointed by the state or by the police department of any city or county within the state while any such officer is engaged in the performance of his official duties or when performing activities approved by his superiors.

(3) To insurance investigators or adjusters licensed by the state.

(4) To any person employed as an unarmed special agent, detective, reposessor or private investigator exclusively in connection with the business of that employer or to an unarmed watchman, guard, or patrolman employed exclusively to do work on the premises, and in connection with the business, of that employer, when there exists an employer-employee relationship.

(5) To any person, firm, company, partnership, corporation, or any bureau or agency whose business is exclusively the furnishing of information as to the business and financial standing, and credit responsibility of persons, firms, or corporations, or as to the personal habits and financial responsibility of applicants for insurance, indemnity bonds or commercial credit.

(6) To attorneys or counselors at law in the regular practice of their profession, but such exemption shall not serve to exempt from the requirements of licensure any employee or representative of such attorney or counselor at law who is not employed solely, exclusively and regularly by such attorney or counsel at law.

(7) To any state or national bank or bank holding company, credit union, or small loan company operating pursuant to chapters 516, 519, and 520; consumer credit reporting agency regulated under 15 U.S.C. ss. 1681 et seq.; or collection agency; and to any permanent employee thereof.

(8) Any corporation duly authorized by the state to operate a central burglar or fire alarm protection business is exempt from the Class "B" license requirement and other provisions of this part relating to Class "B" licenses. However, employees of such corporations are not exempt to the extent they perform services requiring licensure under this part.

(9) To any person who holds a license under the laws of this state when such person is providing services or expert advice in the profession or occupation in which such person is so licensed.

493.015 Renewal of license.—

(1) A license granted under the provisions of this part may be renewed by the department.

(2) No less than 90 days prior to the expiration date of the license, the department shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the department.

(3) A licensee shall renew his license prior to expiration by filing with the department, at least 45 days prior to expiration, the renewal form accompanied by:

(a) Payment of the fee prescribed in s. 493.008.

(b) Proof of the comprehensive general liability insurance coverage required in s. 493.011, when applicable.

(4) A licensee who fails to file a renewal application at least 45 days prior to expiration may renew his license by fulfilling the requirements of paragraphs (a) and (b) of subsection (3) and paying a late fee equal to the amount of the license fee.

(5) No license shall be renewed 6 months or more after its expiration date unless the applicant submits a new application and respective fees. Such applicant may be subject to a background investigation.

(6) No person, firm, company, partnership, or corporation shall carry on any business regulated by this part during any period which may exist between the date of expiration and the date of renewal of a license.

(7) Before a Class "G" license is renewed, the licensee shall be required to complete not less than 6 or more than 10 hours of range training and fulfill such other health and training requirements which the department shall adopt by rule.

493.016 Change of location of licensee.—In the event the licensee desires to change the location of any place of business indicated in his application on file with the department, he shall notify the department. The department shall send to him suitable forms designed by the department, the purpose of which shall be to record in the office of the department the fact that there has been a change by way of substitution of the licensee's place or places of business. Upon completion of such form the licensee shall return it to the department, together with a fee of \$10 for each changed location. The department shall thereupon send to the licensee a certificate of registration of each changed location. Said certificate shall be in a form designed by the department, but it shall at least specify the name under which the licensee operates, its license number and the address of the location to which

the certificate of registration applies. The holder of a Class "D" or Class "G" license shall not be required to pay the \$10 fee for each change of location.

493.017 Grounds for disciplinary action.—

(1) The following acts constitute grounds for which disciplinary action specified in subsection (2) may be taken:

(a) Fraud or willful misrepresentation in application for or in obtaining a license;

(b) Use of any fictitious or assumed name by a licensee unless he has department approval and qualifies under s. 865.09;

(c) Regardless of adjudication, having been found guilty of the commission of a crime which directly relates to the business for which the license is held;

(d) A false statement by the licensee that any person is or has been in his employ.

(e) If the licensee or any of his or its employees is found guilty of willful betrayal of a professional secret;

(f) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of his business for which the license is held;

(g) If the person conducts business without a license, or with a revoked or suspended license;

(h) Failure of the licensee to maintain in full force and effect the general liability insurance coverage, if required, referred to in s. 493.011;

(i) If the licensee impersonated, permitted, or aided and abetted an employee to impersonate, a law enforcement officer or any employee of this state, United States, or any political subdivision thereof;

(j) Committed assault, battery, or kidnapping; or used force or violence on any person except in self-defense or in the defense of a client;

(k) Knowingly violated or advised, encouraged or assisted the violation of any court order or injunction in the course of business as a licensee;

(l) Acted as a runner or a capper for any attorney;

(m) Falsified or altered an inventory of recovered personal property as required by s. 493.028;

(n) Transferred or attempted to transfer a license issued pursuant to this chapter;

(o) Failed or refused to cooperate with the department's investigation of any suspected violation of this part;

(p) Violated any provision of this chapter.

(2) When the department finds any violation of subsection (1), it may impose one or more of the following penalties:

(a) Deny an application for licensure.

(b) Revoke or suspend a license.

(c) Impose an administrative fine not to exceed \$1,000 for every count or separate offense.

(d) Issue a reprimand.

(e) Place the licensee on probation for a period of time and subject to such conditions as the department may specify.

(3) Upon revocation or suspension of license, the licensee shall forthwith return the license which was suspended.

493.018 Cancellation of license.—In the event the licensee desires to cancel the license, he shall notify the department and the department shall supply him with proper forms as designed by the department to effectuate the cancellation of said license. Upon cancellation of said license, the licensee shall, within 10 days, return to the department the license so cancelled.

493.019 Trust fund.—There is created within the Division of Licensing of the department a Division of Licensing Trust Fund. All moneys required to be paid under this chapter shall be collected by the department and deposited in the trust fund.

The Legislature shall appropriate from said fund such amounts as it deems necessary for the purpose of administering the provisions of this chapter. The unencumbered balance in the trust fund at the beginning of the year shall not exceed \$100,000 and any excess shall be transferred to the General Revenue Fund unallocated.

493.021 Divulging information; prohibited; false reports; penalty.—Except as otherwise provided by law, no licensee or any employee of such licensee shall divulge or release to any person, other than to his principal or his employer, any information acquired as a result of any investigation, surveillance, or other act performed by such licensee or employee in the course of his employment. However, the provisions of this section shall not apply to any employer who is also the holder of a license issued pursuant to this part and who has the prior written consent of the client or principal to divulge or release any information falling within the terms of this section, and further provided, that the provisions of this section will not apply to the taking of testimony or the receiving of evidence in any judicial proceeding. Any person violating this section or any employee who shall willfully make a false report to his employer concerning his employment or work is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

493.022 Exclusion of tax.—Payment of the license fee provided for hereunder authorizes the licensee to practice his profession anywhere in Florida without obtaining any additional license, permit, registration, or identification card, except as required by s. 493.023, any municipal or county ordinance or resolution to the contrary notwithstanding. However, Class "A" and Class "B" licensees shall be required to obtain a city and county occupational license in each city and county where the licensee maintains a physical office.

493.023 Weapons and firearms; training requirements; permit.—

(1) The provisions of this section shall apply to all licensees in addition to the other provisions of this part.

(2) No employee shall carry or be furnished a weapon or firearm unless the carrying of such weapon or firearm is required by his duties; nor shall an employee carry such weapon or firearm except in connection with said duties. When carried pursuant to this subsection, the weapon or firearm shall be encased in view at all times unless the employee complies with ss. 790.05 and 790.06 as they pertain to concealed weapons or firearms.

(3) Nothing in this act shall abrogate the provisions of paragraph 790.25(3)(n). The statewide permit shall remain in effect only during the period the applicant is employed as a guard. It shall be the responsibility of the employer immediately to notify the department of the employee's termination of employment, at which time the department shall revoke said permit.

(4) The department may issue a temporary 45-day Class "G" license which may be renewed once.

(5) A licensee who has been issued a Class "G" state wide permit pursuant to this section is exempt from the requirements of ss. 790.05 and 790.06 while performing the duties he is licensed to perform under this act, provided he does not carry a concealed weapon or firearm.

(6) The only firearm a Class "G" licensee may carry is a standard police .38 caliber revolver with standard ammunition, unless otherwise approved by the department.

(7) The department, by rule, may establish standards and issue certificates to licensees for weapons other than firearms.

493.024 Violation; penalty.—Any person who violates any provision of this part is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

493.025 Enforcement of part I; investigation.—

(1) The department shall have the power to enforce the provisions of this part irrespective of the place or location in which said violation occurred and upon complaint of any person or on its own initiative to cause to be investigated any suspected violation thereof or to cause to be investigated the business and business methods of any licensee, applicant or employee thereof.

(2) In any investigation undertaken by the department, each such licensee, applicant or employee thereof shall, upon request of the department, submit information as to his business practices or methods. In the exercise of its enforcement responsibility and in the conduct of any investigation relating to a suspected violation of this part, the department shall have the power to subpoena and bring before it any person in the state and may require the production of any papers it deems necessary and administer oaths and take depositions of any such persons so subpoenaed. Failure or refusal of any person properly subpoenaed to be examined or to answer any question as to his qualifications or the business methods or business practices under investigation shall be grounds for suspension or revocation of license, or refusal to issue such license, as the case may be. The testimony of witnesses in any such proceeding shall be under oath before the department or its agents.

(3) The department shall designate an advisory council to be composed of nine members. Said advisory council shall insofar as possible be geographically distributed and representative of the various segments of the profession. The council shall organize, elect a chairman and thereafter meet upon call of the chairman through the department. The council shall counsel and advise with the department and make recommendations relative to the operation and regulation of the industry. Such advisory council members as are appointed by the department shall serve without pay; however, state per diem and travel allowances may be claimed for attendance at officially called meetings of the council as provided by s. 112.061.

493.026 Department of Legal Affairs; enforcement.—The Department of Legal Affairs shall be attorney for the Department of State in the enforcement of this part and shall conduct any investigations incident to its legal responsibility.

493.027 Acts prohibited by Class "E" and Class "EE" licensees.—In addition to other requirements imposed by this part or by rule of the department, reposessor licensees and reposessor interns are prohibited from:

(1) RECOVERING VEHICLES SOLD UNDER CONDITIONAL SALES AGREEMENT OR CHATTEL MORTGAGE WITHOUT AUTHORIZATION.—Recovering personal property including personal property registered under the motor vehicle code, which has been sold under a conditional sales agreement or under the terms of a chattel mortgage before authorization has been received from the legal owner of such property or from the mortgagee when such personal property is subject to the terms of a chattel mortgage.

(2) SOLICITING RECOVERY OF A VEHICLE OR OTHER PERSONAL PROPERTY AFTER IT HAS BEEN LOCATED.—Soliciting from the legal owner the recovery of specific personal property after such property has been seen or located on public or private property.

(3) CHARGING UNINCURRED EXPENSES.—Charging for expenses not actually incurred in connection with the recovery, transportation and storage of personal property.

(4) USING PROPERTY FOR PERSONAL BENEFIT.—Using property which has been recovered for the personal benefit of a licensee or officer, director, partner, manager or employee of a licensee.

(5) SALE OTHER THAN AT PUBLIC AUCTION OR UNDER WRITTEN AUTHORIZATION.—Selling personal property recovered under the provisions of this part while acting as a reposessor or finance adjuster except at public auction or with written authorization from the legal owner or the mortgagee thereof.

(6) FAILURE TO NOTIFY POLICE OR SHERIFF'S DEPARTMENT.—Failure to notify police or sheriff's department of the jurisdiction in which the personal property is recovered within 24 hours.

493.028 Reposessor required to prepare and maintain inventory.—If personal effects or other property not covered by a security agreement are contained in or on personal property at the time it is recovered, a complete and accurate inventory shall be made of such personal effects or other personal property. The date and time the inventory is made shall be indicated and it shall be signed by the person or persons who recovered the personal property on behalf of the secured party. The inventory shall be filed and maintained for a period of

4 years in the permanent records of the licensee and shall be made available upon demand to representatives of the department during normal business hours. Falsification or alteration of an inventory or failure to maintain such inventory for the required time period shall be grounds for suspension or revocation of license.

Section 2. Part II of chapter 493, Florida Statutes, consisting of sections 493.201, 493.202, 493.203, 493.204, 493.205, 493.207, 493.209, 493.210, 493.211, 493.212, 493.214, 493.216, 493.217, 493.218, 493.220, and 493.222, is created to read:

PART II

REGULATION OF DETECTION OF DECEPTION EXAMINERS

493.201 Definitions, part II.—The following terms shall, unless the context otherwise indicates, have the following respective meanings:

(1) "Detection of deception examiner" shall mean, and include any person who uses any device or instrument which records as minimum standards, permanently and simultaneously, the examinee's cardiovascular (blood pressure and pulse) and respiratory (breathing) patterns, in order to examine individuals for the purpose of detecting truth or deception. Such an instrument may record additional physiological changes pertinent to the detection of truth or deception.

(2) "Intern" means the study of detection of deception and the administration of detection of deception examinations by a trainee under the personal supervision and control of an examiner.

(3) "Licensee" means only natural persons.

(4) "Department" means Department of State.

(5) "Polygraph" means an instrument which combines a continuous permanent recording and means of measuring and recording at least two of the physiological reactions to emotions.

(6) "Employee examiner" means a qualified detection of deception examiner employed wholly and exclusively by a single employer.

493.202 Rules of Department of State; applicability.—

(1) The department shall adopt rules necessary to administer this chapter. However, no rules shall be adopted that unreasonably restricts competition or the availability of detection of deception services in the state or in a significant part of the state, or unnecessarily increases the cost of detection of deception services without a corresponding or equivalent public benefit.

(2) This part is not applicable to a detection of deception examiner employed by a municipal, county, state or federal agency as long as his sole use of the instrument described in s. 493.201(1) is in the performance of his official duties.

493.203 Application for license.—

(1) Every person administering detection of deception examinations must qualify individually for a license under this part and shall file with the department a written application accompanied by a fee to cover costs in an amount to be determined by rule. The fee shall not be rebatable.

(2) The written application shall be in accordance with the following provisions, and the application shall be signed and verified by the individual and shall contain the following information:

- (a) Full name and title of position;
- (b) Age, date and place of birth;

(c) The present residence address and the residence addresses within the 5 years immediately preceding the submission of the application;

(d) Occupations held presently and within the 5 years immediately preceding the submission of the application;

(e) A statement that he is 18 years of age or older;

(f) The address of the principal place in which the business is to be conducted;

(g) Statement of educational qualifications as provided in s. 493.204;

(h) The name under which the business is to be conducted;

(i) Statement of formal polygraph training as provided in s. 493.204;

(j) A full set of fingerprints and a photograph of the signatory taken within 2 years immediately preceding the submission of the application;

(k) A statement of the internship experience of the signatory as required by s. 493.204(5) signed by the licensed supervising examiner;

(l) A statement of any or all arrests of the signatory; and

(m) Such further facts as may be required by the department to show that the person signing the application is of good moral character.

493.204 License requirements.—An applicant is qualified to receive a license as a detection of deception examiner if he:

(1) Is at least 18 years of age; and

(2) Is of good moral character; and

(3) Has a bachelor's degree from a full 4-year university or college recognized as such by the department. This requirement may be waived for those persons who have a high school diploma and 5 years' experience as an investigator or detective with a municipal, county, state or federal agency or as a "C" licensee; and

(4) Has satisfactorily completed a formal training course of at least 6 weeks' duration at an examiner's school instructing in the use of an instrument as described in s. 493.201(5), which school must be recognized and approved by the department; and

(5) Has completed a period of a minimum of 1 year as licensed intern examiner under the supervision of a licensed examiner in this state.

493.205 Fees.—The department, by rule, shall establish biennial fees for licenses which shall not exceed the following:

(1) Detection of deception examiners—\$150.

(2) Detection of deception intern—\$30.

493.207 Approval of schools.—

(1) Each person, partner, or corporate officer who owns or directs the business of the polygraph school shall, before departmental approval of such school, file with the department a written application accompanied by an application fee to cover costs in an amount to be determined by rule. The fee shall not be rebatable.

(2) The written application shall be in accordance with the following provisions and the application shall be signed and verified by the individual and shall contain the following information:

(a) Full name and title of position;

(b) The address of the principal place in which business is to be conducted;

(c) The name under which the business is to be conducted;

(d) A full set of fingerprints and a photograph of the signatory taken within 2 years immediately preceding the submission of the application;

(e) A statement of any or all arrests of the signatory;

(f) Proof that the person holds a valid detection of deception examiner's license;

(g) Such further facts relating to the facilities and curriculum of the proposed school as the department may require; and

(h) Such further facts as may be required by the department to show the person signing the application is of good moral character.

493.209 Investigation of applicant by Department of State.—The department shall make such individual investigations of applicants for licenses under part II of this chapter as it may deem necessary.

493.210 Licensee's insurance.—No detection of deception examiner license shall be issued unless the applicant first files with the department a certificate of insurance as provided for in s. 493.011. The insurance shall cover any intern supervised by the examiner.

493.211 Polygraph intern license.—Internship license for a period of one year shall be issued to such applicant who has met all the qualifications set forth in ss. 493.203 and 493.204 and who has paid the license fee for the purpose of permitting the applicant to receive training as a detection of deception examiner under the supervision of a licensed examiner.

493.212 License, contents and posting.—

(1) The license issued pursuant to part II of this chapter shall be in such form as may be determined by the Department of State, but shall at least specify the applicant's name, the type and number of the license, the address of the principal place of business and the date on which it will expire. The license shall be renewed biennially. The department may prorate license fees.

(2) The license shall at all times be posted in a conspicuous place in the principal place of business of the licensee in this state. Each agency shall display in a place that is in clear and unobstructed public view, a notice stating that the business operated at this location is licensed and regulated by the Department of State and that any questions or complaints should be directed to the department and the department shall adopt rules to insure that the notice is displayed in such place where a client of the agency shall be most likely to see it.

493.214 Reciprocity.—A person who is a detection of deception examiner, licensed under the laws of another state or territory of the United States, may be issued a license by the department, at its discretion, upon payment of the fee as provided under s. 493.205, and the production of satisfactory proof that:

- (1) The applicant is at least 18 years of age;
- (2) He is of good moral character;
- (3) The requirements for the licensing of examiners in such particular state or territory of the United States were, at the date of licensing, substantially equivalent to the requirements then in force in this state;
- (4) The applicant had lawfully engaged in the administration of detection of deception examinations under the laws of such state or territory for at least 5 years prior to his application for a license hereunder; and
- (5) Such other state or territory grants similar reciprocity to license holders in this state.

493.216 Renewal of licenses.—Licenses granted under part II of this chapter may be renewed by the Department of State in the same manner and under the same provisions provided by s. 493.015.

493.217 Advisory council.—Advisory council as set forth in s. 493.025(3) shall also be the advisory council for part II of this chapter; provided, however, that an additional member be appointed to the council representing detection of deception examiners.

493.218 Disciplinary proceedings.—The Department of State may take the same disciplinary actions based upon the same grounds as set forth in s. 493.017.

493.220 Violation; penalty.—Any person who violates any provisions of this part shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

493.222 Construction of part II; admissibility of evidence.—This part does not authorize or imply the admissibility into evidence of the results of polygraph examination in judicial proceedings.

Section 3. Subsection (3) of section 790.01, Florida Statutes, is hereby repealed.

Section 4. All funds in the Private Investigative Agency Licensing Law Trust Fund shall be transferred to the Division of Licensing Trust Fund created by this act on the effective date of this act.

Section 5. Sections 493.01, 493.02, 493.03, 493.04, 493.05, 493.06, 493.07, 493.08, 493.09, 493.091, 493.10, 493.11, 493.12, 493.13, 493.14, 493.15, 493.17, 493.18, 493.19, 493.20, 493.21, 493.22, 493.231, 493.25, 493.26, 493.28, 493.40, 493.41, 493.42, 493.43, 493.44, 493.45, 493.46, 493.47, 493.48, 493.49, 493.50, 493.51, 493.54, and 493.56, Florida Statutes, and sections 493.23 and 493.53, Florida Statutes, as amended by chapter 78-323, Laws of Florida, are hereby repealed.

Section 6. Saving clauses.—

(1) No judicial or administrative proceeding pending on July 1, 1980 shall be abated as a result of the repeal and reenactment of this chapter.

(2) All licenses valid on the effective date of this act shall remain in full force and effect. Henceforth, all licenses shall be applied for and renewed in accordance with this act.

Section 7. Chapter 493, Florida Statutes, shall stand repealed on July 1, 1990, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Section 8. This act shall take effect July 1, 1980.

Senator Myers moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 27, lines 6-11, strike all of said lines and insert: (3) Has at least two years of attendance at a university, college, or junior college recognized and approved by the department. This requirement may be waived for those persons who have a high school diploma and two years experience as an investigator or detective.

Amendment 2 as amended was adopted.

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

Amendment 3—Strike the title and insert: A bill to be entitled An act relating to private investigative agencies and deception detectors; amending s. 493.01(6) (e), Florida Statutes, and adding (11)-(13) to said section; excluding repossession from the definition of "private investigation"; defining "manager"; defining "repossessor" and "intern"; amending s. 493.02, Florida Statutes; providing powers of the Department of State; amending s. 493.03, Florida Statutes; providing that a manager shall apply for a license and providing for employment of Class "F" licensee after application; amending s. 493.04, Florida Statutes, providing license requirements; amending s. 493.06(1), (3), Florida Statutes; providing for biennial fees; amending s. 493.07, Florida Statutes; exempting Class "F" license applicants from comprehensive investigations; amending s. 493.08, Florida Statutes; providing for issuance of license; amending s. 493.09, Florida Statutes; eliminating need to post bond; increasing amount of required insurance coverage; requiring licensee to timely notify department of insurance claim; amending s. 493.091, Florida Statutes; requiring qualified person to supervise agency; amending s. 493.10, Florida Statutes; providing for biennial renewal of licenses and fee for name change; amending s. 493.12, Florida Statutes; providing for procedures and fees for license renewal and requiring additional training for gun permit renewal; amending s. 493.14, Florida Statutes; relating to the grounds on which the department can deny or revoke licenses and penalties to be imposed; amending s. 493.18, Florida Statutes; creating a trust fund and providing for deposits of moneys therein; amending s. 493.21(2)(b), (4) (c), (6), Florida Statutes, and adding new subsection (7) to said section; providing for minimum training requirements for a gun permit, limiting the issuance of temporary gun permit, and limiting permissible firearms and weapons; amending s. 493.26, Florida Statutes; requiring personal property inventories be maintained for 4 years; amending s. 493.41, Florida Statutes; relating to the powers of the Department of State; amending s. 493.42(1), (2)(k), (m), Florida Statutes; providing for statement of internship; amending s. 493.43, Florida Statutes; relating to license requirements; creating s. 493.435, Florida Statutes; establishing application requirements for owners and directors of polygraph schools; amending s. 493.44, Florida Statutes; providing for maximum biennial fees; repealing s.

493.46, Florida Statutes, requiring the posting of bonds; amending s. 493.47(1), Florida Statutes; requiring the filing of a certificate of insurance; amending s. 493.48(1), Florida Statutes; providing for biennial renewal of licenses and proration of fees; amending s. 493.51, Florida Statutes; providing for discipline; and amending ss. 493.05 and 493.47(1), Florida Statutes; removing inconsistencies, improving the clarity of the statutes; repealing s. 790.01(3), Florida Statutes, exempting license from crime of carrying concealed weapons; providing a retroactive effective date.

Senator Myers moved the following substitute amendment which was adopted:

Amendment 4—On page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to investigative agencies and deception detectors; creating part I of chapter 493, Florida Statutes, substantially revising provisions relating to investigative agencies; redefining terms with respect to investigative agencies; providing for rules; providing access by the Department of State to criminal justice information; specifying classes of licenses; providing restrictions upon certain classes; altering licensing requirements; requiring licensed agencies to notify the department of changes of partners, corporate officers or licensees; providing for and increasing license fees; providing for the investigation of applicants for licenses; changing provisions with respect to the issuance of licenses and grounds for denial; requiring certificates of insurance and removing bonding requirements; removing provisions regulating who may supervise an agency; providing for biennial licenses; expanding the applicability of provisions requiring identification cards; entitling certain licensees to be special process servers; removing the licensure exemption for central burglar or fire alarm protection businesses; conforming to the act license renewal provisions; providing additional conditions upon the renewal of certain licenses; conforming to the act provisions relating to change of location of licensee; changing and expanding upon the grounds for disciplinary action; specifying disciplinary actions; creating a trust fund and restricting its balance; removing provisions relating to the carrying on of a business if the licensee dies; abolishing the Private Investigative Agency Licensing Trust Fund; changing the classes of licensees which must obtain local occupational licenses; removing provisions authorizing the issuance of statewide permit to certain licensees to carry a firearm or weapon; changing provisions relating to the possession of firearms and weapons by licensees; requiring repossessor licensees to maintain inventories; removing provisions prohibiting licensees from indicating certain association with government agencies; creating part II of chapter 493, Florida Statutes, relating to deception detectors; defining terms; providing for rules; providing licensing exceptions; altering license requirements; providing for and increasing license fees; providing for biennial licenses; establishing application requirements for owners and directors of polygraph schools; providing for the investigation of applicants; requiring certificates of insurance and providing coverage; removing bonding requirement; providing for intern license issuance; authorizing the proration of license fees; adopting by reference for deception detectors the disciplinary actions and grounds applicable to investigative agencies; providing for license content and posting; providing for reciprocity; changing license renewal requirements; providing criminal penalties; limiting admissibility of results of polygraph examinations in judicial proceedings; repealing s. 790.01(3), Florida Statutes, exempting licensees from crime of carrying concealed weapon; repealing the existing chapter 493, Florida Statutes, relating to investigative agencies and deception detectors; providing for repeal and legislative review; providing an effective date.

On motion by Senator Myers, by two-thirds vote HB 1165 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Childers, W. D.	Grizzle	Johnston
Barron	Dunn	Hair	MacKay
Beard	Fechtcl	Henderson	McClain
Carlucci	Frank	Hill	McKnight
Chamberlin	Gordon	Holloway	Myers
Childers, D.	Gorman	Jenne	Peterson

Scarborough	Stuart	Trask	Williamson
Scott	Thomas	Vogt	Winn
Steinberg	Tobiassen	Ware	

Nays—None

By the Committee on Ways and Means and Senator Hill—

CS for CS for SB 83—A bill to be entitled An act relating to collective bargaining by public employees; amending s. 447.603, Florida Statutes; specifying qualifications for commissioners appointed pursuant to local option collective bargaining provisions and requiring new appointments; providing for the monitoring of, and continuing jurisdiction over, local provisions by the Public Employees Relations Commission; specifying the applicability of chapter 120, Florida Statutes, to local commissions; providing an effective date.

—was read the first time by title and SB 83 and CS for SB 83 were laid on the table.

On motion by Senator Hill, by two-thirds vote CS for CS for SB 83 was read the second time by title.

Senator Hill moved the following amendment which was adopted:

Amendment 1—On page 4, line 2, before the period insert: , except that local commissions shall have until no later than October 1, 1980, to comply with the commission composition requirements set forth in s. 447.603(1), Florida Statutes, at which time, and henceforward, the existing composition of each local commission shall reflect said composition requirements

On motion by Senator Hill, by two-thirds vote CS for CS for SB 83 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

On motion by Senator Hill, the rules were waived and CS for CS for SB 83 after being engrossed was ordered immediately certified to the House.

HB 1506—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08(7)(o), Florida Statutes; exempting the sale of recycled oil or waste oil, solid waste material for use as a fuel, used for certain purposes from such tax; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, between lines 18 and 19, insert: (5) EXEMPTIONS: ACCOUNT OF USE.—

(c) Machinery and equipment purchased for use in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which are necessary in the production of electrical or steam energy resulting from the burning of boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. However, the exemption provided for in this section, shall not be allowed unless the purchaser signs an affidavit stating that the item or items to be exempted are for the exclusive use designated herein. Any person furnishing a false affidavit to

the vendor for the purpose of evading payment of any tax imposed under Chapter 212, Florida Statutes, shall be subject to the penalty set forth in Section 212.085, Florida Statutes, and as otherwise provided by law.

2. The exemptions provided in subparagraph 1. shall not apply to machinery or equipment purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, printing or publishing firms, any firm subject to regulations by the Division of Hotels and Restaurants of the Department of Business Regulation or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property.

Senators Vogt, Thomas and W. D. Childers offered the following amendment to Amendment 1 which was moved by Senator Thomas and adopted:

Amendment 1A—On page 1, line 17 and on page 2 lines 1-7 strike Section 2.

Amendment 1 as amended was adopted.

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

Amendment 2—On page 1, between lines 28 and 29, insert: Section 2. Paragraph (g) of subsection (4) of section 206.87, Florida Statutes, is amended to read:

206.87 Levy of tax.—

(4) The following sales shall not be subject to the tax herein imposed:

(g) Sales or use by a dealer of special fuel consumed by a power take-off for the purpose of turning a concrete mixer drum used in the manufacturing process, or for the purpose of compacting solid waste, which is mounted on a motor vehicle and which has no separate fuel tank or power unit.

(Renumber subsequent section.)

Senators Barron and W. D. Childers offered the following amendment which was moved by Senator Childers and adopted:

Amendment 3—On page 1, between lines 28 and 29, insert: Section 2. Paragraph (b)6.a of subsection (5) of section 212.08, Florida Statutes, is amended to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations shall be considered exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that said items will be used in a new business in this state. Said purchases must be made prior to the date said business first begins its productive operations, and delivery of the purchased item must be made within 12 months of said date.

2. Industrial machinery and equipment purchased for use in expanding manufacturing, facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state shall be considered exempt from any amount of tax imposed by this chapter in excess of \$100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that said items will be used to increase the productive output of said expanded business by not less than 10 percent.

3. The exemptions provided by subparagraphs 1. and 2. shall inure to the taxpayer only through refund of previously

paid taxes. Said refund shall be made within 30 days of formal approval by the department of the taxpayer's application.

4. The department shall promulgate regulations governing the manner and form in which said refund applications shall be made and may establish guidelines as to the requisites for an affirmative showing of increased productive output.

5. The exemptions provided in subparagraphs 1. and 2. shall not apply to machinery or equipment purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, printing or publishing firms, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms shall have the following meanings:

a. "Industrial Machinery and equipment" shall mean "Section 38 property" as defined in Section 48(a)(1)(A) and (B)(i) of the Internal Revenue Code. Such term shall include parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 1 year immediately following the completion of installation of such machinery or equipment over the output for 1 year immediately preceding said installation. The units used to measure productive output shall be physically comparable between the two periods.

(Renumber subsequent sections.)

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

Amendment 4—On page 1 in title, lines 1 and 2, strike "the tax on sales, use, and other transactions" and insert: taxation

Amendment 5—On page 1 in title, line 7, after "tax;" insert: amending s. 206.87(4)(g), Florida Statutes, providing an exemption for sales of special fuels consumed by a power take-off for the purpose of compacting solid waste;

Senator Barron moved the following amendment which was adopted:

Amendment 6—On page 1 in title, strike all of line 7 and insert: from such tax; amending s. 212.08(5)(b)(6)(a.), Florida Statutes; defining industrial machinery and equipment; providing an effective date.

On motion by Senator Thomas, by two-thirds vote HB 1506 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Scott

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

CS for SB 93—A bill to be entitled An act relating to contraband; amending s. 943.41, Florida Statutes; amending the short title of the Florida Uniform Contraband Transportation Act; expanding the definition of "contraband article" to include any personal property used to commit or abet certain offenses; adding s. 943.42(4), Florida Statutes; making unlawful the concealment or possession of any such contraband article; amending s. 943.43, Florida Statutes; providing for the forfeiture of any such contraband article under certain circumstances; amending s. 943.44, Florida Statutes; establishing requirements for notice in forfeiture proceedings; providing procedures for the disposition of forfeited property; amending ss. 206.205(1), 562.27(6), 562.35, 849.36(1), 893.12(2), Florida Statutes; providing conforming cross-references; amending ss. 705.01(2), 705.09(1), Florida Statutes; excepting property seized under the Florida Contraband Forfeiture Act from the provisions of said sections relating to seized, abandoned, wrecked, or derelict property; amending s. 790.08(6), Florida Statutes; providing that certain weapons and devices may be disposed of in accordance with the Florida Contraband Forfeiture Act; providing an effective date.

—as amended passed this day.

On motion by Senator Steinberg, the rules were waived and the Senate immediately reconsidered the vote by which CS for SB 93 was read the third time.

On motion by Senator Steinberg, the Senate reconsidered the vote by which Amendment 3 was adopted.

By permission, Amendment 3 was withdrawn.

Senator Steinberg moved the following amendment which was adopted:

Amendment 6—On pages 7 and 8, strike "all of subsection (3)(b)" and insert: (b) If more than one law enforcement agency was substantially involved in effecting the forfeiture, the court having jurisdiction over the forfeiture proceeding shall equitably distribute the property among the seizing agencies. Any forfeited money or currency, or any proceeds remaining after the sale of the property shall be equitably distributed to the Board of County Commissioners or the governing body of the municipality having budgetary control over the seizing law enforcement agencies for deposit into the Law Enforcement Trust Fund established pursuant to s. 943.44(3) (a) of this Act. In the event the seizing law enforcement agency is a state agency, the court shall direct that all forfeited money or currency and all proceeds be forwarded to the state treasurer for deposit in the state general revenue fund.

On motion by Senator Steinberg, by two-thirds vote CS for SB 93 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—1

Gordon

Vote after roll call:

Yea—MacKay

Senator Gordon moved that the Senate reconsider the vote by which SB 89 as amended passed this day.

The motion was placed on the calendar for consideration May 30.

By the Committee on Ways and Means and Senator Jenne—

CS for SB 146—A bill to be entitled An act relating to state attorneys; amending s. 27.181(4), Florida Statutes; providing that the salary of full-time and less than full-time assistant state attorneys in certain circuits be determined by the state attorney; providing a limitation on the salary of assistant state attorneys who serve in less than a full-time capacity; providing an effective date.

—was read the first time by title and SB 146 was laid on the table.

On motions by Senator Jenne, by two-thirds vote CS for SB 146 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—MacKay

Senator Trask presiding

By the Committee on Commerce and Senators Johnston and Stuart—

CS for CS for SB 172—A bill to be entitled An act relating to motor vehicle repair; creating part VIII of chapter 559, Florida Statutes; providing application; providing definitions; requiring motor vehicle repair shops to provide written repair estimates and disclosure statements under certain circumstances; prescribing the content of such written repair estimates and disclosure statements; providing for implied partial waivers; restricting the imposition of a charge for a written repair estimate; prohibiting requirement of waiver of a customer's rights under the act; requiring notification if repairs will exceed the estimate by a specified amount or to repair after implied partial waiver; providing for reassembly of the vehicle after cancellation of the order for repair; restricting the imposition and collection of payment for unauthorized repairs; prohibiting certain refusal to return a vehicle; requiring the shop to provide the customer with an invoice of repairs made; prescribing the content of the invoice; requiring shops to maintain certain records; providing for release of a vehicle upon posting certain bond; providing criminal penalties for failure to release a vehicle; prohibiting a customer from pursuing certain remedies under certain circumstances; prohibiting a shop from enforcing a lien or refusing to return a vehicle if the shop fails to comply with the act; authorizing judicial proceedings to compel compliance; providing for award of costs, attorney's fees, and damages; providing for enforcement of lien by sale of vehicle; providing civil remedies and penalties; providing for severability; providing an effective date.

—was read the first time by title and SB 172 and CS for SB 172 were laid on the table.

On motion by Senator Johnston, by two-thirds vote CS for CS for SB 172 was read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 14, line 21, strike "and,"

Amendment 2—On page 14, line 22, insert: ; and, (e) the reasonableness of storage charges.

Amendment 3—On page 16, line 8, insert: , unless otherwise provided by court order.

Pending further consideration of CS for CS for SB 172 as amended, on motions by Senator Johnston, the rules were waived and by two-thirds vote CS for HB 287 was withdrawn from the Committees on Commerce and Ways and Means.

On motion by Senator Johnston—

CS for HB 287—A bill to be entitled An act relating to motor vehicle repair; creating part VIII of chapter 559, Florida Statutes; providing application; providing definitions; requiring motor vehicle repair shops to provide written repair estimates under certain circumstances; prescribing the content of such written repair estimates; restricting the imposition of a charge for a written repair estimate; prohibiting requirement of waiver of a customer's rights under the act; requiring notification if repairs exceed the estimate by a specified amount; restricting the imposition and collection of payment for unauthorized repairs; prohibiting certain refusal to return a vehicle; requiring the shop to provide the customer with an invoice of repairs made; prescribing the content of the invoice; requiring shops to maintain certain records; providing for release of a vehicle upon posting certain bond; providing criminal penalties for failure to release a vehicle; prohibiting a customer from pursuing certain remedies under certain circumstances; prohibiting a shop from enforcing a lien or refusing to return a vehicle if the shop fails to comply with the act; authorizing judicial proceedings to compel compliance; providing for award of costs, attorney's fees, and damages; providing civil remedies and penalties; providing for severability; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 172 and read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On pages 2-11, strike everything after the enacting clause and insert: Section 1. Part VIII of chapter 559, Florida Statutes, consisting of sections 559.901, 559.902, 559.903, 559.905, 559.907, 559.909, 559.911, 559.915, 559.917, 559.919, 559.921, and 559.923, is created to read:

559.901 Short title.—This part shall be known and may be cited as the "Florida Motor Vehicle Repair Act."

559.902 Scope and application.—This act shall only apply to consumer transactions. A consumer transaction may be characterized as one in which the customer is a natural person requesting repair work on a motor vehicle which is used:

- (1) Primarily for personal, family, or household purposes; or
- (2) In connection with a business owning or operating fewer than five motor vehicles.

559.903 Definitions.—As used in this act:

(1) "Motor vehicle" means any automobile, truck, bus, recreational vehicle, or motorcycle required to be licensed under chapter 320, for operation over the roads of Florida, but does not include trailers, mobile homes, travel trailers, or trailer coaches without independent motive power.

(2) "Motor vehicle repair shop" means any person or business which, for compensation, engages in repairing, servicing, or maintaining motor vehicles owned by other persons, and includes, but is not limited to, new and used car dealers, garages, service stations, self-employed individuals, truck stops, paint and body shops, brake, muffler or transmission shops, and shops doing upholstery or glass work.

(3) "Customer" means the person who signs the written repair estimate, or any other person whom the person who signs the written repair estimate designates on the written repair estimate as a person who may authorize repair work.

(4) "Repair work" includes mechanical repairs, alterations, maintenance services, and any diagnostic work incident thereto; including, but not limited to, body work, painting, warranty work and other work customarily undertaken by motor vehicle repair shops as defined in subsection (2).

(5) "Final estimate" means the last estimate approved by the customer either in writing or orally, as evidenced by the written repair estimate.

559.905 Written repair estimate and disclosure statement required.—

(1) When any customer requests a motor vehicle repair shop to perform repair work on a motor vehicle, the cost of which will exceed \$50 to the customer, the shop shall prepare a written repair estimate, which is a form setting forth the estimated cost of repair work, including diagnostic work, before effecting any diagnostic work or repair. The written repair estimate shall also include the following items:

(a) The name, address, and telephone number of the motor vehicle repair shop.

(b) The name, address, and telephone number of the customer.

(c) The date and time of the written repair estimate.

(d) The year, make, model, odometer reading, and license tag number of the motor vehicle.

(e) The proposed work completion date.

(f) A general description of the customer's problem or request for repair work or service relating to the motor vehicle.

(g) A statement as to whether the customer is being charged according to a flat rate, an hourly rate, or both.

(h) The estimated cost of repair.

(i) The charge for making a repair price estimate or, if the charge cannot be predetermined, the basis on which the charge will be calculated.

(j) The customer's intended method of payment.

(k) The name and telephone number of another person who may authorize repair work if the customer desires to designate such person.

(l) A statement indicating what, if anything, in connection with the repair work is guaranteed, and the time and mileage period for which the guarantee is effective.

(m) A statement allowing the customer to indicate whether replaced parts should be saved for inspection or return.

(n) A statement indicating the daily charge for storing the customer's motor vehicle after the customer has been notified that the repair work has been completed. However, no storage charges shall accrue or be due and payable for a period of 3 working days from the date of such notification.

(2) If the cost of repair work will exceed \$50, the shop shall present to the customer a written notice conspicuously disclosing, in a separate, blocked section, only the following statement, in capital letters of at least 12 point type:

PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND SIGN:

I UNDERSTAND THAT UNDER STATE LAW, I AM ENTITLED TO A WRITTEN ESTIMATE, IF MY FINAL BILL WILL EXCEED \$50.

....I REQUEST A WRITTEN ESTIMATE.

....I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE REPAIR COSTS DO NOT EXCEED \$. THE SHOP MAY NOT EXCEED THIS AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

....I DO NOT REQUEST A WRITTEN ESTIMATE.
SIGNED _____ DATE _____

(3) The information required by subsection (1)(h) and (i) need not be provided if the customer waives his right in writing to receive a written estimate.

(4) Except as provided in subsection (5), a copy of the written repair estimate required by subsection (1) and the disclosure statement required by subsection (2) shall be given to the customer before repair work is begun. The disclosure statement may be provided on the same form as the written repair estimate.

(5) If the customer leaves his motor vehicle at a motor vehicle repair shop during hours when the shop is not open, or if the customer permits the shop or other person to deliver the motor vehicle to the shop, there shall be an implied partial waiver of the written estimate; however, upon completion of diagnostic work necessary to estimate the cost of repair, the shop shall notify the customer as required in s. 559.909(1).

(6) Nothing in this section shall be construed to require a motor vehicle repair shop to give a written estimated price if the motor vehicle repair shop does not agree to perform the requested repair.

559.907 Charges for estimate; requirement of waiver of rights prohibited.—

(1) No motor vehicle repair shop shall charge for making a repair price estimate unless, prior to making the price estimate, the shop:

(a) Discloses to the customer the amount of the charge or, if the amount cannot be determined, the basis on which the charge will be calculated; and

(b) Obtains authorization on the written repair estimate, in accordance with s. 559.905, to prepare an estimate. No motor vehicle repair shop shall impose or threaten to impose any such charge which is clearly excessive in relation to the work involved in making the price estimate.

(2) It shall be unlawful for any motor vehicle repair shop to require that any person waive his rights provided in this part as a precondition to the repair of his vehicle by the shop.

559.909 Notification of charges in excess of estimate; certain charges unlawful; refusal to return vehicle prohibited; inspection of parts.—

(1) In the event that:

(a) The written repair estimate contains only an estimate for diagnostic work necessary to estimate the cost of repair, and such diagnostic work has been completed; or

(b) A determination is made by a motor vehicle repair shop that the actual charges for the repair work will exceed the written estimate by more than \$10 or 10 percent, whichever is greater, but not to exceed \$50, or

(c) An implied partial waiver exists for diagnostic work, as described in s. 559.905(5), and such diagnostic work has been completed,

the customer shall be promptly notified by telephone, telegraph, mail, or other means of the additional repair work and estimated cost thereof. A customer so notified shall orally, or in writing, authorize, modify, or cancel the order for repair.

(2) If additional repair work or charges are authorized by the customer in accordance with subsection (1), the shop shall legibly note such authorization on the written repair estimate. Such notation shall specify the date and time of authorization and shall also contain the additional amount of money authorized by the customer to be spent on the repairs, the name of the person who received the authorization, the name of the person who made the authorization, and a description of the additional work authorized.

(3) If a customer cancels the order for repair after being advised that a repair which he has authorized cannot be accomplished within the previously authorized estimate, the shop shall expeditiously reassemble the motor vehicle in a condition reasonably similar to the condition in which it was received unless:

(a) The customer waives reassembly, or

(b) The reassembled vehicle would be unsafe.

After cancellation of the repair order, the shop may charge for the cost of teardown, the cost of parts and labor to replace items that were destroyed by teardown, and the cost to reassemble the component or the vehicle, provided the customer was notified of these possible costs in the estimate prior to commencement of the diagnostic work.

(4) It shall be unlawful for a motor vehicle repair shop to charge more than the written estimate plus \$10 or 10 per-

cent, whichever is greater, but not to exceed \$50, unless the motor vehicle repair shop has obtained authorization to exceed the written estimate in accordance with subsection (1).

(5) It shall be unlawful for any motor vehicle repair shop to fail to return any customer's motor vehicle because the customer has refused to pay for unauthorized repairs, or because the customer has refused to pay for repair charges in excess of the final estimate plus \$10 or 10 percent, whichever is greater, but not to exceed \$50.

(6) Upon request made at the time the repair work is authorized by the customer, the customer is entitled to inspect parts removed from his vehicle or, if the shop has no warranty arrangement or exchange parts program with a manufacturer, supplier, or distributor, have them returned.

559.911 Invoice required.—The motor vehicle repair shop shall provide each customer, upon completion of any repair, a legible copy of an invoice for such repair. The invoice may be provided on the same form as the written repair estimate and shall include the following information:

(1) The current date and odometer reading of the motor vehicle.

(2) A statement indicating what was done to correct the problem, or a description of the service provided.

(3) An itemized description of all labor, parts, and merchandise supplied and the costs thereof, indicating what is supplied to the customer without cost or at a reduced cost because of a shop or manufacturer's warranty.

(4) A statement identifying any replacement part as being used, rebuilt, or reconditioned, as the case may be.

(5) A statement indicating what, if anything, in connection with the repair work is guaranteed and the time and mileage period for which the guarantee is effective.

559.915 Records.—Each motor vehicle repair shop shall maintain repair records which shall include written repair estimates and repair invoices. A customer's records shall be available to the customer for inspection and copying for a period of at least 6 months. A reasonable charge may be made for copying if copying facilities are available. The customer may not remove such original records from the premises.

559.917 Bond to release possessory lien.—

(1)(a) Any customer may obtain the release of his motor vehicle from any lien claimed under part II of chapter 713 by a motor vehicle repair shop for repair work performed under a written repair estimate, by filing with the clerk of the court in the circuit in which the disputed transaction occurred a cash or surety bond, payable to the person claiming the lien, and conditioned for the payment of any judgment which may be entered on said lien. The bond shall be in the amount stated on the invoice required by s. 559.911, plus accrued storage charges, if any, less any amount paid to the motor vehicle repair shop as indicated on the invoice. The customer shall not be required to institute judicial proceedings in order to post the bond in the registry of the court; nor shall the customer be required to use a particular form for posting the bond, unless the clerk shall provide such form to the customer for filing. Upon the posting of such bond, the clerk of the court shall automatically issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the customer's motor vehicle.

(b) The lienor shall have 60 days to file suit to recover the bond. The prevailing party in that action may be entitled to damages plus court costs and reasonable attorney's fees. If the lienor fails to file suit within 60 days after the posting of such bond, the bond shall be discharged.

(2) The failure of a lienor to release or return to the customer the motor vehicle upon which any lien is claimed upon receiving a copy of a certificate giving notice of the posting of the bond and directing release of the motor vehicle shall subject the lienor to judicial proceedings which may be brought by the customer to compel compliance with the certificate. Whenever a customer brings an action to compel compliance with the certificate, the customer need only establish the following:

(a) That bond in the amount of the invoice, plus accrued storage charges, if any, less any amount paid to the motor vehicle repair shop as indicated on the invoice, was posted; and

(b) That a certificate was issued pursuant to this section; and

(c) That the motor vehicle repair shop, or any employee or agent thereof who is authorized to release the motor vehicle, received a copy of a certificate issued pursuant to this section; and

(d) That the motor vehicle repair shop or employee authorized to release the motor vehicle failed to release said motor vehicle. The customer, upon a judgment in his favor in an action brought under this subsection, may be entitled to damages plus court costs, and reasonable attorney's fees sustained by him by reason of such wrongful detention or retention. Upon a judgment in favor of the motor vehicle repair shop, the shop may be entitled to reasonable attorney's fees.

(3) Any motor vehicle repair shop, or employee or agent thereof who is authorized to release the motor vehicle, and who, upon receiving a copy of a certificate giving notice of the posting of the bond in the required amount and directing release of the motor vehicle, fails to release or return the property to the customer pursuant to this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any customer who stops payment on a credit card charge or a check drawn in favor of a motor vehicle repair shop on account of an invoice or who fails to post a cash or surety bond pursuant to this section shall be prohibited from any recourse under this section with respect to said motor vehicle repair shop.

559.919 Enforcement of liens restricted.—No motor vehicle repair shop may refuse to return a customer's motor vehicle by virtue of any miscellaneous lien, nor may it enforce such a lien in any other fashion if it has failed to substantially comply with the provisions of this part.

559.921 Enforcement of lien by sale of vehicle.—A person claiming a lien under s. 713.58 for performing labor or services on a motor vehicle may enforce such lien by sale of the vehicle in accordance with the following procedures:

(1) The lienor shall give notice to the registered owner of the vehicle, to the customer as indicated on the order for repair, and to all other persons claiming an interest in or lien thereon as disclosed by the records of the Department of Highway Safety and Motor Vehicles, or of a corresponding agency of any other state in which the vehicle appears registered. Such notice must be sent by registered or certified mail at least 45 days before the proposed or scheduled date of any sale and shall contain:

(a) A description of the vehicle and its location.

(b) The name and address of the owner of the vehicle, the customer as indicated on the order for repair, and any person claiming an interest in or lien thereon.

(c) The name, address, and telephone number of the lienor.

(d) Notice that the lienor claims a lien on the vehicle for labor and services performed and storage charges, if any, and the cash sum which, if paid to the lienor, would be sufficient to redeem the vehicle from the lien claimed by the lienor.

(e) Notice that the lien claimed by the lienor is subject to enforcement pursuant to this section and that the vehicle may be sold to satisfy the lien.

(f) The date, time, and location of any proposed or scheduled sale of the vehicle and whether such sale shall be private or public. No vehicle may be sold earlier than 60 days after completion of the repair work.

(g) Notice that the owner of the vehicle or any person claiming an interest in or lien thereon has a right to a hearing at any time prior to the scheduled date of sale by filing a demand for hearing with the clerk of the circuit court in the county in which the vehicle is held, and mailing copies of the demand for hearing to all other owners and lienors as reflected on the notice.

(h) Notice that the owner of the vehicle has a right to recover possession of the vehicle without instituting judi-

cial proceedings by posting bond in accordance with the provisions of s. 559.917 of the Motor Vehicle Repair Act.

(i) Notice that any proceeds from sale of the vehicle remaining after payment of the amount claimed to be due and owing to the lienor will be deposited with the clerk of the circuit court for disposition upon court order pursuant to s. 559.921 (6).

(2) If the owner of the vehicle is unknown, or his whereabouts cannot be determined, or if the owner or any person notified as provided in subsection (1) fails to acknowledge receipt of such notice, the lienor, at least 20 days before the proposed or scheduled date of sale of the vehicle, shall publish once in a newspaper circulated in the county where the vehicle is held the notice required by this section. A certificate of compliance with the notification provisions of this section, verified by the lienor, together with a copy of the notice and return receipt for mailing of the notice required by this section, or proof of publication, as the case may be, shall be duly and expeditiously filed with the clerk of the circuit court where the vehicle is held.

(3) At any time prior to the proposed or scheduled date of sale of a vehicle, the owner of the vehicle, or any person claiming an interest in or lien thereon, may file a demand for hearing with the clerk of the circuit court in the county in which the vehicle is held to determine whether the vehicle has been wrongfully taken or withheld from him. Any person who files a demand for hearing shall mail copies of the demand to all other owners and lienors as reflected on the notice required in subsection (1). Upon the filing of a demand for hearing, a hearing shall be held prior to the proposed or scheduled date of sale of the vehicle.

(4) In the event a lienor institutes a judicial proceeding to enforce a lien, no filing fee shall be required at the time of filing, but the court shall require the lienor to pay the filing fee unless the lienor shall prevail in the action.

(5) At the hearing on the complaint, the court shall forthwith issue its order determining: (a) whether the vehicle is subject to a valid lien by the lienor and the amount thereof; (b) the priority of the lien of the lienor as against any existing security interest in the vehicle; (c) the distribution of any proceeds of sale by the clerk of the circuit court; (d) the award of reasonable attorney's fees and costs to the prevailing party; and (e) the reasonableness of storage charges.

(6) A vehicle subject to lien enforcement pursuant to this section may be sold by the lienor at public or private sale; provided, in the case of a private sale, every aspect of the sale, including the method, manner, time, place, and terms must be commercially reasonable. Immediately upon the sale of the vehicle and payment in cash of the purchase price, the lienor shall deposit with the clerk of the circuit court the proceeds of the sale less the amount claimed by the lienor for work done and storage, if any, and all reasonable costs and expenses incurred in conducting the sale, including any attorney's fees and costs ordered by the court. Simultaneously with depositing the proceeds of sale remaining after payment to the lienor, the lienor shall file with the clerk a verified report of sale stating a description of the vehicle sold, including the vehicle identification number, the name and address of the purchaser, the date of the sale, and the selling price. The report shall also itemize the amount retained by the lienor pursuant to this section and shall indicate whether a hearing was demanded and held. All proceeds held by the court shall be held for the benefit of the owner of the vehicle or any lienholder whose lien is discharged by the sale, and shall be disbursed only upon order of the court. Unless a proceeding is initiated to validate a claim to such proceeds within 1 year and a day from the date of sale, said proceeds shall be deemed abandoned property and disposition thereof shall be governed by s. 705.03. The clerk shall receive 5 percent of the proceeds deposited with him, not to exceed \$25 for his services under this section.

(7) A copy of the certificate of compliance and the report of sale, certified by the clerk of the court, shall constitute satisfactory proof for application to the Department of Highway Safety and Motor Vehicles for transfer of title, together with any other proof required by any rules and regulations of said department.

(8) Nothing contained in this section shall be construed as affecting an owner's right to redeem his vehicle from the

lien at any time prior to sale by paying the amount claimed by the lienor for work done and assessed storage charges, plus any costs incurred by the repair shop for utilizing enforcement procedures under this section.

(9) Nothing in this section shall operate in derogation of the rights and remedies established by s. 559.917 of the Motor Vehicle Repair Act, Part VIII, chapter 559.

(10) When a vehicle is sold by a lienor in accordance with this law, a purchaser for value takes title to the vehicle free and clear of all claims, liens, and encumbrances whatsoever, unless otherwise provided by court order.

559.923 Remedies.—

(1) Any customer injured by a violation of this part may bring an action in the appropriate court for relief. The prevailing party in that action may be entitled to damages plus court costs and reasonable attorney's fees. The customer may also bring an action for injunctive relief in the circuit court.

(2) The state attorney, if a violation of this part occurs in his judicial circuit, may bring an action for injunctive relief or other appropriate civil relief for violation of this part, including a civil penalty of \$500 per each violation, damages for injured customers, court costs and reasonable attorney's fees. If the state attorney fails to act upon a violation within 60 days after a written complaint has been filed with the state attorney, the Department of Legal Affairs may initiate judicial proceedings for the same relief to which the state attorney is entitled under this subsection.

(3) The remedies provided for in this section shall be in addition to any other remedy provided by law.

Section 2. Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that 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 3. This act shall take effect January 1, 1981.

Amendment 2—On page 1 in title, lines 1-31, strike all of said lines and insert: A bill to be entitled An act relating to motor vehicle repair; creating part VIII of chapter 559, Florida Statutes; providing application; providing definitions; requiring motor vehicle repair shops to provide written repair estimates and disclosure statements under certain circumstances; prescribing the content of such written repair estimates and disclosure statements; providing for implied partial waivers; restricting the imposition of a charge for a written repair estimate; prohibiting requirement of waiver of a customer's rights under the act; requiring notification if repairs will exceed the estimate by a specified amount or to repair after implied partial waiver; providing for reassembly of the vehicle after cancellation of the order for repair; restricting the imposition and collection of payment for unauthorized repairs; prohibiting certain refusal to return a vehicle; requiring the shop to provide the customer with an invoice of repairs made; prescribing the content of the invoice; requiring shops to maintain certain records; providing for release of a vehicle upon posting certain bond; providing criminal penalties for failure to release a vehicle; prohibiting a customer from pursuing certain remedies under certain circumstances; prohibiting a shop from enforcing a lien or refusing to return a vehicle if the shop fails to comply with the act; authorizing judicial proceedings to compel compliance; providing for award of costs, attorney's fees, and damages; providing for enforcement of lien by sale of vehicle; providing civil remedies and penalties; providing for severability; providing an effective date.

On motion by Senator Johnston, by two-thirds vote CS for HB 287 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Childers, W. D.	Grizzle	Johnston
Barron	Fechtel	Hair	Maxwell
Beard	Frank	Hill	McClain
Chamberlin	Gordon	Holloway	McKnight
Childers, D.	Gorman	Jenne	Neal

Peterson	Steinberg	Tobiassen	Ware
Poole	Stuart	Trask	Williamson
Scott	Thomas	Vogt	

Nays—None

Vote after roll call:

Yea—MacKay

CS for CS for SB 172 was laid on the table.

SB 512—A bill to be entitled An act relating to insurance; amending s. 631.64, Florida Statutes; providing a tax offset to member insurers for assessments made by the Florida Insurance Guaranty Association, Incorporated; providing a limitation; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 26, after the period insert: *The amount of any assessment that exceeds a member's income tax liability in the year the assessment is made may be carried forward to subsequent years and offset against income tax liability for such years.*

Amendment 2—On page 1, line 31, after the period insert: *Such offset shall not be construed as an allocation or payment of state funds to the association or its accounts in violation of s. 631.57(3)(d).*

Amendment 3—On page 2, lines 1 and 2, strike all of said lines and insert: Section 2. Section 220.16, Florida Statutes, is created to read:

220.16 Credit against tax.—

There shall be allowed as a credit against the tax imposed by this part the amount of any assessment made against member insurers of the Florida Insurance Guaranty Association, as provided in s. 631.64.

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

Amendment 4—On page 1 in title, line 6, after the semicolon insert: creating s. 220.16, Florida Statutes; referencing the tax credit authorized in s. 631.64, Florida Statutes, in the Florida Income Tax Code;

On motion by Senator Scarborough, by two-thirds vote SB 512 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—4

Chamberlin	Gordon	MacKay	Stuart
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On motion by Senator Scarborough, the rules were waived and SB 512 after being engrossed was ordered immediately certified to the House.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote HB 535 was withdrawn from Ways and Means Subcommittee E.

On motion by Senator Gordon, the rules were waived and the Committee on Ways and Means was granted permission to consider HB 535 on June 2.

SPECIAL ORDER, continued

SB 1304—A bill to be entitled An act relating to drinking water standards; renumbering s. 403.854(3), Florida Statutes, and adding new subsections (3) and (4) to said section; directing the Department of Environmental Regulation to exempt certain drinking water systems from any requirement for a certified operator; prohibiting the department from requiring for any drinking water system the maintenance of a minimum continuous chlorine residual except in certain circumstances; providing an effective date.

—was read the second time by title.

Senators Barron, Lewis, Peterson, W. D. Childers and Thomas offered the following amendments which were moved by Senator Barron and adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Subsections (4), (5), (6), (7) and (8) of Section 403.854, are added to read:

403.854 Variances and, exemptions and waiver.—

(4)(a) *The department shall waive on a case by case basis any chlorination requirement applicable to public water systems upon an affirmative showing by the supplier of water that no hazard to health will result. This showing shall be based upon the following:*

1. *The completion of a satisfactory sanitary survey;*
2. *The history of the quality of water provided by the system and monthly monitoring tests for bacteriological contamination;*
3. *Evaluation of the well and the site on which it is located, including geology, depth of well, casing, grouting and other relevant factors which may have an impact on the quality of water supplied.*

(b) *The department shall not waive the chlorination requirements for any public water system serving more than 65 connections nor for any restaurant or food service establishment that seats more than 200 people.*

(5) *The department shall waive on a case by case basis any requirement for a certified operator for a public water system upon an affirmative showing that the system can be properly maintained without a certified operator. The department may consider:*

- (a) *The results of a sanitary survey if deemed necessary;*
- (b) *Operation and maintenance records for the year preceding an application for waiver;*
- (c) *Adequacy of monitoring procedures for maximum contaminant levels included in primary drinking water regulations;*
- (d) *Feasibility of the supplier of water becoming a certified operator; and*
- (e) *Any threat to public health that could result from non-attendance of the system by a certified operator.*
- (6) *A waiver shall be granted for three (3) years, and shall be renewable upon application to the department pursuant to subsections (4) or (5) above.*
- (7) *The department may revoke any waiver to protect the public health provided the department finds, on the basis of technical evidence, that such revocation is necessary to achieve compliance with state quality standards for safe drinking water. The department may proceed under section 403.855 or 403.860.*
- (8) *Neither the department nor any of its employees shall be held liable for money damages for any injury, sickness or death sustained by any person as a result of drinking water from any public water system granted a waiver under subsection (4).*

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

Amendment 2—On page 1 in title, strike all of lines 3 through 12 in the title and insert: adding new subsections (4), (5), (6), (7) and (8) to s. 403.854, Florida Statutes; directing the Department of Environmental Regulation to waive chlorination requirements for certain public water systems; directing the department to waive the certified operator requirement for certain public water systems; setting time limitations for such waivers; providing for revocation of such waivers under certain circumstances; exempting the department and department personnel from liability in certain circumstances; providing an effective date.

On motion by Senator Barron, by two-thirds vote SB 1304 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—4

Gordon	Henderson	Myers	Vogt
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Vote after roll call:

Yea to Nay—MacKay

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

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 1219 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Barron	Grizzle	Maxwell	Thomas
Beard	Hair	McClain	Tobiasen
Carlucci	Henderson	Neal	Trask
Childers, D.	Hill	Peterson	Vogt
Dunn	Holloway	Poole	Ware
Frank	Jenne	Scott	Williamson
Gorman	MacKay	Stuart	Winn

Nays—6

Anderson	Gordon	McKnight	Steinberg
Chamberlin	Johnston		

Votes after roll call:

Yea—W. D. Childers, Fechtel

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 28 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p.m. to convene at 8:30 a.m., Friday, May 30, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.