Journal of the Senate

Number 30 Wednesday, June 4, 1980

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

INTRODUCTION

By Senators Trask, Don Childers, Peterson, Stuart, Fechtel, Skinner, Tobiassen and Anderson—

SCR 1379—A concurrent resolution endorsing to state agencies and recommending to local governments the use of biomass for energy production.

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

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 1524 and HB 1757 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations—

HB 1524—A bill to be entitled An act relating to contractual services and the Division of Purchasing of the Department of General Services; amending s. 287.012, Florida Statutes; redefining "agency" and providing a definition of "contractual services"; amending s. 287.032, Florida Statutes; providing that the division shall provide overall direction of contractual service procurement policies and rules; amending s. 287.042, Florida Statutes; providing that competitive procurement methods shall be used when practicable; providing exceptions; providing that the division shall establish definitions and classes of contractual services and procedures for acquiring them; providing for the preparation of statistical data concerning contractual service contracts; providing for programs to disseminate contractual service information; amending s. 287.057, Florida Statutes; providing that when the price of a contractual service is less than $2,500, agencies may employ rules promulgated by the agency; providing that when no bids are received for contractual services, the agency may negotiate; adding paragraph (a) of subsection (2), and subsection (3) to section 287.062, Florida Statutes; providing that contracts shall bear an interest rate not to exceed computed rate; providing that when no bids are received for commodity purchases, the division may negotiate; creating ss. 287.114 and 287.115, Florida Statutes; providing for duties of the Auditor General; requiring the Comptroller to issue quarterly reports; providing that contracts that were in existence prior to the effective date of the act shall not be affected; providing no certification is needed for rest areas or department marine vessels; creating sections 288.03(25) and 288.34(5), Florida Statutes; providing the Division of Economic Development and the Division of Tourism of the Department of Commerce shall negotiate with qualified service offerors; creating sections 20.19(18), 229.833, and 945.025(4), Florida Statutes; providing that the Department of Health and Rehabilitative Services, the Department of Education and the Department of Corrections are not required to give first consideration to lowest cost when procuring health services; providing an effective date.

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

By the Committee on Regulated Industries & Licensing—

HB 1757—A bill to be entitled An act relating to real estate; creating s. 475.1825, Florida Statutes; providing that certain registrations which have expired shall be considered inactive; providing for conditional repeal; amending s. 475.01(3) and (6), Florida Statutes, redefining "broker" and "real property" as used in provisions regulating real estate brokers, salesmen and schools; creating s. 475.17(3), Florida Statutes, providing qualifications for practice; providing for conditional repeal; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1373 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gustafson—

HB 1373—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.27(1), Florida Statutes, authorizing the department to condemn public or private land for transportation rights-of-way, including rights-of-way for relocated rail and utility facilities; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1806 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Mitchell and Young—

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

—was read the first time by title and referred to the Committee on 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 1776 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 1776—A bill to be entitled An act relating to community development; amending s. 125.01(5), Florida Statutes, which authorizes the establishment of special districts by the governing body of a county; providing that such districts shall include both incorporated and unincorporated areas subject to the approval of the governing body of the affected incorporated area; providing for composition of the governing body of such districts; creating Part II of Chapter 189, Florida Statutes; providing for creation, operation, management, and financing of community development districts; providing definitions; providing membership, terms, powers, and duties of the governing bodies of districts; providing a budget system; providing for disclosure of financing; specifying powers over public improvements and community facilities; providing for issuance of bond anticipation notes; providing for short-term borrowing; requir-

ing trust agreements; providing for general obligation bonds and revenue bonds; authorizing ad valorem taxes, benefit taxes, and maintenance taxes; providing for enforcement of taxes; providing for special assessments; providing for issuance of certificates of indebtedness; providing for liens and foreclosure of liens; authorizing redemption of tax liens; providing for mandatory use of certain district facilities and services; requiring bids; providing for adoption and collection of fees, rentals, and other charges; authorizing discontinuation of service; providing legal and equitable remedies; providing for attorney's fees; exempting district property from execution; providing procedure for termination, contraction, merger, or expansion of districts; prohibiting certain special acts; repealing ss. 163.601-163.633, Florida Statutes, relating to new communities; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1610 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations—

HB 1610—A bill to be entitled An act relating to records management; adding subsections (7)-(14) to s. 267.021, Florida Statutes; providing definitions; adding paragraph (c) to subsection (6) of s. 267.051, Florida Statutes; requiring agencies to designate an employee as records management liaison; creating s. 267.052, Florida Statutes; requiring agencies to maintain an inventory of public records; requiring agencies to develop and maintain an index of public use reports; requiring agencies to submit a report to the Legislature; requiring the division to create an instructional sheet to be followed by agencies in the design of public report forms; 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, CS for CS for HB 1290 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations, Corrections, Probation & Parole and Criminal Justice and Representative Crawford and others—

CS for CS for HB 1290—A bill to be entitled An act relating to sentencing; creating a joint committee on sentencing reform; providing composition and meetings of the commission; requiring a report to the Legislature with respect to a comprehensive plan for sentencing reform and for legislative approval of the plan under certain circumstances; providing an appropriation; adding a subsection to s. 947.002, Florida Statutes, providing legislative intent; amending s. 947.172(2), Florida Statutes, and adding a subsection thereto; providing legislative intent; requiring consideration of the actual sentence imposed in the determination of a presumptive parole release date; requiring notice to the state attorney of determination of a presumptive parole release date; providing an effective date.

—was read the first time by title and referred to the Committees on Corrections, Probation and Parole; Rules and Calendar and Ways and Means.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, by the required Constitutional three-fifths vote of the membership of the House, HB 1739 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 1739—A bill to be entitled An act relating to compensation of county officials; amending s. 145.022(1), Florida Statutes, relating to county official's guaranteed salaries; amending s. 145.09(1), Florida Statutes, relating to the salaries of supervisor of elections; amending s. 145.16(2), Florida Statutes, adding members of district school boards to a list of county officials whose compensation may not be changed by special laws or general laws of local application; amending s. 145.19, Florida Statutes, providing definitions; providing for the annual adjustment of county officers salaries by a prescribed factor; amending and renumbering s. 145.041, Florida Statutes, eliminating an exception to the provision dealing with district school board salaries; providing that laws which increase such base salaries shall contain provisions on no other subjects; amending and renumbering s. 145.08, Florida Statutes, providing that laws which increase such base salaries shall contain provisions on no other subject; repealing s. 145.09(3), Florida Statutes, relating to a base salary increase provided for supervisors of elections; repealing s. 145.18, Florida Statutes, relating to annual cost-of-living adjustments and limitations thereto; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1740 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 1740—A bill to be entitled An act relating to compensation of county officials; amending ss. 145.012, 145.051, 145.071, 145.08, 943.21, 145.10(2), and 145.11, Florida Statutes, and adding subsection (4) to s. 145.09, Florida Statutes; providing for a special qualification salary for clerks of the circuit court, superintendent of schools, sheriffs, supervisors of elections, and tax collectors; providing requirements for qualification therefor; providing time limitations; requiring completion of a prescribed continuing education course annually for continued qualification; providing similar requirements with respect to the special qualification salary for property appraisers; creating s. 192.115, Florida Statutes; providing for a performance review panel; providing for the review of the performance of a property appraiser under certain circumstances; providing for a declaration of ineligibility for the designation and special qualification salary under certain circumstances; providing an effective date.

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

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1741 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 1741—A bill to be entitled An act relating to compensation of county officials; amending ss. 145.041(1), 145.051, 145.08(1), 145.071, 145.10, and 145.11, Florida Statutes; increasing the base salary and the group rate for members of the district school board, superintendent of schools, clerks of the circuit court, county comptrollers, sheriffs, property appraisers and tax collectors; providing an effective date.

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

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—38:

Mr. President	Gordon	Maxwell	Stuart
Anderson	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	
Frank	MacKay	Steinberg	

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

Prayer by Rabbi Barry M. Altman, Temple Beth-El, Daytona Beach:

We thank thee, O Lord, for this our land, for its abundant goodness which sustains us, for its rich hidden treasures and resources. We pray that we may be good stewards of the land given to us, that we might not pollute and destroy it, rather to preserve and protect it for generations to come. For in truth, the earth is the Lord's and the fullness thereof.

We thank thee, also, for the varied peoples of our great state, who have come under thy guidance out of lands of tyranny and oppression to build a free and fair society.

Be thou with the Governor of our state and with his cabinet and advisors. Be thou also with this Senate and its leadership and with all those whom we have called to guide the destiny of our state. Direct their hands and hearts that they may govern justly and uprightly in accordance with thy lofty ideals.

Extend, for thy mercy's sake, thy blessing that within this Florida of diverse races and conditions of men, peace may reign and prosperity gladden the hearts of all. Help us to better understand and to love those who differ from us. Overcome in us all any manner of prejudice and may our agreements be seen more readily than our differences and may our unity as children of thine sanctify our natural diversities of opinion.

O Lord, however men invoke thee, may they obey thy will, that there be open ways and peace and freedom from end to end. Amen.

Senator Thomas introduced country singer and guitarist Harold Dean, Jr., of Robert Munroe High School, Quincy, who entertained the Senate.

Reports of Committees

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, June 4, 1980:

CS for HB 1635	CS for SB 1024
CS for SB 822	SB 879
HB 1657	SB 407
HB 1144	HB 448
HB 447	SB 1277
SB 740	CS for SB's 208 and 801
CS for HB 1422	CS for SB 61
CS for SB 1070	SB 523
SB 130	CS for HB 1060
CS for SB 1188	CS for HB 907
CS for HB 717	SB 1058
CS for SB 625	SB 1190
CS for HB 347	SB 118
CS for CS for HB 786	CS for HB 996
CS for HJR 323	HB 1175
SB 27	CS for HB 275
CS for CS for SB 80	HB 1560
HB 1004	SB 1373
SB 738	SB 849
SB 1285	HB 1623
SB 682	SB 892
CS for SB 962	SB 364
SB 855	SB 956
SB 941	SB 772
SB 270	SB 3
SB 872	SB 9
HB 1315	SB 160
The following claims bills will be considered at the call of the Chairman:	SB 392
	SB 239
	SB 358
	SB 870
	HB 45
	HB 457
	HB 794
	HB 1595
	HB 115

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends that the following bills be withdrawn from the Committee and placed on the Local Bill Calendar for June 4, 1980:

SB 834	HB 1485
SB 1368	HB 1486
SB 1370	HB 1487
SB 1377	HB 1488 with 2 amendments
HB 384	HB 1489 with 2 amendments
HB 917	HB 1490 with 2 amendments
HB 1194	HB 1492 with 2 amendments
HB 1478 with 2 amendments	HB 1496 with 2 amendments
HB 1479 with 2 amendments	HB 1497 with 2 amendments
HB 1482	HB 1498 with 2 amendments
HB 1483	HB 1500 with 2 amendments
HB 1484	HB 1627

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills, which under the requirements of Rule 4.6 are not local in nature, to be placed at the end of the Local Bill Calendar for Wednesday, June 4, 1980:

HB 1707	HB 1480	HB 704	HB 612
HB 1217	HB 1204	HB 615	
SB 1366	HB 992		

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Commerce recommends the following pass:

SB 850 with 2 amendments	CS for HB 1635 with 2 amendments
SB 904	
HB 1451	

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce recommends the following pass:

SB 134 with 1 amendment	HB 162
SB 523 with 4 amendments	CS for HB 996
SB 589	HB 1090
SB 609	HB 1175
SB 737 with 3 amendments	HB 1217
SB 1095 with 3 amendments	HB 1315
SB 1185	HB 1798

The bills were placed on the calendar.

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

SB 706	SB 1043	SB 1325
SB 744	SB 1060	
SB's 796 and 914	SB 1274	

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

EXECUTIVE BUSINESS

Senator Frank presented the following reports:

The Honorable Philip D. Lewis June 4, 1980
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment	For Term Ending
1. Secretary of Administration	
Appointee: Smith, Nevin G.	Pleasure of Governor
2. Board of Architecture, Member	
Appointee: Schaefer, Jeffery E.	12/17/82
3. Greater Orlando Aviation Authority, Members	
Appointees: Chapin, Linda W.	4/16/84
Dantzler, Sherman S.	4/16/84
Kienth, Kenneth D.	4/16/82
Potter, Charles M.	4/16/84
4. Career Service Commission, Member	
Appointee: Sapp, Richard E.	11/22/83
5. Civil Service Board of Escambia County, Members	
Appointees: Baroco, J. H., Jr.	2/15/83
Grimes, Isabella P.	2/15/83
6. Hillsborough County Civil Service Board, Member	
Appointee: Wilson, Sandra H.	7/2/81
7. Daytona Beach Community College, Board of Trustees, Member	
Appointee: Mercer, Ray L.	5/31/83
8. Edison Community College, Board of Trustees, Member	
Appointee: Hendry, Jody Tharp	5/31/83
9. Florida Junior College at Jacksonville, Board of Trustees, Member	
Appointee: Sova, Sarah P.	5/31/83
10. Florida Keys Community College, Board of Trustees, Member	
Appointee: Gates, Edward M.	5/31/81
Slicner, Nancy A.	5/31/83
11. Hillsborough Community College, Board of Trustees, Member	
Appointee: Cacciatore, Ronald K.	5/31/83
12. Indian River Community College, Board of Trustees, Members	
Appointees: Cromwell, Guy N.	5/31/83
Wyatt, John R.	5/31/82
13. Lake City Community College, Board of Trustees, Member	
Appointee: Dopson, Veda Fish	5/31/83
14. Lake-Sumter Community College, Board of Trustees, Members	
Appointees: Deter, Francis H.	5/31/83
Mizell, Mildred M.	5/31/83
15. North Florida Junior College, Board of Trustees, Members	
Appointees: Hardee, Cary A., II	5/31/83
Stone, Thomas E.	5/31/81
16. Palm Beach Junior College, Board of Trustees, Member	
Appointee: Michael, George A.	5/31/83
17. Pensacola Junior College, Board of Trustees, Members	
Appointees: Brick, J. H.	5/31/83
Fulford, Richard C.	5/31/83
Griffin, John Thomas, Jr.	5/31/83
Timmons, William A.	5/31/82
18. Polk Community College, Board of Trustees, Member	
Appointee: Jackson, Larry R.	5/31/81
19. Construction Industry Licensing Board, Members	
Appointees: Bachara, Henry G.	2/18/84
Irwin, Raymond R.	2/18/84
Karpay, Irwin J.	5/8/84
Smith, Ronald L.	2/18/84
20. Board of Cosmetology, Member	
Appointee: Ragan, Jeff D.	1/1/84
21. Board of Dentistry, Members	
Appointees: Bliss, Rupert Quentin	2/7/84
Dannahower, William R.	2/7/83
Kenward, Franklin M.	2/7/84
Levy, Joan R.	2/7/81
Scures, Chris C.	2/7/83
Wiess, Richard T.	2/7/82
22. Florida Elections Commission, Chairman	
Appointee: Hart, Robert D., Jr.	12/27/83
23. Florida Elections Commission, Members	
Appointees: Neidig, Florence H.	12/10/83
Robinson, Willie C.	12/10/83
Shorstein, Samuel R.	12/10/83
24. Electrical Contractors' Licensing Board, Member	
Appointee: Simpson, Eugene R.	12/17/83
25. Firefighters Standards and Training Council, Member	
Appointee: Souther, Howard T.	Pleasure of Fire Marshal
26. Board of Funeral Directors and Embalmers, Members	
Appointees: Giddens, Ronald T.	8/1/81
Ramsdell, Robert E.	8/1/83
27. Game and Fresh Water Fish Commission, Member	
Appointee: Rainey, C. Tom	1/5/85
28. Citrus County Hospital Board of Trustees, Member	
Appointee: Hamor, Mae Campbell	7/3/83
29. Florida Commission on Human Relations, Members	
Appointees: Cazares, Gabriel	9/30/83
Chestnut, Cynthia Moore	9/30/82
Joyce, Robert R., Jr.	9/30/82
Levitt, Melvin L.	9/30/82
Marshall, Reese	9/30/83
Dopico, Elvira M.	9/30/83
30. Board of Landscape Architecture, Members	
Appointees: Abernath, Dan W.	3/4/83
Cox, Charles H.	3/4/82
Luckey, R. F., Jr.	3/4/84
O'Leary, William A.	3/4/84
Sibley, Stuart	3/4/83
Tanner, Jerry Lowell	3/4/82
31. Board of Nursing, Member	
Appointee: Henry, Mary F. (Mern)	8/1/82
32. Board of Nursing Home Administrators, Members	
Appointees: Melican, Josephine Marie	12/31/83
Padgett, Rubin E.	12/13/83
33. Board of Opticianry, Member	
Appointee: Mills, Eddie L.	12/26/83
34. Board of Pharmacy, Member	
Appointee: Pfeiffer, Malcolm Kenneth	8/1/82
35. Jacksonville Port Authority, Member	
Appointee: Gardner, C. R.	9/30/83
36. Historic Pensacola Preservation Board of Trustees, Members	
Appointees: Brooks, Joseph F.	9/19/83
Cetti, Charles J.	9/13/83
Hodnette, Denise L.	1/22/83
Leitch, Hugh J.	9/13/82
Richbourg, Lisa H.	9/13/83
Stone, Robert L.	9/19/82
37. Historic Tampa/Hillsborough County Preservation Board of Trustees, Member	
Appointee: Masters, Daniel W.	11/1/82
38. Public Employees Relations Commission, Members	
Appointees: Parker, Jean Kavanaugh	1/1/81
Parrish, Michael M.	1/1/82

Office and Appointment	*For Term Ending*
39. Public Employees Relations Commission, Chairman	
Appointee: Powers, William E., Jr.	1/1/84
40. Board of Real Estate, Members	
Appointees: Huskey, E. Everette	3/5/84
Ladell, Brian James	3/5/81
Reeves, Garth C., Jr.	3/5/82
41. Everglades Recreational Planning Board, Member	
Appointee: Rainey, C. Tom	Pleasure of Governor
42. Board of Regents, Member	
Appointee: Daniel, J. J.	1/1/89
43. Florida School for the Deaf and the Blind, Board of Trustees, Members	
Appointees: Salem, Richard J.	2/7/83
Seay, John W.	11/7/83
Snider, Jack E.	11/14/82
44. Northwest Florida Water Management District, Member	
Appointee: Price, R. L., Jr.	7/1/83
45. St. Johns River Water Management District, Member	
Appointee: D'Albora, John V., Jr.	7/1/83
46. Big Cypress Basin Board of the South Florida Water Management District, Members	
Appointees: Kiser, Russell E.	6/30/82
Walters, William M.	6/30/81
47. Manasota Basin Board of the Southwest Florida Water Management District, Members	
Appointees: Hartman, Gordon D.	6/30/80
Snell, J. Randolph	6/30/82
48. Pinellas-Anclote River Basin Water Management Board of the Southwest Florida Water Management District, Members	
Appointees: Heitfield, Vinton V.	6/30/82
Kujawski, Elizabeth Powell	6/30/81
49. South Florida Water Management District, Governing Board, Members	
Appointees: Bellamy, Jeanne	7/1/83
Butler, Robert K.	7/1/83
Crumpton, Charles L.	7/1/83
Hole, Stanley W.	7/1/83
Hundley, John L.	7/1/83

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualification, experience and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualification, experience and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:

(1) That the executive appointment of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate.

(2) That Senate action on said appointments be taken prior to adjournment of the 1980 Regular Session.

(3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully Submitted,
Sherman S. Winn, Chairman
James A. Scott, Vice Chairman
Joe Carlucci
Pat Frank
Paul B. Steinberg

Senator Frank moved that the report on executive appointments be accepted and the Senate confirm the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The motion was adopted by the following vote:

Yeas—28

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

Nays—None

Votes after roll call:

Yea—Tobiassen

The Honorable Philip D. Lewis June 4, 1980
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
1. Board of Accountancy, Member	
Appointee: Bannister, Ronald J.	12/26/83
2. Board of Chiropractic, Member	
Appointee: Nathanson, Michael E.	8/ 1/82
3. Santa Fe Community College, Board of Trustees, Member	
Appointee: Mickle, Stephan Pierre	5/31/83
4. Board of Massage, Member	
Appointee: Brogan, Edward J.	1/ 1/82
5. Board of Nursing Home Administrators, Member	
Appointee: Hartsfield, O. W.	12/30/80
6. Public Employees Relations Commission, Member	
Appointee: Parker, Jean Kavanaugh	12/31/79
7. Board of Regents, Member	
Appointee: Jett, Julie L.	8/31/79
8. Board of Veterinary Medicine, Members	
Appointees: Gonzalez-Mayo, Cristobal M.	8/ 1/81
Solger, Judith W.	8/ 1/81

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:

(1) That the Senate take no action to confirm the appointments of Michael E. Nathanson, Edward J. Brogan, Stephan Pierre Mickle and Judith W. Solger, to the office and for the term indicated, because the committee finds that they have tendered their resignations.

(2) That the Senate take no action to confirm the appointment of Christobal M. Gonzalez-Mayo as a member of the Board of Veterinary Medicine for the term indicated because the committee was advised that he is deceased.

(3) That the Senate fail to consider the appointments of Julie L. Jett and Jean Kavanaugh Parker, to the office and for the term indicated, because the committee determined the terms for these appointments have expired.

(4) That the Senate take no action to confirm the appointment of Ronald J. Bannister as a member of the Board of Accountancy for the term indicated because the committee finds he has tendered his resignation to be effective no later than July 31, 1980.

(5) That the Senate take no action to confirm the appointment of O. W. Hartsfield as a member of the Board of Nursing Home Administrators for the term indicated because the committee finds he is not presently serving professionally as a nursing home administrator and he was appointed as one of the five nursing home administrators.

(6) That Senate action on said appointments be taken prior to adjournment of the 1980 Regular Session.

(7) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Sherman S. Winn, Chairman
James A. Scott, Vice Chairman
Joe Carlucci
Pat Frank
Paul B. Steinberg

Senator Frank moved that pursuant to the recommendations of the committee that no further action be taken by the Senate. The motion was adopted and the Senate took no further action and failed to confirm the appointments identified in the foregoing report to the offices and for the terms indicated. The vote was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Fechtel, Neal, Peterson

The Honorable Philip D. Lewis
President, The Florida Senate

June 4, 1980

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
1. Miami-Dade Community College, Board of Trustees, Member	
Appointee: D'Alemberte, Talbot	5/31/83
2. Board of Veterinary Medicine, Member	
Appointee: Sanchez, Nestor Ramon	8/ 1/81
3. Manasota Basin Board, Southwest Florida Water Management District, Member	
Appointee: Harrison, J. Lynn	6/30/83
4. Pinellas-Anclote River Basin Water Management Board, Southwest Florida Water Management District, Members	
Appointees: Carr, W. Don	6/30/82
Drunasky, Tom D.	6/30/81
Hubbard, John G.	6/30/83

Because these appointments were received by the committee after the last scheduled meeting day, and no further regular meetings were available, it is the recommendation of the committee that no action be taken by the Senate concerning these appointments.

Respectfully submitted,
Sherman S. Winn, Chairman
James A. Scott, Vice Chairman
Joe Carlucci
Pat Frank
Paul B. Steinberg

On motion by Senator Frank, the report was accepted and the Senate took no action and failed to confirm the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Peterson

The Honorable Philip D. Lewis
President, The Florida Senate

RE: Suspension of

CYNTHIA BAKER

Notary Public,
State of Florida

Dear Mr. President:

The Senate Committee on Executive Business submits this final report in the matter of Cynthia Baker.

By Executive Order Number 80-30, filed with the Secretary of State on April 15, 1980, His Excellency D. Robert Graham, as Governor, suspended Cynthia Baker from the office of Notary Public of the State of Florida.

The suspension order stated that Cynthia Baker, while holding the aforestated office, entered pleas of guilty to various criminal violations of the Laws of Florida. The violations included offenses of forgery, uttering a forgery, and sale and delivery of a controlled substance. These crimes constitute grounds for suspension under Art. IV, s. 7 of the Florida Constitution.

The Senate assumed jurisdiction of this matter on April 17, 1980, and this matter was referred to the Senate Committee on Executive Business on April 17, 1980. Based upon the investigation conducted by this committee it is the finding of this committee that Cynthia Baker pled guilty to the felony offenses of forgery (three counts) and uttering a forgery (three counts) on May 14, 1979 in Seminole County and sale or delivery of meperidine (two counts) on August 21, 1979 in Orange County, that pursuant to these pleas, a judgment withholding adjudication of guilt was entered and sentence of four years probation and restitution was imposed.

It is the recommendation of this committee that Cynthia Baker be removed from the office of Notary Public, State of Florida, effective April 15, 1980.

Respectfully submitted,
Sherman S. Winn, Chairman
James A. Scott, Vice Chairman
Joe Carlucci
Pat Frank
Paul B. Steinberg

On motion by Senator Frank, the foregoing report on the Executive Order of Suspension of Cynthia Baker, Notary Public of the State of Florida, was adopted and the Senate removed Cynthia Baker from said office effective April 15, 1980. The vote was:

Yeas—34

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

Nays—None

The Honorable Philip D. Lewis
President, The Florida Senate

RE: Suspension of

ROBERT A. DRIGGERS

Clerk of the Circuit Court,
Union County, Florida

Dear Mr. President:

This report concerns proceedings by the Committee on Executive Business on the Executive Order of Suspension, EXO Number 79-52, whereby the Honorable Robert A. Driggers, Clerk of the Circuit Court of Union County, Florida was suspended from office.

It has been brought to the attention of the Committee on Executive Business that an Executive Order of Reinstatement EXO Number 79-83, dated October 5, 1979, has been entered by His Excellency D. Robert Graham, thereby revoking the Executive Order of Suspension and reinstating the Honorable Robert A. Driggers to the aforesaid county office, effective October 5, 1979.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,
Sherman S. Winn, Chairman
James A. Scott, Vice Chairman
Joe Carlucci
Paul B. Steinberg
Pat Frank

On motion by Senator Frank, the foregoing report on the Executive Order of Suspension of Robert A. Driggers, Clerk of the Circuit Court, Union County, Florida, was adopted and the Senate took no further action in view of the revocation of the Executive Order of Suspension and reinstatement of said Robert A. Driggers to the aforesaid office. The vote was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Myers

REQUEST FOR EXTENSION OF TIME

June 4, 1980

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

SCR 716 by Senator Henderson
SB 731 by Senator Fechtel
SCR 736 by Senator Anderson
SJR 824 by Committee on Transportation
SJR 1233 by Senator Scott
SB 1320 by Senator Henderson
HM 1045 by Representative Kiser
HCR 1636 by Representative Martin
HCR 1716 by Representative Burnsed

Senator Anderson withdrew SB 1384 prior to introduction.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gordon, the rules were waived and by two-thirds vote HB 1711 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 1172, 257, 904 and 1365, HB 1734 and CS for HB 1635 were withdrawn from the Committee on Ways and Means.

On motions by Senator Carlucci, by two-thirds vote Senate Bills 534, 886 and 1128 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Carlucci, by two-thirds vote SB 998 was removed from the Committees on Governmental Operations; Economic, Community and Consumer Affairs; and Ways and Means and indefinitely postponed.

On motions by Senator MacKay, the rules were waived and by two-thirds vote SCR 617 and HB 325 were withdrawn from the Committee on Education.

On motions by Senator Myers, the rules were waived and by two-thirds vote HB 1826 and CS for HB 924 were withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Vogt, by two-thirds vote SB 678 was withdrawn from the Committee on Commerce.

On motion by Senator Vogt, the rules were waived and by two-thirds vote HB 265 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 1524 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Neal, the rules were waived and by two-thirds vote HB 842 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Neal, by two-thirds vote SB 588 was removed from the calendar and indefinitely postponed.

On motions by Senator Dunn, by two-thirds vote House Bills 1739, 1740 and 1741 were withdrawn from the Committees on Economic, Community and Consumer Affairs; and Ways and Means.

On motion by Senator Johnston, the rules were waived and by two-thirds vote HB 265 was withdrawn from the Committee on Ways and Means.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 481.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 63.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 93.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 584 and SB 409.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

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

SB 1229	CS for SB 807	SB 512

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 767.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed SB 439.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Philip D. Lewis, President

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

CS for HB 287	HB 426	HB 583
HB 666	HB 765	HB 884
HB 934	HB 1008	HB 1458
HB 1499	HB 1573	

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments and passed CS for CS for SB 299, as amended.

Allen Morris, Clerk

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 refused to recede from House Amendments 1 and 2 to CS for SB 505 and acceded to the request of the Senate for a Conference Committee. The Speaker has appointed Representatives Pajcic, Haben, Margolis, Ogden, and Patchett; Eckhart as an alternate as the Conferees on the part of the House.

Allen Morris, Clerk

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended, CS for CS for HB 798 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Health & Rehabilitative Services and Representative Spaet and others—

CS for CS for HB 798—A bill to be entitled An act relating to health and rehabilitative services; adding subsections (13) and (14) to s. 400.021, Florida Statutes, and amending ss. 400.191(1)(a), 400.23(3), 400.301, 400.304(1), (2), (3), (4), and (5), adding subsection (9) thereto, and amending ss. 400.307(1), (2), (3), (4), and (5), 400.311, 400.314, 400.317, and 400.321, Florida Statutes; providing definitions; extending the jurisdiction of the state and district nursing home ombudsman committees to adult congregate living facilities and adult foster homes; revising membership of said committees; removing the limitation to two consecutive terms for members of the state and district nursing home ombudsman committees; prohibiting certain persons from serving as chairman of said committees; providing for coordination between the Human Rights Advocacy Committees and the nursing home ombudsman committees; providing for receiving, investigating, and resolving complaints; providing for confidentiality; providing for conditional repeal; amending s. 400.401, Florida Statutes, providing legislative purpose; amending s. 400.402, Florida Statutes, adding and changing definitions; amending s. 400.404(2)(c), Florida Statutes, and adding a paragraph thereto, granting exemptions to certain facilities otherwise regulated by law, transient rentals, and college dormitories; amending s. 400.407, Florida Statutes, requiring certain disclosures on licenses and increasing the maximum fee; amending s. 400.411, Florida Statutes, specifying information to be included in license applications; requiring notice to department of change in operator of a facility during the license period; amending s. 400.414(2) and (3), Florida Statutes, authorizing license suspension or revocation for specified reasons; deleting provisions relating to responsibility for inspections; amending s. 400.417(1), Florida Statutes, and adding a subsection, providing for automatic expiration of license after 1 year, requiring earlier application for license renewal and providing late fees for failure to renew; providing for access of the department to the financial documents of any facility applying for licensure; requiring issuance of conditional licenses under specified circumstances; creating s. 400.418, Florida Statutes, creating a trust fund and providing for the disposition of fees and fines therein and for the use of such fund; creating s. 400.419, Florida Statutes, providing procedures with respect to violations and penalties therefor; providing for the classification of violations; providing for the disposition of revenues from fees and fines; providing for the preparation and distribution of information with respect to violations; amending s. 400.421, Florida Statutes, altering the circumstances in which the department may institute injunction proceedings; amending 400.424(2), Florida Statutes, requiring facility contracts to include certain information; authorizing a court to appoint a receiver for a facility under specified circumstances; providing court priority and procedure for hearing such petitions; providing duties of the receiver; providing liability of persons to the receiver; providing certain liability of the receiver; providing for the termination of receivership; requiring an accounting; providing for the effect of the act upon the liability of facility owners, administrators, or employees; amending s. 400.427, Florida Statutes, requiring the representative of a facility who is granted power of attorney for a resident to post a surety bond; providing for the safekeeping of residents' personal effects; providing for personal funds of residents; prohibiting persons from withholding or wrongfully receiving such funds or wrongfully borrowing from a resident's personal funds; providing a penalty; providing for the disposition of funds of a deceased resident; amending s. 400.431, Florida Statutes, providing for certain notice of termination of operation of a facility and for refunds; providing departmental responsibility for transfer of certain persons; amending s. 400.434, Florida Statutes, providing for unannounced inspections of facilities by certain persons; creating s. 400.435, Florida Statutes, providing for the maintenance of records and distribution of departmental inspection reports; amending s. 400.437(2), Florida Statutes, increasing the membership of the ad hoc committee on congregate facilities; amending s. 400.441, Florida Statutes, providing considerations for rulemaking; requiring the establishment of certain fire safety standards; creating s. 400.442, Florida Statutes, requiring examinations of residents within 30 days of admission and authorizing annual examinations for certain residents thereafter; creating s. 400.443, Florida Statutes, specifying rights of residents; requiring certain notification of such rights; prohibiting certain interference in the exercise of rights; exempting residents from certain liability with respect to such rights; providing for reports of abuse; creating s. 400.4435, Florida Statutes, providing for the civil

enforcement of such rights; amending s. 400.451, Florida Statutes, updating the applicability of part II of chapter 400, Florida Statutes, to existing facilities; creating s. 400.452, Florida Statutes, authorizing facility staff training and educational programs; creating s. 400.454, Florida Statutes, authorizing the department to conduct field visits and audits; requiring provider cooperation; authorizing local government expenditures; providing an effective date.

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

On motion by Senator Vogt, by two-thirds vote CS for CS for HB 798 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Vogt, by unanimous consent CS for CS for HB 798 was taken up out of order. On motions by Senator Vogt, by two-thirds vote CS for CS for HB 798 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—McClain

The Honorable Philip D. Lewis, President

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

By Senator Beard—

SB 411—A bill to be entitled An act relating to the incarceration of noncriminal mentally ill people in the jails of this state; amending s. 394.459(1) Florida Statutes; prohibiting the detention of noncriminal mentally ill people in the jails of the state; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, strike Section 2 and insert:

Section 2. Section 393.12, Florida Statutes, is amended to read:

393.12 Competency.—

(1) The issue of competency shall be separate and distinct from a determination of the appropriateness of admission to nonresidential services or residential care for a condition of mental retardation. No person shall be presumed incompetent solely by reason of his acceptance in nonresidential services or admission to residential care; nor shall any such person be denied the full exercise of all legal rights guaranteed to citizens of Florida and of the United States~~, except as expressly determined by an appropriate court of law~~.

(2)(a) If a retarded person needs protection for his property or person, the court, without an adjudication of incompetency but using the procedures established in chapter 744, shall appoint a guardian advocate if the person, though competent, lacks the capacity to do some, but not all, of the tasks necessary to care for his person, his property, or his estate or if the person has voluntarily petitioned for the appointment of a guardian advocate. A court order containing findings of fact shall define the powers and duties of the guardian advocate; shall state the exact nature and scope of the person's incapacities; shall specify the exact areas in which the individual lacks capacity to make informed decisions about care and treatment services or to meet essential requirements for his physical health or safety; and shall state the specific legal disabilities to which the retarded person is subject. A retarded person for whom a guardian advocate has been appointed retains all legal rights except those which have by court order been designated as legal liabilities or which have been specifically granted to the guardian advocate. A guardian advocate shall be any person or corporation qualified to act as a guardian with the same duties and responsibilities required of guardians pursuant to chapter 744 or those defined by court order pursuant to this section.

(b) If it is found that the individual is totally without capacity to care for himself or his estate, the court shall specify that finding of fact in its order and may appoint thereafter, in a separate proceeding, a guardian of the person or property according to the procedures and requirements of chapter 744.

~~(2) When there is clear reason to believe that a person is incompetent by reason of a condition of mental retardation, proceedings to determine the competency of the individual may be initiated in accordance with the provisions and requirements of chapter 744. Such proceedings shall be initiated only if an adjudication of incompetency is essential for the appointment of a legal guardian of the person or property of the mentally retarded person.~~

~~(3) The effect of an adjudication of incompetency and the procedures for restoration to competency shall be as provided in chapter 744.~~

~~(4) The judge conducting proceedings to determine the competency of a person may issue an order for the least restrictive type of guardianship for the person, pursuant to part III of chapter 744.~~

Section 3. Subsection (5) of section 744.102, Florida Statutes, is amended to read:

744.102 Definitions.—Unless the context requires otherwise, when used in this law:

(5) An "incompetent" is a person who, because of minority, *mental illness, mental retardation,* senility, ~~lunacy, insanity, imbecility, idiocy, drunkenness,~~ excessive use of drugs *or alcohol,* or other physical or mental incapacity, is incapable of either managing his property or caring for himself, or both.

Section 4. This act shall take effect July 1, 1980.

Amendment 2—On page 1, line 7, insert after *"state;"* amending s. 393.12, Florida Statutes, providing for the appointment of a guardian advocate for the property or person of a retarded person who is competent but lacks certain capabilities; removing provisions requiring an adjudication of incompetency prior to such appointment; providing for the retention of certain rights by the retarded person; providing qualifications for the guardian; providing for the appointment of a guardian for persons who are incompetent; amending s. 744.-102(5), Florida Statutes, changing the definition of "incompetent" in guardianship provisions; providing an effective date.

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

SB 411 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yea—McClain, Stuart

The bill was ordered engrossed and then enrolled.

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

INTRODUCTION

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

SCR 1385—A concurrent resolution commending the Merritt Island High School football team for its 1979 football season.

—which was read the first time in full. On motions by Senator Vogt by two-thirds vote SCR 1385 was placed on the calendar and by two-thirds vote read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—McClain

SPECIAL ORDER

CS for HB 1635—A bill to be entitled An act relating to motor carriers; creating chapter 323, Florida Statutes, providing a transportation policy; providing definitions; specifying authority of the Florida Public Service Commission with respect to the regulation of motor carriers; providing various fees; providing for preemption of local ordinances by commission rules and orders and of municipal regulations by counties under certain circumstances; providing for safety rules; providing fines for violations; requiring certification of motor carriers by the commission or federal government; providing conditions upon the issuance of certificates; providing application procedures; providing contents of the certificate; authorizing emergency authority to operate as a motor carrier; prohibiting the transfer of certificates; authorizing fines and other disciplinary actions against motor carriers in violation of the act; providing for the fixing and changing of rates; providing a schedule for rate changes without commission approval; providing exemptions from the act; providing for applicability of the act to interstate commerce; providing certain regulation of interstate carriers; requiring commission rules with respect to the disclosure of certain costs; requiring the filing of intercity motor carrier routes and providing for the regulation of such routes; providing for limited regulation of taxicabs; providing for certain regulation of motor carriers of household goods; requiring the licensure of weighmasters by the Department of Agriculture and Consumer Services; providing disciplinary action against weighmasters; requiring the licensure of transportation brokers; providing grounds for disciplinary action; requiring such brokers to furnish a bond or other security; authorizing emergency licenses; providing powers of commission investigators; providing for vehicle registration and identification rules; authorizing the injunction of unlawful operations; imposing and providing for the collection of a road tax on motor carriers; providing for exemption from certain taxes; requiring motor carriers to be bonded or to file a certificate of insurance; providing an exemption for armored cars; amending s. 320.08(4)(a), (b), (c), (d), and (e), Florida Statutes, and adding a new paragraph (e) to subsection (3) thereof; adding a license tax for certain trucks and revising truck-tractor taxes; adding a new subsection (3) to section 320.20, Florida Statutes, to provide for the disposition of a portion of such taxes; repealing present chapter 323, Florida Statutes, relating to motor carriers; providing for legislative review; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Peterson:

Amendment 1—On pages 3-31, strike everything after the enacting clause and insert: Section 1. Chapter 323, Florida Statutes, consisting of sections 323.001, 323.002, 323.003, 323.004, 323.005, 323.006, 323.008, 323.009, 323.012, 323.013, 323.014, 323.015, 323.016, 323.017, 323.019, 323.022, 323.023, 323.024, 323.025, 323.028, 323.029, 323.033, 323.034, 323.035, and 323.036, is created to read:

CHAPTER 323

MOTOR CARRIERS

323.001 Short title.—This chapter may be cited as the "Motor Carrier Reform Act of 1980."

323.002 Transportation policy.—To assure the development and maintenance of a healthy, efficient and competitive transportation system for the state, the Florida Public Service Commission or other governmental bodies, in carrying out the duties and responsibilities prescribed in this chapter, shall consider the following as being in the public interest:

(1) Maximum reliance on competitive market forces and on actual and potential competition among all transportation modes so as to provide transportation services at competitive prices and to enable efficient, innovative, and well-managed carriers to earn adequate profits and attract capital.

(2) Development and maintenance of a transportation system responsive to the needs of the public in which regulatory decisions are reached fairly and expeditiously and with consideration of their costs and benefits.

(3) Improvement of motor vehicle safety.

(4) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.

(5) Reduction of regulatory barriers to entry into the industry and promotion of equal opportunities.

(6) Reduction of the regulatory burden on carriers in order to ensure efficient and innovative service and promote competition.

323.003 Definitions.—As used in this chapter:

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

(2) "Public highway" means every public street, road or highway in this state.

(3) "For compensation" means for money, property, service, or anything else of value, whether received or realized directly or indirectly.

(4) "Motor vehicle" means any self-propelled vehicle or machine, or any vehicle drawn by a self-propelled vehicle or machine, used upon the public highways.

(5) "Motor carrier" means any person owning, controlling, operating, or managing any motor vehicle used in the business of transporting persons or property for compensation over any public highway.

(6) "Truck" means any self-propelled motor vehicle designed and used principally for carrying things other than passengers.

(7) "Trailer" means any vehicle without motive power and having one or more axles at each end, coupled to or drawn by a motor vehicle and designed to carry property solely on its own structure where no part of its own weight or that of its load rests upon a vehicle.

(8) "Semitrailer" means any vehicle without motive power with axle or axles at the rear end only, so designed and used in connection with a motor vehicle that while in motion some part of its own weight and that of its load rests upon, or is carried by, another vehicle.

(9) "Tractor" means any self-propelled motor vehicle designed and used primarily for drawing other vehicles and not

so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(10) "Taxicab" means a motor vehicle having a passenger capacity of no more than nine persons including the driver, used by a motor carrier in the general transportation of persons for compensation not generally prepaid, and not on a regular schedule, between fixed points, or over regular routes.

(11) "Owner-operator" means any individual who operates a motor vehicle as an owner or on a lease basis, and who contracts his services to a motor carrier who is subject to the provisions of this chapter.

(12) "Household goods" means any personal effects or property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and such items as the commission may by rule provide.

(13) "Weighmaster" means any person owning, controlling, operating, or managing any weight scales used in the business of weighing vehicles for determination of transportation rates.

(14) "Weight-bumping" means the knowing and willful making or securing of a fraudulent weight with regard to shipment of household goods.

(15) "Transportation broker" means any person who sells or offers for sale any transportation of property that is subject to this chapter or that would be subject to this chapter except for the exemptions provided by s. 323.016, or negotiates for or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, or contracts for such transportation.

(16) "Certificate" means any certificate of fitness issued under the provisions of this chapter.

(17) "Certificate of registration" means a certificate issued by the commission to any interstate motor carrier operating under authority of the Interstate Commerce Commission or by virtue of an exemption from the Interstate Commerce Commission.

(18) "Permit" means any permissive permit issued by the commission prior to and valid as of the effective date of this act.

(19) "Tariff filing" means any filing made pursuant to s. 323.015 with respect to the transportation services being provided by a motor carrier or carriers, or the rates being charged for such service, or both.

(20) "Suburban territory" means all areas within 5 miles of the corporate limits of the municipality and the entire territory of any municipality any part of which is included within such 5-mile area.

(21) "Private carrier" means any person who is not a motor carrier and who transports in intrastate commerce by motor vehicle, property of which such person is the owner. In addition, intracorporate transportation is hereby defined to be private carriage when the transportation is between a group of corporations consisting of a parent and those subsidiaries of the parent in which the parent owns 100 percent interest.

323.004 Commission authority.—The commission is hereby granted authority to:

(1) Employ such clerks, auditors, attorneys and other employees on such terms and conditions as it shall deem advisable and necessary to carry out the provisions of this chapter.

(2) Issue certificates and certificates of registration and regulate rates, charges and classifications of motor carriers to the extent authorized in this chapter.

(3) Hold hearings pursuant to chapter 120 as required by this chapter.

(4) Inspect books and records and obtain data and other relevant materials from carriers and licensees subject to its jurisdiction, which materials are necessary to properly carry out commission responsibilities, and prescribe a uniform system and classification of accounts if needed, giving consideration in these matters to keeping the costs and time required to comply with these requirements as economical as possible for the carriers, the licensees, and the commission.

(5) Promulgate reasonable rules to carry out these and other duties prescribed in this chapter.

323.005 Fees; fines; disposition thereof.—The commission shall collect the following fees and fines, and, except for fees collected under subsection (6), all moneys collected under this section shall be deposited in the Florida Public Service Commission Regulatory Trust Fund.

(1) A fee of $100 to accompany each application for a certificate or transfer thereof.

(2) A fee of $75 to accompany each application for emergency certificate authority.

(3) A fee of $10 to accompany each tariff filing and each filing for which a fee is not specifically provided in this chapter.

(4) A fine for each offense as provided for in this chapter.

(5) A fee of $25 to accompany each application of a certificate of registration and a fee of $10 for each supplement registered thereafter.

(6) A fee of $8 to accompany each application for a cab card or identification stamp, which fee shall be deposited in the State Transportation Trust Fund.

(7) A fee of $150 to accompany each application for a transportation broker's license.

(8) A fee of $50 to accompany each application for renewal of a transportation broker's license.

(9) A fee of $75 to accompany each application for an emergency transportation broker's license.

323.006 Preemption.—

(1) In the case of conflict between any ordinance or permit of any county or municipality and this chapter or any order or rule of the commission, the statute, order, or rule shall in each instance prevail to the extent of the conflict.

(2) No ordinance or permit of any county or municipality shall be inconsistent with the transportation policy set forth in s. 323.002, and any such ordinance or permit is invalid to the extent of the inconsistency.

323.008 Certificate required.—No person may operate as a motor carrier in this state without first having obtained a certificate of fitness from the commission or a certificate of registration of Interstate Commerce Commission authority or exemption thereof, unless specifically exempted by this chapter.

323.009 Issuance of certificate of fitness.—

(1) Commencing July 1, 1980, the commission shall issue a certificate of fitness to any person authorizing that person to provide transportation as an intrastate motor carrier subject to the jurisdiction of the commission if the commission finds that the person is fit, willing and able to:

(a) Provide the service to be authorized by the certificate.

(b) Comply with the requirements of this chapter and any commission rule promulgated pursuant thereto.

(2) For the purposes of this chapter, "fit, willing, and able" includes the requirement of having insurance, filing of bond, or meeting other criteria of financial stability as the commission may by rule require. Any bond or insurance requirement shall be consistent with the provisions of s. 323.034.

(3)(a) In any determination pursuant to subsection (1), the commission may deny an application for a certificate on the grounds that the applicant is not fit if the applicant has within the past seven years been convicted in any state or under the laws of the United States of the following:

1. The Florida RICO Act or similar federal or state laws commonly associated with prevention of illicit activities of organized crime;

2. Felonies involving moral turpitude.

(b) In any determination of fitness under paragraph (a) where an applicant has been convicted of a violation of law, the commission may in its discretion take into account mitigating factors, such as, without limitation, the grant of a full pardon to the applicant, the restoration of civil rights to an applicant, or the demonstration by the applicant of rehabilitation.

(c) Where an applicant is not a natural person, the term "applicant" includes officers of a corporation, general partners of a partnership, and principals of an unincorporated association.

(d) Whenever criminal history information is available to the commission only on a confidential or similary restricted basis, the commission may obtain and use such information in accordance with the conditions imposed by the providing agency.

(e) The criteria for fitness in this subsection are not the exclusive criteria for fitness.

(4) In any determination pursuant to subsection (1), the applicant shall bear the burden of showing that he is so fit, willing and able; provided that any motor carrier in possession of a valid certificate of public convenience and necessity, temporary authority, or permit issued by the commission on or before June 30, 1980, shall be issued a certificate of fitness as a matter of right, and shall be allowed to operate under the existing authority issued on or before June 30, 1980 until the commission has issued the certificate provided herein. Any motor carrier of passengers that held such valid certificate, authority, or permit on June 30, 1980, shall automatically be granted a certificate of fitness not limited as to territory.

(5) Consistent with the transportation policy of free enterprise expressed in this chapter, and to protect the citizens of this state, a certificate shall be granted only to a person which, if an individual, is domiciled in the State of Florida at the time of issuance, or which, if a partnership or association, the majority of partners or members of which are domiciled in the State of Florida at the time of issuance, or which, if a corporation, is incorporated in and has its principal place of business in a state that provides by law for the grant of a certificate to a person domiciled or incorporated in the State of Florida pursuant to requirements which are not more restrictive than those set forth in this chapter. Control of a domestic Florida corporation shall not be allowed to a foreign corporation, its shareholders, officers, directors, or employees in order to avoid the applicability of this policy. Notwithstanding the residency requirements of this subsection, a certificate may be issued to any person who held a certificate on the effective date of this act.

(6) A person shall file an application with the commission for a certificate to provide transportation subject to the jurisdiction of the commission under this section. The application shall be made under oath and shall:

(a) Describe the transportation to be provided by the carrier.

(b) Contain such information as the commission may require relating to fitness, willingness and ability of the applicant to provide the transportation for which authority is requested.

(c) State that the applicant is familiar with the requirements of this chapter and shall comply with applicable law.

(d) Except for applications for certificates issued as a matter of right as provided in subsection (4), be accompanied by a fee established by this chapter.

(7) Except for certificates issued as a matter of right as provided in subsection (4), the disposition of applications by the commission shall be in accordance with the provisions of chapter 120, except for the following requirements:

(a) Every application shall be approved or denied within 45 days after receipt of the application. However, the 45-day time period shall be tolled by the initiation of a proceeding under s. 120.57.

(b) All petitions or requests for a hearing shall be filed, if at all, within 15 days after notice of the application.

(c) The commission may determine the proper method for issuing notice of an application.

(8) Any certificate issued under the provisions of this chapter shall contain the name and address of the grantee and such additional terms, conditions, provisions, and limitations as the commission shall deem necessary or proper to ensure the safe operation of the motor carrier's vehicles and which are consistent with the transportation policy of the state set forth in this chapter.

(9) No certificate shall be issued unless the grantee has complied with all applicable laws and rules pertaining to the authorized transportation within 90 days after the date of the commission's final order disposing of the application; otherwise, the authority shall be null and void.

(10) The commission shall expedite the application of any person who holds a certificate of public convenience and necessity or the equivalent issued by any municipality.

323.012 Emergency authority.—Upon a satisfactory showing of an immediate need for motor carrier service, the commission may, in its discretion, grant emergency authority for such service for any period of time as the commission shall specify, not to exceed an aggregate of 180 days. Such emergency authority may be granted without notice and hearing. The commission shall adopt reasonable rules governing proof and procedure for disposing of an application for emergency authority. An application for emergency authority shall be accompanied by the payment of the fee established by this chapter.

323.013 Transfer of certificates.—No certificate issued by the commission shall be transferable until the commission determines pursuant to s. 323.009 that the transferee is fit, willing, and able, and has paid the transfer fee provided by s. 323.005.

323.014 Suspension or revocation of certificate; fines.—

(1) Whenever any motor carrier is found to be violating the provisions of this chapter or any of the rules prescribed by the commission relating to the operation of a motor vehicle over the public highways, or no longer meets the qualifications set forth in s. 323.009(1), the commission may conduct an investigation and issue an order or citation to the motor carrier notifying it of the opportunity to appear before the commission at a fixed time and place. At such time and place the commission shall receive testimony of the carrier and consider the results of its investigation, and if the commission is satisfied that the motor carrier has committed any such violation, the commission may suspend, revoke, alter or amend any certificate issued to such motor carrier, or the commission may in its discretion impose a fine of up to $5,000 for each such offense. Imposition of any fine provided herein may be in lieu of or in addition to any other penalty. Any fine imposed shall constitute a lien upon real and personal property of said motor carrier, prior to all other liens except those for taxes due the state, enforceable by the commission under the provisions of chapter 85. The motor carrier shall have the right of review as provided in chapter 120.

(2) Certificates may be denied, suspended, or revoked by the commission upon a finding that a material misrepresentation has been knowingly made to the commission by or on behalf of the applicant seeking operating authority.

323.015 Rates; procedures for filing and changing.—

(1) Every motor carrier holding a certificate issued by the commission pursuant to this chapter shall publish and maintain on file with the commission, as required in this section, a tariff of the rates, charges, standards of service adhered to, if any, and classifications, if any, for all transportation performed under said certificate.

(2) Any tariff of rates, charges, and classifications on file with the commission on the effective date of this act shall remain in full force and effect until changed as provided in this section.

(3) No motor carrier shall charge, demand, collect, or receive a greater or lesser or different compensation for the transportation it performs, or for any service in connection therewith, than the rates and charges applicable under its tariff as filed. No tariff or classification or any change in the rates, rules, or regulations contained therein, shall become effective until ten days after the date of filing with the commission.

(4) Beginning July 1, 1980, motor carriers may increase, decrease, or modify tariffs, rates, and conditions therein applying to the transportation of truckload quantities without approval of the commission.

(5) Beginning July 1, 1980, motor carriers may increase, decrease, or modify tariffs, rates, and conditions therein applying to the transportation of less-than-truckload quantities, or the transportation of passengers, without approval of the commission; provided, however:

(a) That from July 1, 1980, through December 31, 1980, any increase of more than fifteen percent above the corresponding rate which was on file on July 1, 1980, may be suspended by the commission as provided in paragraph (c).

(b) That from January 1, 1981, through December 31, 1981, any increase of more than thirty percent above the corresponding rate which was on file on January 1, 1981, may be suspended by the commission as provided in paragraph (c).

(c) The commission may suspend excessive or unfairly discriminatory increases in rates, as provided in this subsection, by delivering to the motor carrier which filed such increases, an order of suspension which shall state with specificity the factual and legal grounds upon which it is based. Any filing subject to suspension under this subsection shall be accompanied by a statement of the reasons and justifications for the increase. No suspension order issued by the commission pursuant to this section shall be effective unless issued within thirty days from the date on which the increases are filed with the commission. Upon the written objection of the affected motor carrier and within twenty days from the filing of such objection, the commission shall hold a hearing. In such hearing the commission shall have the burden of substantiating the factual and legal grounds set forth in the order of suspension. The commission shall enter its final order approving, modifying, or denying the rates within ten days following conclusion of the hearing. The commission may order any carrier to refund to its customers any excess amounts paid under rates which were subsequently denied or modified.

1. Rates shall be deemed excessive if they are likely to produce a profit from intrastate business that is unreasonably high in relation to the costs involved, or if costs are unreasonably high in relation to services performed.

2. One rate shall be deemed unfairly discriminatory if in relation to another rate charged by the same motor carrier, it clearly fails to reflect equitably the difference in expected costs.

(6) Each filing with the commission required or permitted by this section shall be accompanied by a fee provided by this chapter.

(7) Each motor carrier shall keep open for public inspection at designated offices schedules, rates, fares, charges, and classifications.

(8) The commission may by rule prescribe the format and the minimum information to be contained in tariffs filed pursuant to this section. The commission shall adopt by rule procedures to advise and actively assist motor carriers in formulating their own tariffs suited to their own individual operating needs and circumstances and shall disseminate applicable information to interested shippers.

(9) Motor carrier rate bureaus may publish tariffs that are individually set and facilitate interlining and jointline rates for through movements for carriers actually participating in these movements, but shall not be exempted from the provisions of chapter 542 and other laws of this state.

(10) The following carriers shall be exempt from the provisions of this section:

(a) Carriers transporting persons, except for intercity transportation of persons over regular routes on a scheduled basis.

(b) Motor carriers transporting road building and construction aggregates. "Road building and construction aggregates" includes, but is not limited to, sand, gravel, limerock, limestone, slag, pumice, granite, stone, crushed rock, shell, clay, and fill dirt.

(c) Armored cars transporting money, securities and other valuables. "Money, securities, and other valuables" includes, but is not limited to, currency, coin, bullion, precious stones, paintings, negotiable and nonnegotiable securities, and bank checks.

323.016 Exemptions.—The following transportation is exempt from regulation by the commission:

(1) Transportation of children and teachers to and from school.

(2) "Ridesharing" as defined in s. 341.031(5).

(3) Distribution of newspapers.

(4) Transportation of passengers or property for or pursuant to a contract with the United States Government.

(5) Transportation by or on behalf of a governmental or quasi-governmental unit in a local public transportation system commonly referred to as "mass transit."

(6) Transportation of goods, wares, or merchandise belonging to the owner or operator of a vehicle, commonly known as private carriage.

(7) Transportation of property when incidental to transportation by aircraft or by rail.

(8) Transportation purely incidental to a person's primary business of selling, maintaining, repairing, or installing property, and requiring the performance of substantial services in addition to transportation.

(9) Transportation of horses.

(10) Drive-away transportation for the delivery of motor vehicles.

(11) Taxicabs, except as otherwise provided in this chapter.

(12) Transportation of logs, lumber or other unprocessed forest products.

(13) Transportation of horticultural or agricultural products, including all food and edible items; livestock; seafood; dairy products; farm implements and machinery, fertilizer, feed, seeds, and nonhazardous agricultural chemicals.

(14) Wreckers.

(15) Hearses.

(16) Ambulances or other vehicles required to be licensed under the provisions of chapter 401.

(17) Transportation wholly within a municipality and its adjoining suburban territories, except for transportation of money, securities, and other valuables.

(18) Transportation by a motor carrier that operates only one vehicle.

(19) Social service transportation of persons by private and nonprofit organizations wholly or partially funded by state or federal grant.

323.017 Law inapplicable to interstate commerce; certificate of registration.—

(1) Nothing in this chapter shall apply or is to be construed as applying to commerce with foreign nations or commerce among the several states of the union, except to the extent permitted by the Constitution of the United States and the Acts of Congress.

(2) It is unlawful for any motor carrier transporting in interstate commerce in Florida, for which a certificate or permit is required from the Interstate Commerce Commission, to operate over the public highways of this state without first having filed a copy of such Interstate Commerce Commission authority with the Florida Public Service Commission and obtained from the Florida Public Service Commission a certificate of registration. It is also unlawful for any such companies transporting for compensation under exemptions provided by the Interstate Commerce Commission Act to operate in Florida without first having obtained such a certificate of registration. The certificate of registration shall be granted as a matter of right without a hearing. The application filed pursuant to this section shall be accompanied by the payment of a fee as provided by this chapter.

(3) The commission, in the exercise of the jurisdiction conferred upon it by this chapter, may require proof of adequate bonding or insurance and payment of fees and road taxes pursuant to this chapter.

(4) Except for motor carriers operating under an exemption from Interstate Commerce Commission authority, each interstate motor carrier registered under the provisions of this section shall designate a resident agent.

(5) In the event Florida has entered or enters into a reciprocal agreement with another state pursuant to s. 320.39 waiving certain of its laws pertaining to interstate transportation, such reciprocal agreement will be controlling over the laws of Florida as are thereby waived.

(6) Any certificate of registration valid as of the effective date of this act shall continue in effect under the provisions of this act unless lawfully modified, suspended or revoked by the commission.

323.019 Truth in leasing.—The commission shall adopt by rule, procedures to promote full disclosure between motor carriers and owner-operators. Any lease between a carrier and an owner-operator must identify all items that may be charged-back, clearly state the insurance costs and responsibilities of each party, and specify the terms of any equipment purchase plan or rental contract that gives the carrier the right to make deductions from the lessee's compensation. The level of compensation to the owner must be stated on the lease. Upon his request the owner-operator must receive a copy of the freight bill and payment of compensation must be within a reasonable period of time as prescribed by commission rule.

323.022 Intercity regular route motor carriers.—Notwithstanding the provisions of any other section of this chapter, each intercity regular route carrier of passengers shall file a schedule of termini, routes, and times it serves on a regular and fixed basis. Thereafter, no such motor carrier of passengers may alter or deviate from the schedule thus filed unless such carrier has first given the commission and the Public Counsel and posted in all affected terminals at least 30 days' written notice of its intent to change, terminate, suspend, or reduce such scheduled service. The filing of a schedule, and any additions to or deletions from such schedule, pursuant to the provisions of this section, shall be accompanied by the fee established by this chapter. Intercity regular route carriers of property shall not be required to file schedules, but shall give the commission, the Public Counsel, and any municipality affected, at least 30 days' written notice of termination of service to any municipality.

323.023 Taxicabs; exemption; equipment; county regulation; self-insurance.—Persons operating taxicabs within this state shall be exempted from the provisions of this chapter except as follows:

(1) Persons operating taxicabs within this state shall equip each taxicab with a properly functioning fare meter or clearly visible map of zone rates, and shall post on the exterior of each taxicab, in easily readable form and in plain view, a schedule of fares.

(2) The governing body of any county which provides both county and municipal services as authorized under ss. 10, 11, or 24, Art. VIII of the State Constitution of 1885, may by written resolution filed with the commission, preempt regulation by municipalities in the county of taxicabs, jitneys, and mass transit operating solely within a single county. For purposes of this subsection, "jitney" means any motor vehicle having a maximum seating capacity of 20, transporting passengers for compensation on a semi-fixed route between fixed terminals not on a regularly scheduled basis. Any county preempting such regulation shall adopt an ordinance after holding public hearings, which ordinance may provide for regulation of the areas defined herein.

(3) Taxicab operators shall be allowed to furnish self insurance when authorized. The appropriate regulatory body may grant a full or partial exemption to taxicabs from the requirements to file a bond or insurance policy, provided such operator or company supplies such financial data as the appropriate regulatory body may require and provided the appropriate regulatory body determines the financial data demonstrates that the operator or company is sufficiently stable or solvent to be granted the authority to fully or partially self-insure. The appropriate regulatory body shall grant or renew the full or partial authority to self-insure subject to reasonable requirements such as provisions for the filing of periodic financial statements to the appropriate regulatory body demonstrating no substantial deterioration of the company's stability, and a finding that the company is not violating any of the requirements set forth in the order or permit granting authority to self-insure.

323.024 Motor carriers of household goods.—

(1) Transportation of household goods by motor carriers shall be subject to the same requirements of this chapter which relate to common carriers of property generally. In addition, the commission shall prescribe by rule adopted in accordance with the provisions of chapter 120 the standard form contract, procedure for weighing, and other terms and conditions governing the transportation of household goods after considering applicable costs and benefits.

(2) The commission shall prescribe by rule procedures to deter weight-bumping. Any motor carrier of household goods who has been found to have committed weight-bumping shall be fined by the commission not less than $1,000 or more than $5,000 per infraction.

(3) The commission shall advise consumers of their rights with respect to claim settlements and other disputes with household goods carriers. To carry out this responsibility, the commission shall prescribe rules to protect consumers from any deceptive and unfair trade practice in the conduct of the household goods transportation business.

(4)(a) The Department of Agriculture and Consumer Services shall issue licenses to all weighmasters. The department shall grant a license to any person, who, upon filing an application in proper form, the department finds is fit, willing and able:

1. To provide the service to be authorized by the weighmaster, and

2. To comply with any and all applicable standards and procedures which the department establishes by rule.

Any such application shall be accompanied by $100, with an annual renewal fee of $50.

(b) The department may, after a hearing pursuant to chapter 120, suspend or revoke the license of any weighmaster who is shown to have engaged in weight-bumping, and may fine such person up to $5,000.

323.025 Transportation brokers.—

(1) No person may, for compensation, sell or offer for sale motor carrier transportation of property or make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such transportation unless such person holds a transportation broker's license from the commission. The provisions of this section shall not apply to any motor carrier or to any bona fide employee or agent of such motor carrier, so far as such provisions concern transportation to be furnished wholly by such carrier or jointly with other motor carriers or with a common carrier by railroad, express, water, or air.

(2) A transportation brokerage license shall be issued as a matter of right to any applicant who files an application in proper form and who:

(a) Has not been engaged as the owner, partner, officer, or director of a company operating as a transportation broker within the past 12 months that has become insolvent, been adjudged as bankrupt, or has an unsatisfied judgment against it.

(b) Has posted with the commission a performance bond in the amount of $25,000.

(3) The commission shall by rule prescribe the form and contents of the application for a transportation broker license. Any such application shall be accompanied by a fee established pursuant to this chapter.

(4) The commission may adopt rules after considering their costs and benefits pertaining to transportation brokers such as prescribing records, brokerage contract forms, and other information which shall be open for inspection to any shipper or carrier affected by the contract. In addition, the commission shall prescribe rules to assist transportation brokers in the recovery of stolen property for which the broker is liable.

(5) The commission may suspend or revoke a transportation broker's license or impose a fine not to exceed $5,000 per infraction if it finds that the licensee has either:

(a) Suffered a money judgment to be entered against it upon which execution has been returned unsatisfied;

(b) Charged or accepted compensation from a shipper or motor carrier in connection with the same shipment, whether for brokerage or nonbrokerage service, without first advising both parties of the amount and basis for the charge or payment;

(c) Knowingly arranged for any transportation by motor vehicles which cannot be lawfully executed;

(d) Made false charges for services rendered by it or by any motor carrier which it represents;

(e) Failed to account properly and promptly, or to make settlement with any motor carrier;

(f) Made any false or misleading statement as to services rendered by it or by any motor carrier which it represents;

(g) Been guilty of a fraud in the attempt to procure or the procurement of a license;

(h) Become unfit, unwilling or unable to properly perform the service authorized by its license; or

(i) Violated any commission rule adopted pursuant to this chapter.

(6) No transportation brokerage license shall be transferred.

(7) On a satisfactory showing of an emergency requiring transportation brokerage services, the commission may in its discretion grant an emergency transportation brokerage license for any period of time as the commission shall specify, not to exceed an aggregate of 90 days. Such emergency licenses may be granted without notice and hearings. The commission shall adopt reasonable rules governing proof and procedures for the disposition of an application for emergency license. Applications for such emergency licenses shall be accompanied by payment of a fee pursuant to this chapter.

323.028 Vehicle registration and identification; fee.—

(1) The commission may prescribe reasonable rules governing the registration and identification of motor vehicles used by a motor carrier. Under such rules the commission may prescribe appropriate identifying devices such as cab cards, for which the commission shall charge a fee as provided for in this chapter. The requirement that the commission charge motor vehicles a fee for the identification device, however, shall not apply to motor vehicles from states with which this state has reciprocal agreements on the waiving of such identification devices or of certain revenue-producing devices or both. Any such identifying device prescribed and furnished by the commission shall be conspicuously displayed at all times upon each motor vehicle authorized for operation under this chapter in such manner as may be prescribed by rule by the commission. Transfers of such identifying devices from one vehicle to another may be prohibited by commission rule.

(2) A motor carrier may obtain emergency or trip-lease permit cards in lieu of cab cards to identify vehicles operated under a trip-lease or emergency for not more than 15 days. The fee for such card shall be the same as for cab cards or other identification devices and shall be in lieu of the road tax. The provisions of this subsection shall apply only to vehicles operated on an emergency or temporary basis, and if any such vehicle is in service for more than 15 days, the motor carrier shall be required to pay all applicable fees and taxes.

323.029 Unlawful operation may be enjoined.—The commission, or any citizen or taxpayer of this state, may seek injunctive relief against any person who violates any of the provisions of this chapter, or any applicable order or rule of the commission in relation thereto or any part or provision thereof.

323.033 Road tax.—

(1) Except for those vehicles from states with which reciprocal agreements are in effect, there shall be collected on or before January 31 of each year from every motor carrier for each motor vehicle controlled by such motor carrier which travels over the public highways of this state, a road tax as follows:

(a) For each bus with a capacity of more than 21 passengers, for each truck with 4 or more axles including aggregate carriers, and for each tractor, except those trucks and tractors operated exclusively within 25 miles of their places of domicile and those controlled by carriers whose authority from the commission is limited to the transportation of household goods or mobile homes, $100.

(b) For each bus with a capacity of not more than 21 passengers, and for each truck of 3 axles, $50.

(c) For each truck or tractor operated and controlled by carriers whose authority from the commission is limited to the transportation of household goods or mobile homes, $40.

(d) For each bus with a capacity of 12 passengers or less, $25.

(e) For each truck or tractor regardless of the number of axles which operates exclusively within 25 miles of its place of domicile, except aggregate carriers, and for each truck with 2 axles wherever it operates, $15.

(f) For each truck or tractor controlled by a motor carrier holding a certificate of registration issued pursuant to s. 323.028, authorizing the operation in Florida of motor vehicles under exemptions provided by the Interstate Commerce Act, $10.

(2) Motor carriers shall receive an identifying device, as prescribed by the commission, as evidence of payment of the road tax. Such identifying device shall be displayed upon the vehicle for which the tax was paid. The identifying device shall be nontransferable from one vehicle to another except pursuant to the rules of the commission. No fine shall be imposed upon any motor vehicle for failure to display such identifying device if the motor carrier can demonstrate that the tax provided in this section has been paid prior to the citation.

(3) The road tax collected shall be only for the remaining portion of the year from when the motor vehicle is placed in service. If the motor vehicle is placed in service between January 1 and June 30, then the full tax shall be paid. If the motor vehicle is placed in service between July 1 and December 31, then one-half of the tax shall be paid.

(4) The commission shall keep a separate account of all moneys collected under s. 323.029, and said moneys shall be placed in the State Treasury to be credited as follows:

(a) Twenty percent of such funds shall be deposited in the Florida Public Service Regulatory Trust Fund, as created by s. 350.78, for use by the commission in the administration of this chapter.

(b) Fifteen percent of such funds shall be deposited in the State Transportation Trust Fund, as created by s. 206.45(1), for use as provided by law.

(c) Two percent of such funds shall be credited to the Revenue Sharing Trust Fund for municipalities.

(d) The remainder of such fund shall be placed in the State Treasury to the credit of the Revenue Sharing Trust Fund for counties, subject to distribution as provided in this act.

(5) The road tax provided for in this section shall be in lieu of all other taxes and fees of every kind, character, and description, state, county, or municipal, including excise and license taxes levied or imposed against such motor carriers, against the operation of such business and facilities thereof, or against their property, except ad valorem taxes levied upon the property other than motor vehicles of such motor carriers, the gasoline tax and motor vehicle fuel tax, the motor vehicle license tax now or hereafter provided for by law, the sales tax imposed by chapter 212, the income tax imposed by chapter 220, and other fees now or hereafter provided for by this chapter.

323.034 Bond or insurance required.—

(1) The commission shall, by rule, fix and determine a reasonable amount for a bond to be required of each type of certificated motor carrier. The carrier shall procure and file with the commission the bond for liability and property damage, including loss of freight. The bond shall be issued by a surety company authorized to do business in the state, or, in lieu of said surety, by the United States Government or any city or county in the state approved by the commission.

(2) Such bonds shall be conditioned to indemnify passengers and the public against personal injuries and property damage,

including loss of freight, caused by the carrier or an agent of the carrier, and for damages to property of any person other than the carrier. Such bonds shall contain such additional conditions, provisions and limitations, including minimum coverages and amounts, as the commission may by rule prescribe.

(3) The applicant may be allowed to obtain and file, in lieu of bond, a certificate of insurance with a casualty or insurance company authorized to do business in the state, which policy shall be approved by the commission. The commission shall have at least 30 days notification from the insurer prior to cancellation of such certificate and shall also have notification of any material changes in such certificate. Any certificate issued by the commission shall be automatically suspended upon the date of cancellation of said bond or insurance policy unless evidence of proper bonding or insurance is provided prior to the effective date of cancellation.

(4) The commission may grant a full or partial exemption to a motor carrier from the requirements of this section to file a bond or insurance policy, provided such company shall supply such financial data as the commission may require, and provided the commission determines that the financial data demonstrates that the company is sufficiently stable and solvent to be granted authority to fully or partially self-insure. The commission may grant full or partial authority to self-insure, subject to reasonable requirements, such as provisions for the filing of periodic financial statements to the commission demonstrating no substantial deterioration of the company's stability, and a finding that the company is not violating any of the requirements set forth in the order granting authority to self-insure.

323.035 General penalties.—The commission may assess a civil penalty of up to $5,000 against any person who violates any provision of this chapter for which a penalty is not specifically provided or who violates any rule or order of the commission.

323.036 Quarterly payment of annual fees and taxes.—Any motor carrier may pay any annual fees or taxes imposed by this chapter or s. 320.08 on a quarterly basis pursuant to rules adopted by the agency that collects such fees or taxes.

Section 2. The transportation investigative officers of the Public Service Commission shall be transferred to the Department of Transportation and assigned to the Bureau of Weights within the Division of Road Operations. The administrative and clerical personnel of the commission assigned to issuing cab cards, collecting road tax, and other administrative functions shall remain with the Public Service Commission. The civilian weight inspectors and clerical staff currently part of Troop I of the Florida Highway Patrol shall also be transferred to the Bureau of Weights within the Division of Road Operations of the Department of Transportation. The uniformed positions of Troop I currently performing weight inspection duties shall be moved to traffic control. All members of the Florida Highway Patrol shall be required to conduct safety inspections of all commercial motor vehicles on a random or spot-check basis. In addition to such safety inspection, weight inspection, and road guard inspection, each inspector shall verify that each truck inspected has a valid cab card.

Section 3. Subsection (6) of section 316.535, Florida Statutes, is amended to read:

316.535 Maximum weights.—

(6) The Department of Transportation shall adopt rules to implement this section,~~.~~ ~~The Department of Highway Safety and Motor Vehicles~~ shall enforce this section and the rules adopted hereunder, and shall publish and distribute tables and other publications as deemed necessary to inform the public.

Section 4. Subsections (1), (6), and (8) of section 316.545, Florida Statutes, are amended to read:

316.545 Weight and load unlawful; inspection; penalty; review.—

(1) Any *weight inspection* officer ~~or agent~~ of the *Department of Transportation* ~~Department of Highway Safety and Motor Vehicles or the Florida Public Service Commission~~ having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales, provided such public scales are within 2 miles.

(6) There is hereby created a board of review, consisting of the secretary of the Department of Transportation, the *director of the Department of Highway Safety and Motor Vehicles,* ~~chairman of the Public Service Commission, the director of the Division of Motor Vehicles,~~ and the director of the Division of Highway Patrol, or their authorized representatives, which may review any penalty imposed upon any vehicle or person under the provisions of this chapter relating to weights imposed on the highways by the axles and wheels of motor vehicles.

(8) Any agent of the *Department of Transportation* ~~Department of Highway Safety and Motor Vehicles~~ employed for the purpose of being a weight inspector shall have the same arrest powers as are granted *any law enforcement officer* ~~under s. 570.151 for road guard inspection special officers~~ for the purpose of enforcing the provisions of weight and load laws.

Section 5. Subsection (6) is added to section 321.05, Florida Statutes, to read:

321.05 Duties, functions, and powers of patrol officers.—The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the state, with the common law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor, with full power to bear arms and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him to the sheriff of the county that further proceedings may be had against him according to law. In the performance of any of the powers, duties and functions authorized by law, members of the Florida Highway Patrol shall have the same protections and immunities afforded other peace officers which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and shall have authority to apply for, serve, and execute search warrants, arrest warrants, capias and other process of the court in those matters in which patrol officers have primary responsibility as set forth in subsection (1) below. The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions and powers:

(6) The Florida Highway Patrol is hereby directed to promulgate rules and regulations relating to the minimum standards for safety. The division shall promulgate rules whereby random spot-checks are performed on all commercial vehicles. In the process of performing the safety inspection, the members of the Florida Highway Patrol shall verify the existence of a valid cab card or other Public Service Commission identifying device.

Section 6. (1) There is hereby created a three-year Joint Motor Carrier Reform Review Committee. The purpose of the committee is to provide a continuing evaluation of the results of motor carrier reform in Florida. The review shall address at least the following aspects of reform:

(a) Effects on entry into the motor carrier industry;

(b) Effects on rates, service options, and quality of service on the industry;

(c) Existence of predatory pricing and other anti-competitive practices in the industry;

(d) Effects on service to small communities;

(e) Effects on small carriers;

(f) Effects on passenger transportation;

(g) The most effective and efficient means of regulating the safety of motor carriers.

(2) The committee shall be composed of 3 members of the Senate appointed by the President of the Senate and 3 members of the House of Representatives appointed by the Speaker of the House of Representatives. The presiding officers shall appoint the members no later than 60 days after the effective date of this act.

(3) On March 1, 1981, March 1, 1982, and March 1, 1983, the committee shall present a report to the President of the Senate and the Speaker of the House of Representatives covering the areas of review specified in subsection (1) and evaluating the effectiveness of this act.

(4) The joint committee may contract with or employ such personnel as it deems necessary.

(5) There is hereby appropriated the sum of $100,000 from the Florida Public Service Regulatory Trust Fund to the Joint Motor Carrier Reform Review Committee for the purpose of conducting the evaluation provided for in this section.

Section 7. Paragraph (b) of subsection (6) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles and mobile homes, as defined in s. 320.01, and mopeds, as defined in s. 316.003(2), which shall be paid to and collected by the department upon the registration or reregistration of the following:

(6) AUTOMOBILES FOR HIRE.—

(b) Nine passengers and over: $12.50 flat plus $1.50 per cwt. ~~plus $10 per passenger.~~

Section 8. Sections 323.01, 323.011, 323.02, 323.032, 323.042, 323.052, 323.053, 323.054, 323.07, 323.09, 323.11, 323.12, 323.13, 323.14, 323.15, 323.16, 323.17, 323.18, 323.21, 323.24, 323.25, 323.26, 323.28, 323.35, 323.36, 323.51, 323.52, 323.53, 323.55, 323.56, 323.57, 323.58, 323.59, 323.60, 323.61, 323.62, 323.63, 323.64, 323.65, 323.67, and 323.68, Florida Statutes, sections 323.03, 323.06, 323.22, and 323.29, Florida Statutes, as amended by chapter 79-400, Laws of Florida, sections 323.041, 323.08, 323.10, 323.54, and 323.66, Florida Statutes, as amended by chapter 78-95, Laws of Florida, section 323.05, Florida Statutes, as amended by chapters 79-152 and 79-164, Laws of Florida, and section 323.31, Florida Statutes, as amended by chapters 78-95 and 79-163, Laws of Florida, are hereby repealed.

Section 9. Chapter 323, 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 10. 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 11. This act shall take effect July 1, 1980, except that if this act becomes a law subsequent to such date, this act shall operate retroactively to such date.

Senators Myers and MacKay offered the following amendment to Amendment 1 which was moved by Senator Myers and failed:

Amendment 1A—On page 7, between lines 9 and 10, insert: 323.007 Safety.—

(1) The commission shall establish and revise as necessary by rule such standards as the commission determines necessary to assure the safe operation of any motor vehicle used by a motor carrier, except for vehicles used by carriers exempt under s. 323.016. Such rules shall be promulgated, after consideration of their costs and benefits in order to reach their objective in the least costly manner, and shall be directed towards assuring that:

(a) Motor vehicles used by a motor carrier are safely maintained, equipped, loaded and operated.

(b) Responsibilities imposed upon drivers of motor vehicles used by a motor carrier do not impair their ability to safely operate those vehicles.

(c) The health and physical condition of drivers of motor vehicles used by a motor carrier is adequate to enable them safely to drive the vehicles they are assigned to operate.

(d) Records and reports are maintained as necessary to insure compliance with rules promulgated under this section, including, but not limited to, reports regarding the condition of vehicles, vehicle inspection and maintenance practices, employee qualifications, and hours of service by employees.

(e) Persons operating motor vehicles used by a motor carrier meet any requirements, including registration and liability insurance requirements, that the commission is authorized to develop under this chapter.

(f) Persons meet such other requirements bearing on the safe operation of motor vehicles used by motor carriers as the commission may establish by rule.

(g) Persons operating motor vehicles of a motor carrier are advised of the safety rules they are obligated to follow.

(2) The commission may amend, suspend or revoke certificates or impose fines not to exceed $5,000 per infraction for violations of safety standards.

(3) The commission shall assist in the enforcement of United States Department of Transportation safety standards for the handling and transportation of hazardous materials.

(4) The commission may impose fines of up to $5,000 per infraction against persons who knowingly arrange, contract or provide for service which cannot be furnished without violations of the safety and hours of service rules.

(5) The discharge, discipline, or taking of other retaliatory action against a person who reports a safety violation is unlawful. The commission is authorized to investigate allegations of violations of this subsection and to impose civil penalties not to exceed $5,000 for each violation.

The vote was:

Yeas—11

Chamberlin	Jenne	McKnight	Steinberg
Dunn	Johnston	Myers	Stuart
Henderson	MacKay	Poole	

Nays—25

Mr. President	Fechtel	McClain	Trask
Anderson	Frank	Neal	Ware
Barron	Gorman	Peterson	Williamson
Beard	Hair	Scarborough	Winn
Carlucci	Hill	Scott	
Childers, D.	Holloway	Thomas	
Childers, W. D.	Maxwell	Tobiassen	

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

Amendment 1B—On page 13, lines 11-14, strike all of said lines and insert: under its tariff as filed

Senator W. D. Childers moved the following amendment to Amendment 1 which was adopted:

Amendment 1C—On page 16, line 29, strike "or other" and insert: , wood chips, and

Amendment 1 as amended was adopted.

Senator Scarborough presiding

The Committee on Commerce offered the following amendment which was moved by Senator W. D. Childers and adopted:

Amendment 2—On pages 1 and 2 in title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to motor carriers and freight forwarders; creating chapter 323, Florida Statutes; providing a transportation policy; providing definitions; specifying authority of the Florida Public Service Commission with respect to the regulation of motor carriers; providing various fees and fines; providing for preemption of local ordinances by the act and commission rules and orders, and preemption of municipal regulations by counties under certain circumstances; requiring local ordinances and permits to be consistent with the transportation policy; providing fines for violations; requiring certification of motor carriers by the commission or federal government; pro-

viding conditions for the issuance of certificates; providing application procedures; providing contents of the certificate; authorizing emergency authority to operate as a motor carrier; limiting the transfer of certificates; authorizing fines and other disciplinary actions against motor carriers; providing for the filing and changing of rates; providing a schedule for rate changes without commission approval; authorizing the commission to suspend rates under certain circumstances; providing exemptions from the act; specifying applicability of the act to interstate commerce; providing certain regulation of interstate carriers; requiring the commission to adopt rules with respect to the disclosure of certain costs between carriers and owner-operators; requiring the filing of intercity motor carrier routes and providing for the regulation of such routes; providing for limited regulation of taxicabs; providing for regulation of motor carriers of household goods; prohibiting weight-bumping; providing civil penalties; requiring the licensure of weighmasters by the Department of Agriculture and Consumer Services; authorizing fines and other disciplinary action against weighmasters; requiring the licensure of transportation brokers; providing grounds for disciplinary action; requiring such brokers to furnish a bond or other security; authorizing emergency licenses; providing for vehicle registration and identification rules; authorizing the injunction of unlawful operations; imposing and providing for the collection of a road tax on motor carriers; providing for exemption from certain taxes; requiring motor carriers to be bonded, to file a certificate of insurance, or to self-insure; authorizing civil penalties; authorizing motor carriers to pay certain fees or taxes on a quarterly basis; transferring certain commission investigators and Florida Highway Patrol weight inspectors and clerical staff to the Department of Transportation; requiring the Florida Highway Patrol to conduct safety inspections of commercial vehicles; amending ss. 316.535(6), 316.545(1), (6), (8), Florida Statutes; specifying authority of the Department of Transportation over weight inspection; amending s. 321.05(6), Florida Statutes; authorizing the Florida Highway Patrol to adopt certain safety rules, standards, and procedures; creating a joint motor carrier reform review committee; requiring the committee to make reports; providing an appropriation; amending s. 320.08(6)(b), Florida Statutes; deleting certain per passenger license taxes; repealing present chapter 323, Florida Statutes, relating to regulation of motor carriers and freight forwarders; providing for legislative review; providing severability; providing a retroactive effective date.

On motion by Senator Peterson, by two-thirds vote CS for HB 1635 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

By the Committee on Education and Senator Don Childers—

CS for SB 822—A bill to be entitled An act relating to education; amending s. 230.2312(5), Florida Statutes, and adding paragraph (f) to subsection (7) of said section; providing an exception for certain exceptional students; providing qualification of personnel who may be employed with funds provided by the Florida Primary Education program; providing an effective date.

—was read the first time by title and SB 822 was laid on the table.

On motion by Senator Don Childers, by two-thirds vote CS for SB 822 was read the second time by title.

Senator Fechtel moved the following amendment which was adopted:

Amendment 1—On page 2, between lines 29 and 30, insert: Section 2. Subsections (13) and (21) of section 228.041, Florida Statutes, are amended to read:

228.041 Specific definitions.—Specific definitions shall be as follows and wherever such defined words or terms are used in the Florida School Code they shall be used as follows:

(13) SCHOOL DAY.—A school day for any group of *students* ~~pupils~~ is that portion of the day in which school is actually in session and shall comprise not less than 5 net hours excluding intermission for all grades above the third; not less than 4 net hours for the first three grades; and not less than 3 net hours in kindergarten, or the equivalent as calculated on a weekly basis ~~under regulations of the state board~~. The minimum length of the school day herein specified may be decreased under *rules which shall be adopted by* ~~regulations of~~ the state board *for double session schools or programs, experimental schools, or schools operating under emergency conditions.* However, senior high school students who lack 3 credits or less shall be allowed to attend as a school day that portion of the day necessary to earn needed credits.

(21) YEAR OF SERVICE.—The minimum time which may be recognized in administering the state program of education, not including retirement, as a year of service by a school employee shall be full-time actual service, and beginning July 1, 1963, such service shall also include sick leave and holidays for which compensation was received but excluding all other types of leave and holidays for a total of more than one-half of the number of days required for the normal contractual period of service for this position held, which shall be 196 days or longer, or the minimum required for the district to participate in the *Florida Education Finance* ~~minimum foundation~~ Program in the year service was rendered, or the equivalent for service performed on a daily or hourly basis; provided further that absence from duty after the date of beginning service shall be covered by leave duly authorized and granted; provided further that the school board shall have authority to establish a different minimum for local district school purposes.

Section 3. Section 228.051, Florida Statutes, as amended by chapter 79-288, Laws of Florida, is amended to read:

228.051 Organization and support of required public schools.—The public schools of the state shall provide 13 consecutive years of instruction, beginning with kindergarten, and shall also provide such instruction for exceptional children as may be required by law. The funds for support and maintenance of such schools shall be derived from state, district, federal, or other lawful sources or combinations of sources, and shall include any tuition fees charged nonresidents as provided by law. Public schools, institutions, and agencies providing this instruction shall constitute the uniform system of free public schools prescribed by Art. IX of the State Constitution. ~~and shall include the following:~~

~~(1) KINDERGARTEN. Kindergarten classes, comprising children between the ages as provided by s. 232.04, shall be established by the school board.~~

~~(2) ELEMENTARY SCHOOLS. Elementary schools shall comprise all classes and grades through the sixth grade or, upon decision by the school board when authorized by regulations of the state board, may include work through the eighth grade.~~

~~(3) SECONDARY SCHOOLS. Secondary schools shall include junior high schools with grades 7 to 9, inclusive; high schools with grades 10 to 12, inclusive, junior-senior high schools with grades 7 to 12, inclusive, or, upon decision by the school board when authorized by regulations of the state board, 4-year high schools comprising grades 9 to 12, inclusive.~~

Section 4. Subsections (3) and (5), paragraphs (f) and (g) of subsection (4), and paragraph (a) of subsection (9) of section 230.23, Florida Statutes, are amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(3) ADOPT SCHOOL PROGRAM.—Authorize the assembling of all data and the making of school surveys essential to the development of a school program for the entire district

and to adopt such a program as the basis for operating the schools—one phase of the program to be a *5-year* ~~longtime~~ program and another phase to constitute the annual program.

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, as follows:

(f) Opening and closing of schools; fixing uniform date for.—Fix, insofar as possible, a uniform date each year for the opening of all schools under its control, on which date, unless otherwise authorized by the school board, all schools shall open, in order that the keeping of records, the making of reports, the payment of salaries, and the supervision of instruction may be facilitated; *and* ~~provided, that all schools shall open on a date after Labor Day unless an earlier date is set by the school board and shall close before the last day of June of any year;~~ fix the closing date for all schools in the district, these dates to be so determined as to assure, as far as practicable, uniform terms for all schools in the district; adopt *rules* ~~regulations~~ for the closing of schools during an emergency and to provide for the payment of salaries to the members of the instructional staff on such occasions. However, notwithstanding any of the foregoing, any school board may in its discretion operate any or all of the district schools on an extended term basis, *provided that the board notify the Commissioner of Education of its plans for an extended school year on or before January 1 preceding the extended school term.* ~~subject to approval of the Department of Education.~~ However, notwithstanding any of the foregoing, any school board may, in its discretion, operate any of the district schools on a quarterly basis; provided that:

1. All educational requirements required by law are complied with.

2. Any school board so instituting a 12-month school program shall have full authority in the assignment of pupils to equalize the number of pupils attending the schools during any student attendance period in order to utilize school facilities to the maximum extent on a year-round basis, and shall also have full authority to enter into contracts with principals, teachers, and other school personnel for employment on a 12-month basis at the same rate of monthly compensation.

3. Such school board, when classroom facilities and teacher availability permit, may allow the parents or guardian of any child the choice of such child attending all or any particular three out of the four quarters during the year or if a quinmester plan is operational, all or any four out of five quinmesters.

4. Any school board planning a 12-month school program shall notify the Department of Education of such plans on or before January 1 preceding the school year in which the plan is to become operative.

(g) Observance of school holidays and vacation periods.—Approve and designate the school holidays to be observed during the year, except for emergencies,~~;~~ ~~provided, that the number of such school holidays shall not exceed a total of 1 day for each 30 days of the term; approve the manner of observance of such holidays by the schools of the district;~~ and approve and designate the school vacation periods. ~~These holidays and vacation periods shall, insofar as practicable, be uniform for all schools of the district.~~

(5) PERSONNEL.—Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of chapter 231:

(a) Positions, ~~and~~ qualifications, *and appointments.*—Act upon *written* recommendations submitted by the superintendent for positions to be filled and for minimum qualifications for personnel for the various positions, *and act upon written nominations of persons to fill such positions. The school board may reject for good cause any employee nominated. If the third nomination by the superintendent for any position is rejected for good cause, or if the superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the school board, or if the superintendent fails to submit a nomination for reemployment within the time prescribed by law, the school board may proceed on its own motion to fill such position.*

~~(b) Appointment of noninstructional personnel.—Act on the written recommendations submitted by the superintendent of persons to act as administrative, supervisory, technical, attendance or health assistants, office assistants, school food service personnel, bus drivers, and all other noninstructional personnel and appoint persons to fill such positions. The term "Act on the written recommendations" shall be interpreted to mean that the school board must consider the recommendations or nominations of the superintendent submitted as prescribed by law and may not reject such recommendations or nominations except for good cause, and when such rejection is made a second and if necessary a third recommendation or nomination shall be requested and if made within a reasonable time as prescribed by the school board shall be considered or acted upon as prescribed by law; provided, that if the superintendent shall fail to submit his recommendations as prescribed by law or within a reasonable time as prescribed by the school board, the board shall have the right to nominate or to appoint on its own motion.~~

(b) Action on nominations ~~(c) Appointment of instructional staff.~~—*The school board shall* act not later than 6 weeks before the close of the post school conference during any year on the nominations by the superintendent of supervisors or principals~~;~~ *and shall* act not later than 4 weeks before the close of the post school conference during any year on the nominations by the superintendent of all other members of the instructional staff. ~~The school board may reject for good cause any supervisor, principal, other member of the instructional staff, or other employee nominated. In case the third nomination by the superintendent for any position be rejected for good cause, the said school board shall then proceed on its own motion to fill such positions.~~

(c) ~~(d)~~ Compensation and salary schedules.—Adopt a salary schedule or salary schedules to be used as a basis for paying ~~members of the instructional staff and~~ all ~~other~~ school employees, such schedules to be arranged, insofar as practicable, so as to furnish incentive for improvement in training and for continued and efficient service; fix and authorize the compensation of ~~members of the instructional staff and other~~ school employees on the basis of such schedules.

(d) ~~(e)~~ Contracts and terms of service.—Provide written contracts for all regular members of the instructional staff. All contracts with members of the instructional staff shall be in accordance with the salary schedule adopted by the school board and shall be in writing for definite amounts and for definite terms of service and shall specify the number of monthly payments to be made. All such contracts shall be executed in duplicate and a true signed copy retained by the board in the office of the superintendent. The school board is prohibited from paying any salary to any member of the instructional staff, except when this provision has been observed.

(e) ~~(f)~~ Transfer and promotion.—Act on recommendations of the superintendent regarding transfer and promotion of any employee.

(f) ~~(g)~~ Suspension and dismissal and return to annual contract status.—Suspend, dismiss, or return to annual contract members of the instructional staff and other school employees; provided, that no administrative assistant, supervisor, principal, teacher, or other member of the instructional staff may be discharged, removed or returned to annual contract except as provided in chapter 231.

(g) ~~(h)~~ Awards and incentives.—May provide for recognition of employees who have contributed outstanding and meritorious service in their fields and adopt and implement a program of meritorious service awards to employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing school board expenditures or improving school board operations. The school board is authorized to expend funds for such recognition and awards. No award granted under the provisions of this paragraph shall exceed $2,000 or 10 percent of the first year's gross savings, whichever is greater.

(9) SCHOOL PLANT.—Approve plans for locating, planning, constructing, sanitating, insuring, maintaining protecting, and condemning school property as prescribed in chapter 235, and as follows:

(a) School building program.—Approve and adopt a district-wide school building program, indicating the centers at which school work is to be offered on the various levels, the type, size, and location of schools to be established, and the steps to be taken to carry out the program. This program shall be a part of the *5-year* ~~long~~~~time~~ program for the district and, insofar as practicable, shall be based on the recommendations of a survey made or approved under the direction of the Department of Education.

Section 5. Subsections (2) and (5) and paragraph (d) of subsection (3) of section 230.2313, Florida Statutes, are amended to read:

230.2313 Student services programs.—

(2) It is the intent of the Legislature to articulate the functions served by each of the components of a program of student services. It is further the intent of the Legislature that each school district develop a plan for providing student services to all ~~public school~~ students in the *public school system, including area vocational-technical centers.* ~~district.~~ This plan shall be designed to insure effective use of available resources and avoid unnecessary duplication.

(3) A "student services program" is defined as a coordinated effort which shall include, but not be limited to:

(d) Occupational and placement services, which shall include, but not be limited to, the dissemination of career education information, placement services and follow-up studies. *Such follow-up studies may be conducted on a statistically valid random sampling basis where appropriate and shall be stratified to reflect the appropriate vocational programs of students graduating or leaving the public school system,* ~~and instruction in employability skills~~. The occupational and placement specialist shall serve as liaison between employers and the school.

(5) The State Board of Education is authorized to adopt *rules* ~~regulations~~ to carry out the intent of this legislation. *Rules* ~~Regulations~~ shall include, but need not be limited to:

(a) A description of the ~~present~~ student services program at all educational levels for which the school board is responsible~~, including ratio of students to personnel~~.

(b) Identification of alternative student services personnel who do not meet traditional graduate school requirements and who may be used by the school board in providing the recommended *student* ~~guidance~~ services, including, but not limited to, paraprofessionals, teachers, parents, and representatives of business and industry.

Section 6. The introductory paragraph, subsections (5), (7), (14), (15), (23), paragraph (a) of subsection (11), paragraphs (a), (b), (c) and (g) of subsection (12), and paragraphs (a), (b) of subsection (13) of section 230.33, Florida Statutes, are amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the school board. The recommendations, nominations, proposals and reports required by law and *rule* ~~regulation~~ to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(5) SCHOOL PROGRAM; PREPARE *5-YEAR* ~~LONGTIME~~ AND ANNUAL PLANS FOR.—Supervise the assembling of data and sponsor studies and surveys essential to the development of a planned school program for the entire district and prepare and recommend such a program to the school board as the basis for operating the district school system.

(7) PERSONNEL.—Be responsible, as required herein, for directing the work of the personnel, subject to the requirements of chapter 231 and in addition he shall have the following duties:

(a) Positions, ~~and~~ qualifications, *and nominations.*—Recommend to the school board duties and responsibilities which need to be performed and positions which need to be filled to make possible the development of an adequate school program in the district*;* ~~and~~ recommend minimum qualifications of personnel for these various positions*; and nominate in writing persons to fill such positions.*

~~(b) Assistants and noninstructional personnel.—Recommend in writing to the school board persons to act as administrative, supervisory, technical, attendance or health assistants, office assistants, school food service personnel, bus drivers, and all other noninstructional personnel.~~

~~(c) Supervisors and principals of district schools.—Submit in writing to the school board his nominations of persons to be appointed or reappointed as supervisors and principals.~~ All nominations for reappointment of supervisors and principals shall be submitted to the school board at least 8 weeks before the close of the post-school conference period.

~~(d) Other members of the instructional staff of district schools. Confer with the principals and submit in writing to the school board his nominations of all other persons to be appointed or reappointed as members of the instructional staff of the district school system.~~ All nominations for reappointment of such members of the instructional staff *shall be made after conferring with the principals and* shall be submitted in writing to the school board at least 6 weeks before the close of the post-school conference period.

(b)~~(e)~~ Compensation and salary schedules.—Prepare and recommend to the school board for adoption a salary schedule or salary schedules to be used as the basis for paying ~~members of the instructional staff and other~~ school employees, arranging such schedules, insofar as practicable, so as to furnish incentive for improvement in training and for continued and efficient service.

(c)~~(f)~~ Contracts and terms of service.—Recommend to the school board terms for contracting with employees and prepare such contracts as are approved. Contracts with the members of the instructional staff are to be prepared, recommended, and executed as hereinbefore prescribed. Authority is given to make appointments to approved positions and to approve compensation therefor at the rate provided in the currently established salary schedule, pending action by the local board at its next regular or special meeting.

(d)~~(g)~~ Transfer and promotions.—Recommend employees for transfer and transfer any employee during any emergency and report the transfer to the school board at its next regular meeting.

(e)~~(h)~~ Suspension and dismissal.—Suspend members of the instructional staff and other school employees during emergencies for a period extending to and including the day of the next regular or special meeting of the school board and notify the school board immediately of such suspension. When authorized to do so, serve notice on the suspended member of the instructional staff of charges made against him and of the date of hearing. Recommend employees for dismissal under the terms prescribed herein.

(f)~~(i)~~ Direct work of employees and supervise instruction.—Direct or arrange for the proper direction and improvement, under regulations of the school board, of the work of all members of the instructional staff and other employees of the district school system; supervise or arrange under *rules* ~~regulations~~ of the school board for the supervision of instruction in the district and take such steps as are necessary to bring about continuous improvement.

(11) SCHOOL PLANT.—Recommend plans, and execute such plans as are approved regarding all phases of the school plant program, as prescribed in chapter 235, and including the following:

(a) School building program.—Recommend plans and procedures for having a survey made under the direction of the department, or by some agency approved by the department, as a basis for developing a district wide school building program as a phase of the *5-year* ~~long time~~ program for the district; recommend such program when sufficient evidence is available, specifying the centers at which school work should be offered on the various levels, the type, size, and location of schools to be established, and the steps to be taken to carry out the program.

(12) FINANCE.—Recommend measures to the school board to assure adequate educational facilities throughout the district, in accordance with the financial procedure authorized in chapters 236 and 237, and as prescribed below:

(a) Plan for operating all schools for minimum term.—Determine and recommend district funds necessary in addition to state funds to provide for at least a 180-day *school* term *or the equivalent on an hourly basis as specified by rules which shall be adopted by the State Board of Education* ~~for all schools~~, and recommend plans for insuring the operation of all schools for the term authorized by the school board.

(b) Annual budget.—Prepare the annual school budget to be submitted to the school board for adoption according to law; submit this budget, when adopted by the school board, to the Department of Education on or before the date required by *rules* ~~regulations~~ of the state board.

(c) Tax levies.—Recommend to the school board, on the basis of the needs shown by the budget, the amount of district school tax levy necessary to provide the district school funds needed for the maintenance of the public schools ~~of such district for at least 180 days~~; recommended to the school board the tax levy required on the basis of the needs shown in the budget for the district bond interest and sinking fund of each district; and recommend to the school board to be included on the ballot at each district millage election the school district tax levies necessary to carry on the school program ~~for a term of at least 180 days~~.

(g) Payrolls and accounts.—Prepare, at least monthly, payrolls and statements of accounts due to be paid by the school board; certify these statements as correct and complete and recommend them to the school board for payment; prepare periodic reports as required by *rules* ~~regulations~~ of the state board, showing receipts, balances, and disbursements to date, a copy of such periodic reports to be filed with the Department of Education.

(13) RECORDS AND REPORTS.—Recommend such records as should be kept in addition to those prescribed by *rules* ~~regulations~~ of the state board or by the department; prepare forms for keeping such records as are approved by the school board; see that such records are properly kept, and make all reports that are needed or required, as follows:

(a) Forms, blanks, and reports.—Require that all employees keep accurately all records and make promptly in proper form all reports required by the school code or by *rules* ~~regulations~~ of the state board; recommend the keeping of such additional records and the making of such additional reports as may be deemed necessary to provide data essential for the operation of the school system, and prepare such forms and blanks as may be required and see that these records and reports are properly prepared.

(b) Reports to the department.—Prepare for the approval of the school board all reports that may be required by law or *rules* ~~regulations~~ of the state board to be made to the department and transmit promptly all such reports, when approved, to the department, as required by law. If any such reports are not transmitted at the time and in the manner prescribed by law or by state board *rules* ~~regulations~~, the salary of the superintendent shall be withheld until such report has been properly submitted. Unless otherwise provided by regulations of the state board, the annual report on attendance and personnel shall be due on or before July 1, and the annual school budget and the report on finance shall be due on the date prescribed by the state board.

(14) COOPERATION WITH OTHER AGENCIES.—

(a) Recommend plans for cooperating with and on the basis of approved plans to cooperate with federal, state, county, and municipal agencies in the enforcement of laws and *rules* ~~regulations~~ pertaining to all matters relating to education and child welfare.

(b) Recommend plans for identifying and reporting to the Department of Education the name of each child in the school district who qualifies according to the definition of a migratory child, based on Pub. L. No. 95-561, and for reporting such other information as may be prescribed by the department.

(15) ENFORCEMENT OF LAWS AND *RULES* ~~REGULATIONS~~.—Require that all laws and *rules* ~~regulations~~ of the state board, as well as supplementary *rules* ~~regulations~~ of the school board, are properly observed; report to the school board any violation which he does not succeed in having corrected.

(23) OTHER DUTIES AND RESPONSIBILITIES.—Perform such other duties as may be assigned to him by law or by *rules* ~~regulations~~ of the state board.

Section 6. Section 231.031, Florida Statutes, is amended to read:

231.031 Maximum age for *continued employment of* instructional personnel.—*Notwithstanding the provisions of s. 112.044,* no person shall be *entitled to continued employment* ~~employed~~ in any instructional capacity in the public schools of Florida after the close of the school year following the date on which he attains 70 years of age; provided, however, that *upon recommendation of the superintendent, the person may be continued in employment beyond such date, subject to annual reappointment in the manner prescribed by law. Nothing contained herein* ~~this provision~~ shall ~~not~~ apply to employment limited to substitute and part-time teaching.

Section 8. Subsection (2) of section 231.29, Florida Statutes, is amended to read:

231.29 Record of personnel.—

(2) For the purpose of improving the quality of instructional, administrative and supervisory services in the public schools of the state, the superintendent shall establish procedures for assessing the performance of duties and responsibilities of all instructional, administrative and supervisory personnel employed in his district. A complete statement of the criteria and procedure ~~to be used shall be furnished the department and~~ shall include but not be limited to the following provisions:

(a) Assessment for each individual shall be made at least once a year.

(b) A written record of each assessment shall be made and maintained in the district.

(c) The principal or the person directly responsible for the supervision of the individual shall make the assessment of the individual to the superintendent and the school board for the purpose of reviewing continuing contract.

(d) Prior to preparing the written report of assessment, each individual shall be informed of the criteria and the procedure to be used.

(e) The written report of assessment for each individual shall be shown to him and discussed by the person responsible for preparing the report.

Section 9. The introductory paragraph and subsection (2) of section 231.39, Florida Statutes, are amended to read:

231.39 Provisions for leave of absence.—Any member of the instructional and administrative staff may secure leave of absence during the year when it is necessary to be absent from duty as prescribed by law and, under certain conditions, may receive compensation during such period of absence. Any such leave of absence shall be classified as sick leave illness-in-line-of-duty leave, professional leave, or personal leave. Subject to the provisions in the sections which follow, school boards shall prescribe *rules* ~~regulations~~ governing the granting of leaves of absence during the year. School boards shall also have authority to prescribe *rules* ~~regulations~~ to provide for more extended leaves of absence as follows:

(2) MILITARY LEAVE.—Military leave shall be granted without pay, except as provided by s. 115.07, to employees of a school board who are required to serve in the Armed Forces of the United States or this state in fulfillment of obligations incurred under selective service laws or because of membership in reserves of the Armed Forces or National Guard, and may be granted at the discretion of the school board without pay to an employee volunteering for military duty. Employees granted such leave for military service shall, upon completion of the tour of duty, be returned to employment without prejudice, provided application for reemployment is filed within 6 months following the date of discharge or release from active military duty; and provided further that the school board shall have a reasonable time, not to exceed 6 months, to reassign the employee to duty in the school system. Military leave shall

not be counted as years of service toward a continuing contract. ~~or for allocation of minimum foundation funds.~~

Section 10. Subsection (3) of section 236.02, Florida Statutes, is amended to read:

236.02 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(3) EMPLOYMENT POLICIES ~~FOR INSTRUCTIONAL PERSONNEL~~.—*Adopt rules relating to the appointment, promotion, transfer, suspension, and dismissal of personnel.* ~~Notify in writing all instructional personnel concerning reemployment by the times prescribed by law; provide written continuing contracts for all personnel entitled to such contracts as prescribed by law; provide each other member of the instructional staff, at least 1 month before schools begin, or before assuming his position if he is not employed until after that date, with a written contract providing for the payment of a definite salary as prescribed by law, require 12 calendar months of service for such principals and other special instructional personnel as prescribed by regulations of the state board, and 10 months to include not less than 196 days of service, excluding Sundays and other holidays, for all other members of the instructional staff, any such service on a 12-month basis to include reasonable allowance for vacation or further study as prescribed by the school board in accordance with regulations of the state board; and pay all instructional personnel according to a schedule adopted by the school board to include:~~

(a) Such rules shall conform to applicable law and state board rules and shall include the duties and responsibilities of the superintendent and school board pertaining to these and other personnel matters.

(b)~~(a)~~ All personnel shall be paid in accordance with payroll period schedules adopted by the school board and included in the official salary schedule.

(c)~~(b)~~ No salary payment shall be paid to any employee in advance of service being rendered.

(d) District school boards may authorize ~~by policy~~ a maximum of six paid legal holidays which shall apply to the 196 days of service.

(e) Such rules may include reasonable time for vacation and absences for further professional studies for personnel employed on a 12-month basis.

Section 11. Section 236.39, Florida Statutes, is amended to read:

236.39 Notice of election; qualifications of electors.—The said school board shall also at the meeting, at which is passed the resolution provided for in s. 236.37 order that an election shall be held in said school district to determine whether or not there shall be issued by said district the bonds provided for in said resolution, in which election only the duly qualified electors thereof ~~who are freeholders~~ shall vote, and prior to the time of holding said election the said school board shall cause to be published once each week for 4 successive weeks in a newspaper published in the district a notice of the holding of said election which shall specify the time and place or places of the holding thereof. The resolution, prescribed in s. 236.37, may be incorporated in and published as a part of the notice prescribed in this section.

Section 12. 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 13. 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 14. Subsection (1) of section 238.07, Florida Statutes, is amended to read:

238.07 Regular benefits; survivor benefits.—

(1) ~~Any member who attains 70 years of age shall be retired forthwith; provided, however, that with the approval of his employer he may remain in service until the end of the school year following the date on which he attains 70 years of age.~~ If any member retires ~~under the provisions of this subsection, who~~ *and* before his death fails to select one of the optional benefits set forth in s. 238.08, his executors or administrators shall receive the excess of his accumulated contributions at retirement over the total of all annuity payments made to the member.

Section 15. Section 231.3505, Florida Statutes, is amended to read:

231.3505 Employment of directors of vocational education in *school districts* ~~district schools~~ and community colleges.—Each school district *and community college with a department designated by the state board as an area vocational school and* which *generates* ~~earns, through instruction units in~~ vocational education *funds in programs employing at least 15 full-time equivalent teachers, in order to earn these funds, a* ~~special teacher services unit, and each community college with a department designated by the state board as an area vocational school and which earns, through instruction units in occupational education, an administrative and special instruction services unit,~~ shall employ an individual who is certified by the Department of Education as director of vocational education to administer a districtwide or community college program in vocational education. The position shall be on the staff of the superintendent of schools or community college president and shall be at a level requiring involvement in the planning and implementation of vocational programs. Pursuant to *rules* ~~regulations~~ promulgated by the state board, two or more school districts, two or more community college districts, or combinations thereof may jointly hire a single director, *or until such time as a school district or community college employs at least 15 full-time equivalent teachers, the certified vocational director may be assigned additional responsibilties.*

Section 16. Sections 229.065, 229.0651, 229.801, 229.8025, 229.806, 229.821, 230.29, 230.65, 230.651, 230.67, 231.46, 233.066, 240.357, subsections (14) and (22) of section 228.041, subsections (2), (3), (4), (5), and (6) of section 230.232, paragraphs (c) and (d) of subsection (3) of section 233.063, Florida Statutes, section 229.514, Florida Statutes, as amended by chapter 79-190, Laws of Florida, and subsection (9) of section 238.06, Florida Statutes, as amended by chapter 79-40, Laws of Florida, are hereby repealed.

Senator Maxwell moved the following amendments which were adopted:

Amendment 2—On page 2 after line 29, insert: Section 2. Section 244.07, Florida Statutes is amended to read:

244.07 Florida Education Council.—

(1) COUNCIL ESTABLISHED.—There is hereby established the Florida Education Council, composed of the members of the Education Commission of the States representing this state, and six other persons appointed by the Governor *and four persons appointed by the Commissioner of Education who shall be members of district or school advisory committees as provided in s. 229.58 or members of a recognized schoolwide* ***support group.*** **Initial appointments shall be staggered so that,** after the initial appointments have been made, one-third of the membership is appointed annually. The maximum length of any appointment shall be 3 years. In addition, the President of the Senate and Speaker of the House shall each appoint two **members who shall serve 2-year terms. These four persons** shall not be members of the Legislature and shall not derive a majority of their incomes from educational or education-related fields. The ~~ten~~ *fourteen* persons shall broadly represent the people of Florida. The chairman shall be designated by the Governor from among council members. The council shall meet on the call of its chairman or at the request of a majority of **its members, but in any event the council shall meet at least** two times each year. *The activities of the council shall be supported through existing resources of the Department of Education.*

(2) DUTIES AND RESPONSIBILITIES.—The council may consider any matter relating to the Education Commission of the States and state issues on which Florida may receive technical assistance from the Education Commission of the **States.** ***In addition, the council shall serve as the chief state-level coordinating and monitoring body for district and school advisory committees by:***

(a) Systematically monitoring the activities and progress of district and school advisory committees in order to identify strengths and successes, as well as problems and areas of need. This process should include review of annual reports of school progress required by s. 229.575(3) and evaluation of the efficacy of projects funded through the educational improvement project grant provided for in s. 229.59.

(b) Providing such information and technical assistance to district and school advisory committees as they deem necessary to enable them to function effectively.

(c) Reviewing and evaluating proposals for educational improvement project grants related to advisory committees as provided in s. 229.59.

(d) Developing a coherent and consistent policy to facilitate ***broad-based citizen involvement in and support of public education,*** *along with proposals for the implementation of such policies.*

(e) Transmitting to the State Board of Education and the Legislature advice related to improving elementary and secondary education in Florida. ~~The activities of the council shall be supported through existing resources of the Department of Education.~~

And renumber subsequent sections.

Amendment 3—On page 2, line 30, before the period "." insert: , except that the amendment to subsection (7) of section 230.2312, Florida Statutes, shall take effect October 1, 1980

Senator Don Childers moved the following amendment which failed:

Amendment 4—On page 2, between lines 29 and 30, insert: Section 2. Paragraph (f) of subsection (4) of section 402.32, Florida Statutes, is amended to read:

402.32 School health services program.—

(4) The duties of the Department of Health and Rehabilitative Services shall be:

(f) When indicated by screening, to provide children with physical examinations and to refer children *for* ~~to~~ appropriate medical and dental treatment, in cooperation with the private medical and dental community whenever possible. ~~Parents or guardians of such students shall, within 30 calendar days, report to the appropriate school personnel the action taken to satisfy the cited medical or dental needs.~~

(Renumber subsequent section.)

Senator Maxwell moved the following amendment which was adopted:

Amendment 5—On page 1 in title, line 9, after the semicolon (;) insert: amending s. 244.07, Florida Statutes; requiring certain members of the Florida Education Council to be members of local advisory committees; establishing the council as the chief state-level coordinating and monitoring body for local advisory committees;

Senator Fechtel moved the following amendment which was adopted:

Amendment 6—On page 1 in title, line 9, after "program;" insert: amending s. 228.041(13), (21), Florida Statutes; defining terms; amending s. 228.051, Florida Statutes; deleting provisions classifying schools into kindergartens, elementary schools, and secondary schools; amending s. 230.23(3), (4)(f), (g), (5), (9)(a), Florida Statutes; specifying a 5-year school operation program; requiring school boards to notify the Commissioner of Education when planning to extend the school year; deleting provisions limiting number of school holidays; deleting provisions that schools open after Labor Day and close prior to June 1; deleting requirement that holidays be uniform for all schools; deleting provisions relating to the appointment of noninstructional personnel and instructional staff; providing general procedure for hiring employees; providing that the school building program shall be part of the 5-year program for the district; amending s. 230.2313(2), (3)(d), (5), Florida Statutes; including area vocational-technical centers in student services programs; providing procedure for follow-up studies; amending the introductory paragraph of s. 230.33, Florida Statutes, and s. 230.33(5), (7), (11)(a), (12)(a)-(c), (g), (13)(a), (b), (14), (15), (23), Florida Statutes; authorizing school superintendents to nominate in writing persons to fill vacancies; requiring nominations for reappointment of instructional staff to be made after conference with principal; amending s. 231.031, Florida Statutes; providing for continued employment beyond age of 70 of instructional personnel under certain conditions; amending s. 231.29(2), Florida Statutes; deleting provisions requiring superintendents to furnish the Department of Education with a complete statement of the criteria and procedure to be used in maintaining records of school personnel; amending the introductory paragraph of s. 231.39, Florida Statutes, and s. 231.39(2), Florida Statutes; deleting the provision that military leave shall not be counted for allocation of minimum foundation funds; amending s. 236.02(3), Florida Statutes; requiring each district which participates in the state appropriations for the Florida Education Finance Program to adopt rules relating to the appointment, transfer, suspension, and dismissal of school personnel; deleting provisions prescribing the duties of the district with regard to specific employment policies for instructional personnel; authorizing each district school board to provide reasonable time for vacation and absences for further professional studies for personnel employed on a 12-month basis; amending s. 236.39, Florida Statutes; eliminating requirement that qualified electors in a school bond election be freeholders; amending s. 237.091(1), Florida Statutes; eliminating provision that the school budget be approved as official by the Department of Education; amending s. 237.101, Florida Statutes; eliminating requirement that the Department of Education be joined in suits seeking relief which require a change in the official school budget; amending s. 238.07(1), Florida Statutes; eliminating the mandatory retirement age; amending s. 231.3505, Florida Statutes; requiring certain school districts and community colleges which generate vocational education funds to employ a certified director of vocational education; providing that such director may be assigned additional responsibilities under certain circumstances; repealing s. 228.041(14), (22), Florida Statutes, relating to definitions of "school month" and "school lunch personnel"; repealing ss. 229.065, 229.0651, Florida Statutes, relating to obsolete bond issues; repealing s. 229.514, Florida Statutes, as amended, relating to authority of Commissioner of Education to reallocate certain duties assigned to the Department of Education; repealing s. 229.801, Florida Statutes, relating to flexible staff operations for public schools; repealing s. 229.8025,

Florida Statutes, relating to pilot programs; repealing s. 229.-806, Florida Statutes, relating to advertising and promotion of teaching; repealing s. 229.821, Florida Statutes, relating to insurance or surety bonds to indemnify certain students; repealing s. 230.232(2)-(6), Florida Statutes, relating to pupil assignment; repealing s. 230.29, Florida Statutes, relating to the location of the office of superintendent of schools; repealing ss. 230.65, 230.651, Florida Statutes, relating to support of and allocation of construction funds to area vocational-technical centers; repealing s. 230.67, Florida Statutes, relating to job placement and follow-up; repealing s. 240.357, Florida Statutes, relating to transportation funding for community colleges; repealing s. 231.46, Florida Statutes, relating to furnishing of forms; repealing s. 233.063(3)(c), (d), Florida Statutes, as amended, relating to state appropriation for driver education; repealing s. 233.066, Florida Statutes, relating to elementary and secondary school counseling services; repealing s. 238.06(9), Florida Statutes, as amended, relating to school librarians with less than 10 years service earning retirement credit after reaching age 70;

On motion by Senator Don Childers, by two-thirds vote CS for SB 822 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Anderson	Gorman	McKnight	Thomas
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	
Gordon	McClain	Stuart	

Nays—None

On motion by Senator Holloway, by unanimous consent—

HB 1657—A bill to be entitled An act relating to wayside park designation; designating the wayside park on U.S. Highway 90 in Ponce de Leon, Holmes County, as the Wayne O. Manning Wayside Park; providing for an appropriate plaque to be erected by the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote HB 1657 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

On motion by Senator Johnston, by unanimous consent—

HB 1144—A bill to be entitled An act relating to bridge designation; designating and naming the bridge on State Road 865 spanning the waters of Matanzas Pass between the City of Ft. Myers and the City of Ft. Myers Beach in Lee County as the Matanzas Pass Bridge; providing for a memorial plaque recognizing William M. Cochran in connection therewith; directing the Department of Transportation to erect appropriate signs and markers; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1144 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

HB 447—A bill to be entitled An act relating to street designation; renaming Northwest 36th Street in the City of Miami, from 7th Avenue to Le Jeune (42nd Avenue), as Allapattah Boulevard; directing the appropriate governmental agency to erect appropriate markers; providing an effective date.

—was read the second time by title. On motion by Senator Holloway, by two-thirds vote HB 447 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Anderson	Frank	McKnight	Thomas
Beard	Hair	Neal	Tobiassen
Carlucci	Hill	Peterson	Trask
Childers, D.	Holloway	Scarborough	Vogt
Childers, W. D.	Johnston	Scott	Ware
Dunn	Maxwell	Skinner	Williamson
Fechtel	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—Gorman

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

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

By the Committee on Commerce and Senator Jenne—

CS for SB 815—A bill to be entitled An act relating to insurance; 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 Commissioner's Buyers' Guide; providing penalties for failure to comply; amending ss. 627.516, 627.517, Florida Statutes; providing for advance payment of premiums and conversion of industrial life insurance policies; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Section 626.990, Florida Statutes, is created to read:

626.990 Life Insurance Solicitation.—

(1) PURPOSE.—The purpose of this section is to require insurers to deliver to purchasers of life insurance, information which will improve the buyer's ability to select the most appropriate plan of life insurance for his needs, improve the buyer's understanding of the basic features of the policy which has been purchased or which is under consideration and to improve the ability of the buyer to evaluate the relative costs of similar plans of life insurance. This section does not prohibit an insurer from using additional material which is not in violation of this chapter or any other statute or regulation.

(2) SCOPE; EXEMPTIONS.—

(a) Except as hereafter exempted, this section shall apply to any solicitation, negotiation, or procurement of life insurance occurring within this state. This section shall apply to any issuer of life insurance contracts including fraternal benefit societies.

(b) Unless otherwise specifically included, this section shall not apply to:

1. Annuities;

2. Credit life insurance;

3. Group life insurance;

4. Life insurance policies issued in connection with pension and welfare plans as defined by and which are subject to the federal Employee Retirement Income Security Act of 1974 (ERISA); or

5. Variable life insurance under which the death benefits and cash values vary in accordance with unit values of investments held in a separate account.

(3) DEFINITIONS AND FORMULAS.—As used in this section:

(a) "Buyer's guide" means a document which shall contain all the requirements of, and which is in substantial compliance with, subsection (6) of this section.

(b) "Cash dividend" means the current illustrated dividend which can be applied toward payment of the gross premium.

(c) "Equivalent level annual dividend" is calculated by applying the following steps:

1. Accumulate the annual cash dividends at 5 percent interest compounded annually to the end of the 10th and 20th policy years;

2. Divide each accumulation of step 1. under this paragraph by an interest factor that converts it into one, equivalent level annual amount that, if paid at the beginning of each year, would accrue to the values in step 1. under this paragraph over the respective periods stipulated in step 1. hereunder. If the period is 10 years, the factor is 13.207 and if the period is 20 years, the factor is 34.719.

3. Divide the results of step 2. under this paragraph by the number of thousands of the Equivalent Level Death Benefits to arrive at the Equivalent Level Annual Dividend.

(d) "Equivalent level death benefit" of a policy or term life insurance rider is an amount calculated by applying the following steps:

1. Accumulate the guaranteed amount payable upon death, regardless of the cause of death, at the beginning of each policy year for 10 and 20 years at 5 percent interest compounded annually to the end of the 10th and 20th policy years respectively;

2. Divide each accumulation of step 1. under this paragraph by an interest factor that converts it into one, equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in step 1. of this paragraph over the respective periods stipulated in step 1. under this paragraph. If the period is 10 years, the factor is 13.207 and if the period is 20 years, the factor is 34.719.

(e) "Generic name" means a short title which is descriptive of the premium and benefit patterns of a policy or a rider.

(f) "Life insurance surrender cost index" is calculated by applying the following steps:

1. Determine the guaranteed cash surrender value, if any, available at the end of the 10th and 20th policy years;

2. For participating policies, add the terminal dividend payable upon surrender, if any, to the accumulation of the annual cash dividends at 5 percent interest compounded annually to the end of the period selected and add this sum to the amount determined in step 1. under this paragraph;

3. Divide the result of step 2. under this paragraph (step 1. for guaranteed-cost policies) by an interest factor that converts it into an equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in step 2. hereunder (step 1. for guaranteed-cost policies) over the respective periods stipulated in step 1. If the period is 10 years, the factor is 13.207 and if the period is 20 years, the factor is 34.719;

4. Determine the equivalent level premium by accumulating each annual premium payable for the basic policy or rider at 5 percent interest compounded annually to the end of the period stipulated in step 1. under this paragraph, and dividing the result by the respective factors stated in step 3. hereunder (this amount is the annual premium payable for a level premium plan);

5. Subtract the result of step 3. from step 1.;

6. Divide the result of step 5. by the number of thousands of the equivalent level death benefit to arrive at the life insurance surrender cost index.

(g) "Life insurance net payment cost index" is calculated in the same manner as the comparable life insurance cost index, except that the cash surrender value and any terminal dividend are set at zero.

(h) "Policy summary" means a written statement describing the elements of the policy, including, but not limited to, the following:

1. A prominently placed title as follows: 'STATEMENT OF POLICY COST AND BENEFIT INFORMATION";

2. The name and address of the insurance agent, or, if no agent is involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the policy summary;

3. The full name and home office or administrative office address of the company in which the life insurance policy is to be or has been written;

4. The generic name of the basic policy and each rider;

5. The following amounts, where applicable, for the first 5 policy years and representative policy years thereafter, sufficient to clearly illustrate the premium and benefit patterns, including, but not necessarily limited to, the years for which life insurance cost indexes are displayed and at least one age from 60 through 65, or maturity, whichever is earlier:

a. The annual premium for the basic policy;

b. The annual premium for each optional rider;

c. Guaranteed amount payable upon death, at the beginning of the policy year regardless of the cause of death other than suicide, or other specifically enumerated exclusions, which is provided by the basic policy and each optional rider, with benefits provided under the basic policy and each rider shown separately;

d. Total guaranteed cash surrender values at the end of the year with values shown separately for the basic policy and each rider;

e. Cash dividends payable at the end of the year with values shown separately for the basic policy and each rider. (Dividends need not be displayed beyond the 20th policy year); and

f. Guaranteed endowment amounts payable under the policy which are not included under guaranteed cash surrender values above.

6. The effective policy loan annual percentage interest rate, if the policy contains this provision, specifying whether this rate is applied in advance or in arrears. If the policy loan interest rate is variable, the policy summary includes the maximum annual percentage rate;

7. Life insurance cost indexes for 10 and 20 years, but in no case beyond the premium paying period. Separate indexes must be displayed for the basic policy and for each optional term life insurance rider. Such indexes need not be included for optional riders which are limited to benefits such as accidental death benefits, disability waiver of premium, preliminary term life insurance coverage of less than 12 months, and guaranteed insurability benefits, nor for the basic policies or optional riders covering more than one life;

8. The equivalent level annual dividend, in the case of participating policies and participating optional term life insurance riders, under the same circumstances and for the same durations at which life insurance cost indexes are displayed;

9. A policy summary which includes dividends shall also include a statement that dividends are based on the company's current dividend scale and are not guaranteed in addition to a statement in close proximity to the equivalent level annual dividend as follows: "An explanation of the intended use of the equivalent level annual dividend is included in the life insurance buyer's guide";

10. A statement in close proximity to the life insurance cost indexes as follows: "An explanation of the intended use of these indexes is provided in the life insurance buyer's guide"; and

11. The date on which the policy summary is prepared. The policy summary must consist of a separate document. All information required to be disclosed must be set out in such a manner as not to minimize the effect of any portion thereof, or to render any portion thereof obscure. Any amounts which remain level for 2 or more years of the policy may be represented by a single number if it is clearly indicated what amounts are applicable for each policy year. Amounts in subparagraph 5. of this paragraph shall be listed in total, not on a per thousand nor per unit basis. If more than one insured is covered under one policy or rider, guaranteed death benefits shall be displayed separately for each insured or for each class of insureds, if death benefits do not differ within the class. Zero amounts shall be displayed as zero, and shall not be displayed as a blank space.

(4) DISCLOSURE REQUIREMENTS.—

(a) The insurer shall provide to all prospective purchasers a buyer's guide and a policy summary prior to accepting any applicant's initial premium or premium deposit, unless the policy for which application is made contains an unconditional refund provision of at least 10 days, or unless the policy summary contains such an unconditional refund offer, in which event the buyer's guide and policy summary must be delivered with the policy or prior to delivery of the policy.

(b) The insurer shall provide a buyer's guide and a policy summary to any prospective purchaser upon request.

(5) GENERAL RULES RELATING TO SOLICITATION.—

(a) Each insurer subject to this section shall maintain at its home office or principal office a complete file containing one copy of each document authorized by the insurer for use pursuant to this section. Such file shall contain one copy of each authorized form for a period of 3 years following the date of its last authorized use.

(b) An agent shall inform the prospective purchaser, prior to commencing a life insurance sales presentation, that he is acting as a life insurance agent, and shall inform the prospective purchaser of the full name of the insurance company which he is representing. In sales situations in which an agent is not involved, the insurer shall identify its full name.

(c) Terms such as financial planner, investment advisor, financial consultant, or financial counseling shall not be used in such a way as to imply that the insurance agent is generally engaged in an advisory business in which compensation is unrelated to sales unless such is actually the case.

(d) Any reference to policy dividends must include a statement that dividends are not guaranteed.

(e) A system or presentation which does not recognize the time value of money through the use of appropriate interest adjustments shall not be used for comparing the cost of two or more life insurance policies. Such a system may be used for the purpose of demonstrating the cash-flow pattern of a policy if such presentation is accompanied by a statement disclosing that the presentation does not recognize that, because of interest, a dollar in the future has less value than a dollar today.

(f) A presentation of benefits shall not display guaranteed and nonguaranteed benefits as a single sum unless they are shown separately in close proximity thereto.

(g) A statement regarding the use of the life insurance cost indexes shall include an explanation to the effect that the indexes are useful only for the comparison of the relative costs of two or more similar policies.

(h) A life insurance cost index which reflects dividends or an equivalent level annual dividend shall be accompanied by a statement that it is based on the insurer's current dividend scale, and is not guaranteed.

(i) For the purposes of this section, the annual premium for a basic policy or rider, for which the insurer reserves the right to change the premium, shall be the maximum annual premium.

(6) ADOPTION OF BUYER'S GUIDE; REQUIREMENTS.—Any insurer soliciting life insurance in this state on or after October 1, 1980, shall adopt and use a buyer's guide, and the adoption and use by an insurer of the buyer's guide adopted May 4, 1926 by the National Association of Insurance Commissioners in the NAIC Life Insurance Solicitation Model Regulation shall be in compliance with the requirements of this section.

(7) FAILURE TO COMPLY.—The failure of an insurer to provide or deliver a buyer's guide, or a policy summary as provided in subsection (4) shall constitute an omission which misrepresents the benefits, advantages, conditions or terms of an insurance policy within the meaning of Part VII of Chapter 626.

Section 2. Section 627.516, Florida Statutes, is amended to read:

627.516 *Advance* ~~Direct~~ 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.* ~~In the case of weekly premium policies, there may be a provision that upon proper notice to the insurer, while premiums on the policy are not in default beyond the grace period, of the intention to pay future premiums directly to the insurer at its home office or any office designated by the insurer for the purpose, the insurer will at the end of each period of a year from the due date of the first premium so paid, for which period such premiums are so paid continuously without default beyond the grace period, refund a stated percentage of the premiums in an amount which fairly represents the savings in collection expense.~~

Section 3. Section 627.517, Florida Statutes, is amended to read:

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.* ~~There may be a provision in the case of industrial policies granting to the insured, upon proper written request and upon presentation of evidence of insurability satisfactory to the insurer, the privilege of converting any industrial insurance policy to any form of life insurance with less frequent premium payments regularly issued by the insurer, in accordance with terms and conditions agreed upon with the insurer. The privilege of making such conversion need be granted only if the insurer's industrial policies on the life insured, in force as premium paying insurance and on which conversion is requested, grant benefits in event of death, exclusive of additional accidental death benefits and exclusive of any dividend additions, in an amount not less than the minimum amount of such insurance with less frequent premium payments issued by the insurer at the age of the insured on the plan of industrial or ordinary insurance desired.~~

Section 4. Short title.—For purposes of sections 4, 5, 6, 7, 8, and 9, this act may be cited as the "Florida Medicare Supplement Reform Act."

Section 5. Definitions.—

(1) For purposes of sections 4, 5, 6, 7, 8, and 9 of this act, a "Medicare supplement policy" is a disability insurance policy or other health benefit plan offered by a private entity to individuals who are entitled to have payments for health care costs made under Medicare, Title XVIII of the Social Security Act ("Medicare"), as presently constituted and as may later be amended, which provides reimbursement for expenses incurred for services and items for which payment may be made under Medicare but which are not reimbursable by reason of the applicability of deductibles, coinsurance amounts, or other limitations imposed by Medicare, but does not include any such policy or plan of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations, or of any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

(a) Is composed of individuals all of whom are actively engaged in the same profession, trade or occupation;

(b) Has been maintained in good faith for purposes other than the obtaining of insurance; and

(c) Has been in existence for at least 2 years prior to the date of its initial offering of such policy or plan to its members.

(2) For purposes of this section, the term "policy" includes a certificate issued under such a policy, which policy has been issued, delivered, or issued for delivery in this state. A Medicare supplement policy is only a policy which can be expected, as estimated for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience and earned premiums for such period and in accordance with accepted actuarial principles and practices, to return to policyholders in the form of aggregate benefits provided under the policy, at least 75 percent of the aggregate amount of premiums collected in the case of group policies and at least 60 percent of the aggregate amount of premiums collected in the case of individual policies. For this purpose, policies issued as a result of solicitations of individuals through the mail or by mass media advertising, including both print and broadcast advertising, shall be deemed to be individual policies.

Section 6. Designation as Medicare supplement policy; penalties for violations.—No policy of disability insurance, whether individual, group, blanket, or franchise, shall be delivered or issued for delivery in this state as a Medicare supplement policy unless it meets the requirements of sections 4, 5, 6, 7, 8, and 9 of this act. Any violation of this act shall subject the insurer to the provisions of s. 624.4211, Florida Statutes.

Section 7. Minimum standards.—

(1) The standards enumerated in this section shall be the minimum which a disability policy must meet before such a policy may be advertised, sold, delivered or issued for delivery in this state as a medicare supplement policy. Nothing in this section shall be construed as limiting or prohibiting the inclusion of additional coverages or benefits, provided such coverages or benefits are designed to fill the gaps in health care costs not addressed by the federal Medicare program.

(2)(a) The Insurance Commissioner and Treasurer shall issue rules hereunder such that the combination of this law and such rules shall be no less comprehensive or beneficial to persons insured or covered under Medicare supplement policies issued, delivered, or issued for delivery in this state, including certificates under such group or blanket policies, which policies have been so issued, delivered, or issued for delivery, than under the provisions pertaining to Medicare supplement policies contained in the NAIC Model Regulation to Implement the Individual Accident and Sickness Minimum Standards Act adopted by the National Association of Insurance Commissioners on June 6, 1979, and in the Model Individual Accident and Sickness Insurance Minimum Standards Act adopted by said association as such model act was constituted on the effective date hereof.

(b) The commissioner shall issue rules to establish specific standards, including standards of full and fair disclosure, that set forth the manner, content, and required disclosure for the sale of group, blanket, franchise and individual Medicare supplement policies and Medicare supplement subscriber contracts of nonprofit hospital, medical, and dental service associations, other than conversion policies issued pursuant to a contractual conversion privilege under a group or individual policy of disability insurance, when such group or individual contract contains provisions which are inconsistent with the requirements of this act or any rule issued pursuant to the act, or pursuant to policies being issued to eligible persons being added to franchise plans in existence on the effective date of this act or any rule issued pursuant to the act, which shall be in addition to and in accordance with applicable laws of this state, including s. 627.643, Florida Statutes, and parts VI and VII of chapter 627, Florida Statutes, which may cover persons eligible for Medicare by reason of age.

(c) The commissioner may issue rules that specify prohibited policies or policy provisions not otherwise specifically authorized by statute which in the opinion of the commissioner are unjust, unfair, or unfairly discriminatory to the policyholder, and person insured under the policy, or beneficiary.

(3) No policy shall be filed with the department as a Medicare supplement policy unless the policy meets or exceeds, either in a single policy or, in the case of nonprofit hospital and medical service associations, in one or more policies issued in conjunction with one another, the requirements of the NAIC Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act, as adopted by the National Association of Insurance Commissioners on June 6, 1979, as it applies to Medicare supplement policies. The following requirements shall be included but need not be limited to these. The policy must:

(a) Cover all of Part A (hospital insurance) eligible expenses for hospitalization to the extent not covered under Part A from the 61st day through the 90th day in any Medicare benefit period.

(b) Cover Part A eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days.

(c) Cover, upon exhaustion of all Medicare hospital inpatient coverage, including the lifetime reserve days, 90 percent of all Part A eligible expenses for hospitalization not covered by Medicare, subject to a lifetime maximum benefit of an additional 365 days.

(d) Cover 20 percent of the amount of eligible expenses under Part B (medical insurance), regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of $200 of such expenses and to a maximum benefit of at least $5,000 per calendar year.

(e) Be written in simplified language, be easily understood by purchasers and be otherwise in accordance with s. 627.602, Florida Statutes.

(f) Not limit or preclude liability under the policy for a period longer than 6 months because of a health condition existing before the policy is effective.

(g) Contain a prominently displayed "no loss cancellation clause" enabling the insured to return the policy within 30 days of the date of receipt of the policy, or the certificate issued thereunder, with return in full of any premium paid.

(h) Contain a prominently displayed notice of any coordination of benefits clause which might in any way restrict payment under the policy.

(i) Be accompanied by a copy of the Medicare Supplement Buyer's Guide developed by the National Association of Insurance Commissioners and the United States Department of Health, Education and Welfare. Delivery of the buyer's guide shall be made whether or not the policy qualifies as a Medicare supplement coverage in accordance with this act. Except in the case of a direct response insurer, delivery of the buyer's guide shall be made at the time of application and acknowledgment of receipt or certification of delivery of the buyer's guide shall be provided to the insurer. Direct response insurers shall deliver the buyer's guide upon request but not later than at the time the policy is delivered.

(j) Be accompanied by an outline of coverage as to such policy, in the form prescribed by the National Association of Insurance Commissioners in the NAIC Model Regulation to

Implement the Individual Accident and Sickness Insurance Minimum Standards Act as adopted by the National Association of Insurance Commissioners on June 6, 1979, and:

1. Such outline shall be delivered to the applicant at the time application is made and, except for the direct response policy, acknowledgement of receipt or certification of delivery of such outline of coverage shall be provided to the insurer.

2. If the policy is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy, contract, or group certificate must accompany the policy, when it is delivered and contain the following statement, in no less than 12 point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

3. Outlines of coverage delivered in conjunction with individual policies of hospital confinement, indemnity insurance, specified disease insurance, specified accident insurance, supplemental disability insurance, other than Medicare supplement insurance, or nonconventional disability coverage as defined by law in this state to persons eligible for Medicare by reason of age shall contain the following language which shall be printed on or attached to the first page: "This policy IS NOT A MEDICARE SUPPLEMENT policy. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company."

Section 8. Mandated coverages inapplicable to Medicare supplement policies unless specifically made applicable.—No coverage which is required by a law of this state enacted on or after the effective date of this act to be included in group, individual, blanket or franchise disability policies need be included in any Medicare supplement policy unless inclusion thereof is specifically made applicable to Medicare supplement policies by the terms of such law.

Section 9. This act shall take effect October 1, 1980, except that sections 4, 5, 6, 7, and 8 of this act shall take effect January 1, 1981, and shall apply to all policies issued on or after that date.

Amendment 2—On page 1, lines 2-12, strike entire title and insert: An act relating to insurance; creating s. 626.990, Florida Statutes; providing a statement of purpose; providing exemption; 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; amending s. 627.516, Florida Statutes; providing for discounts for advance payments of premiums; amending s. 627.517, Florida Statutes; providing for conversion of industrial to ordinary insurance under certain circumstances; establishing requirements in the sale of Medicare supplement policies; defining "Medicare supplement policy"; providing for minimum standards and accompanying materials; providing for rules relating to coverage, disclosure for sale of policies, and prohibited policy provisions; providing penalties; providing that certain coverage shall be inapplicable to Medicare supplement policies; providing an effective date.

On motion by Senator Jenne, the Senate concurred in the House Amendments.

CS for SB 815 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER, continued

SB 740—A bill to be entitled An act relating to historic preservation; designating a portion of Bird Road in Coral Gables as an historic state roadway; prohibiting work which would alter the location or physical dimensions of the road; requiring approval of the Division of Archives, History and Records Management of the Department of State before certain changes can be made; authorizing the division to erect markers along the road; authorizing work necessary for the preservation of safety and for routine maintenance purposes; authorizing certain improvements to the bridge; providing an effective date.

—was taken up and on motion by Senator Holloway, by two-thirds vote—

HB 182—A bill to be entitled An act relating to historic preservation; designating Bird Road between Red Road and Ponce de Leon Boulevard located in the City of Coral Gables, Dade County as a historic highway; prohibiting the use of state or federal funds for certain physical changes on or near the road; requiring approval of the Division of Archives, History and Records Management of the Department of State for other specific changes; authorizing the division to erect markers along the road; authorizing the division, for safety reasons to approve the construction of sidewalks and a bicycle path on the Bird Road Bridge; providing an effective date.

—a companion measure, was substituted for SB 740 and read the second time by title.

Senator Holloway moved the following amendments which were adopted:

Amendment 1—On page 3, lines 20-30 strike, all of line 20 through and including line 30 and insert: Notwithstanding any other provisions of this section, the agency having jurisdiction over the road may make improvements to the bridge on Bird Road crossing the Coral Gables Canal and intersections on either end of the bridge necessary to facilitate vehicle traffic flow and turning movements, provided that such improvements shall include bicycle and pedestrian pathways. The total clear bridge width of such improvements available for vehicle, bicycle, and pedestrian traffic including traffic separators shall not exceed 85 feet in width.

Section 2. The Division of Archives, History and Records Management of the Department of State may provide for the erection of suitable markers along the road.

Section 3. The Division of Archives, History and Records Management shall be consulted and official approval obtained prior to the approval of plans for the construction of walkways and bicycle paths on either side of the Bird Road Bridge in order to promote public safety and facilitate enjoyment of this scenic and historic area.

Amendment 2—On page 1, line 14, after the word "on" insert: either side of

On motion by Senator Holloway, by two-thirds vote HB 182 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yea—Hill, Scott

SB 740 was laid on the table.

CS for HB 1422—A bill to be entitled An act relating to land and water management; adding subsection (19) to s. 380.-031, Florida Statutes, defining the term "downtown development authority"; amending s. 380.032(2), Florida Statutes, providing for review of rules adopted by the state land planning agency; amending s. 380.06, Florida Statutes, substantially revising Florida law concerning developments of regional impact in an effort to incorporate certain administrative procedures into the law; providing for legislative review of certain rules; providing procedures with respect to developments of regional impact; requiring developers to submit certain reports; repealing s. 380.10, Florida Statutes, relating to the adoption of standards and guidelines by the Administration Commission, since, under the act, this function is now assumed by the Legislature; providing an effective date.

—was read the second time by title.

Senator Vogt offered the following amendments which were adopted:

Amendment 1—On page 9, between lines 20 and 21, add a subsection (f) to read as follows:

(f) If a local governmental license or permit is required before undertaking any phase of development within an approved development of regional impact, a presumption is hereby created in favor of the issuance of such license or permit if the agency having jurisdiction over such issuance participated in the original development of regional impact review process without objecting to the entry of the development order.

Amendment 2—On page 16, lines 29 and 30, and on page 17, lines 1 and 2, strike all of said lines and insert: *2. May establish a schedule of dates in the development order, including a deadline for commencing physical development, and for compliance with conditions of approval or phasing requirements.*

Amendment 3—On page 18, before the period (.) on line 10 insert: *; provided, however, that any land use regulation enacted by a local government after the entry of a development order shall not apply to any land included in the development order if such regulation is more restrictive than that in effect at the time that the development order was enacted.*

Amendment 4—On page 19, line 9, strike "the local government or state land planning agency to"

Amendment 5—On page 20, between lines 19 and 20, add a subsection 17 (d) to read as follows:

(d) If a multifamily development has previously been approved as part of a development of regional impact under this chapter without specifying the density or total number of units to be allowed, the density limits applicable to the multifamily classification of the local zoning ordinance in effect at the time the development order was entered shall apply to and control the maximum number of units to be allowed within such multifamily development.

Senator McKnight moved the following amendments which were adopted:

Amendment 6—On page 2, between lines 19 and 20, insert: (3) Enter into agreements with any landowner, developer, or governmental agency as may be necessary to effectuate the provisions of this act or any rules promulgated hereunder*, including an agreement to establish a pilot project to allow Dade County to process and review applications for development approval within Dade County, including preparation of the report required by s. 380.06(11).*

Amendment 7—On page 2, strike all of line 3 and insert: Section 2. Subsections (2) and (3) of section 380.032, Florida

Amendment 8—On page 1 in title, line 5, after "(2)," insert: *and (3)*

Senator Vogt moved the following amendment which was adopted:

Amendment 9—On page 1 in title, line 15, after the word "reports;" insert: providing standards for interpreting existing development of regional impact orders

On motion by Senator Vogt, by two-thirds vote CS for HB 1422 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Holloway

Consideration of SB 1070 was deferred.

SB 130—A bill to be entitled An act relating to corrections; renumbering s. 958.05(3), Florida Statutes, and adding a new subsection (3) to said section; requiring that a youthful offender sentenced to imprisonment for an offense punishable under s. 775.087 or s. 893.135, Florida Statutes, serve the minimum sentence prescribed for that offense prior to release; 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 Dunn:

Amendment 1—On page 1, line 13, insert a new Section 1 and renumber existing Sections 1 and 2 as Sections 2 and 3.

Section 1. Section 958.04, Florida Statutes, is amended to read:

958.04 Eligibility for youthful offender; classification.—

(1) The court may classify as a youthful offender any person:

(a) Who is at least 18 years of age or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 39;

(b) Who is found guilty of or who has tendered, and the court accepted, a plea of nolo contendere or guilty to a crime which is, under the laws of this state, a felony of the first, second, or third degree if such crime was committed before the defendant's 21st birthday; and

(c) Who has not previously been classified a youthful offender under the provisions of this act; however, no person has been found guilty of a capital or life felony may be classified a youthful offender under this act.

(2) *The following criteria shall be considered in determining whether to classify as a youthful offender a person who meets the requirements of subsection (1):* ~~A person shall be classified a youthful offender if such person meets the criteria of subsection (1) and such person:~~

~~(a) Has not previously been found guilty of a felony, whether or not the adjudication of guilt has been withheld, or~~

~~(b) Has not been adjudicated delinquent for an act which would be a capital, life, or first degree felony if committed by an adult.~~

~~(3) A person excluded from classification as a youthful offender under subsection (2) by virtue of having been previously found guilty of a crime which if committed in Florida would be a felony of the first, second, or third degree under the laws of this state may be classified a youthful offender after consideration of the following criteria.~~

(a) The seriousness of the offender to the community and the protection of the community;

(b) Whether the offense was committed in an aggressive, violent, premeditated, or willful manner;

(c) Whether the offense was against persons or property;

(d) The sophistication and maturity of the defendant, as determined by consideration of his home, environmental situation, emotional attitude, and pattern of living;

(e) The record and previous history of the defendant, including:

1. Previous contacts with the department, the Department of Health and Rehabilitative Services, other law enforcement agencies, and courts;

2. Prior periods in a community control program;

3. Prior violations of law; and

4. Prior commitments to institutions;

(f) The likelihood of reasonable rehabilitation of the defendant if he is assigned to youthful offender services and facilities; and

(g) Whether classification would:

1. Reflect the seriousness of the offense, promote respect for law, and provide just punishment for the offense; and

2. Provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

Senator Dunn moved the following substitute amendment which was adopted:

Amendment 2—On pages 1-2, strike everything after the enacting clause and insert: Section 1. Section 958.04, Florida Statutes, is amended to read:

958.04 Eligibility for youthful offender; classification.—

(1) The court may classify as a youthful offender any person:

(a) Who is at least 18 years of age or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 39;

(b) Who is found guilty of or who has tendered, and the court accepted, a plea of nolo contendere or guilty to a crime which is, under the laws of this state, a felony of the first, second, or third degree if such crime was committed before the defendant's 21st birthday; and

(c) Who has not previously been classified a youthful offender under the provisions of this act; however, no person who has been found guilty of a capital or life felony may be classified a youthful offender under this act.

(2) *The following criteria shall be considered in determining whether to classify as a youthful offender a person who meets the requirements of subsection (1):* ~~A person shall be classified a youthful offender if such person meets the criteria of subsection (1) and such person:~~

~~(a) Has not previously been found guilty of a felony, whether or not the adjudication of guilt has been withheld, or~~

~~(b) Has not been adjudicated delinquent for an act which would be a capital, life, or first degree felony if committed by an adult.~~

~~(3) A person excluded from classification as a youthful offender under subsection (2) by virtue of having been previously found guilty of a crime which if committed in Florida would be a felony of the first, second, or third degree under the laws of this state may be classified a youthful offender after consideration of the following criteria.~~

(a) The seriousness of the offense to the community and the protection of the community;

(b) Whether the offense was committed in an aggressive, violent, premeditated, or willful manner;

(c) Whether the offense was against persons or property;

(d) The sophistication and maturity of the defendant, as determined by consideration of his home, environmental situation, emotional attitude, and pattern of living;

(e) The record and previous history of the defendant, including:

1. Previous contacts with the department, the Department of Health and Rehabilitative Services, other law enforcement agencies, and courts;

2. Prior periods in a community control program;

3. Prior violations of law; and

4. Prior commitments to institutions;

(f) The likelihood of reasonable rehabilitation of the defendant if he is assigned to youthful offender services and facilities; and

(g) Whether classification would:

1. Reflect the seriousness of the offense, promote respect for law, and provide just punishment for the offense; and

2. Provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

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

The Committee on Corrections, Probation and Parole offered the following amendment which was moved by Senator Dunn:

Amendment 3—On page 1 in title, line 2, after the word "corrections;" insert: amending s. 958.04, Florida Statutes; removing the requirement that under certain circumstances a person must be classified as a youthful offender; providing that certain criteria be considered in determining whether to classify any person as a youthful offender;

Senator Dunn moved the following substitute amendment which was adopted:

Amendment 4—On page 1 in title, lines 2-9, strike all of said lines and insert: An act relating to corrections; amending s. 958.04, Florida Statutes; removing the requirement that under certain circumstances a person must be classified as a youthful offender; providing that certain criteria be considered in determining whether to classify any person as a youthful offender; providing an effective date.

On motion by Senator Dunn, by two-thirds vote SB 130 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Anderson	Gorman	McKnight	Thomas
Beard	Grizzle	Myers	Tobiassen
Carlucci	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	MacKay	Steinberg	
Gordon	McClain	Stuart	

Nays—None

On motion by Senator Dunn, 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 refused to concur in Senate amendments 1 & 2

to House amendment 2, reconsidered passage, reconsidered House amendments 1 and 2 and failed amendments 1 and 2, and passed SB 18.

Allen Morris, Clerk

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

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

Yeas—35

Anderson	Gordon	McClain	Stuart
Beard	Gorman	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
Frank	MacKay	Steinberg	

Nays—None

Vote after roll call:

Yea—Myers

The bill was ordered enrolled.

SPECIAL ORDER, continued

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

CS for SB 1188—A bill to be entitled An act relating to hospitals; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; providing an effective date.

—was read the first time by title and SB 1188 was laid on the table.

On motion by Senator Tobiassen, by two-thirds vote CS for SB 1188 was read the second time by title.

Senator Johnston moved the following amendment which was adopted:

Amendment 1—On page 2, between lines 3 and 4, insert: Section 3. Section 395.12, Florida Statutes, is amended to read:

395.12 *Inspection reports.*—~~Information confidential.—Information received by the licensing agency through filed reports, inspection, or as otherwise authorized under this law, shall not be disclosed publicly in such manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure.~~

(1) Each hospital shall maintain as public information, available upon request, records of all inspection reports pertaining to that facility that have been filed with, or issued by, any governmental agency. Copies of such reports shall be retained in said records for not less than 5 years from the date said reports are filed and issued.

(2) Any records, reports, or documents which by state or federal law or regulation are deemed confidential shall not be distributed or made available for purposes of compliance with this section unless or until such confidential status expires.

(3) Every hospital shall upon request, provide to any person who has completed a written application with an intent to be admitted to, or provide to any patient of, such hospital, or to any relative, spouse, or guardian of such person, a copy of the last inspection report pertaining to the hospital and issued by the department, provided the person requesting such report agrees to pay a reasonable charge to cover copying costs.

(Renumber subsequent section.)

Senator McKnight moved the following amendment which was adopted:

Amendment 2—On page 2, between lines 3 and 4, insert: Section 3. Subsection (4) is added to section 381.031, Florida Statutes, to read:

381.031 Duties and powers of the Department of Health and Rehabilitative Services.—

(4) The department, in addition to any administrative action authorized by chapter 120 or by other law, may impose a fine, which shall not exceed $500 for each violation, for the violation of any of the rules contained in the Sanitary Code of Florida and for violation of any of the provisions of chapter 386. Notice of intent to impose such fine shall be given by the department to the alleged violator. Each day a violation continues may constitute a separate violation. All amounts collected under this subsection shall be deposited with the State Treasurer to the General Revenue Fund. In determining the amount of fine to be imposed, if any, for a violation, the following factors shall be considered:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to any person will result or has resulted, the severity or the actual or potential harm, and the extent to which the provisions of the applicable statutes or rules were violated.

(b) Actions taken by the owner or operator to correct violations.

(c) Any previous violations.

Section 2. Paragraph (c) of subsection (2) of section 386.03, Florida Statutes, is amended, and paragraph (d) is added to said subsection to read:

386.03 Notice to remove nuisances; authority of Department of Health and Rehabilitative Services and local health authorities.—

(2) If the sanitary nuisance condition is not removed by such person or persons within the time prescribed in said notice, the department, its agents or deputies or local health authorities, may within the county where the nuisance exists, remove, cause to remove, or prevent the continuing sanitary nuisance condition in the following manner:

(c) Institute legal proceedings authorized by the department as set forth in s. *381.031(3)* ~~381.031(4)~~.

(d) Institute administrative proceedings authorized by the department as set forth in s. 381.031(4).

Section 3. Section 513.10, Florida Statutes, is amended to read:

513.10 Enforcement and penalties.—This chapter and regulations adopted hereunder may be enforced in the manner provided in s. *381.031(3)* ~~381.031(4)~~. Such regulations shall be a part of the Sanitary Code of Florida created by s. 381.031-(1)(g) 11. Violations of this chapter and the rules and regulations adopted hereunder shall be subject to the penalties provided in s. 381.411.

Section 4. 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.

(Renumber subsequent section.)

Senator Johnston moved the following amendment which was adopted:

Amendment 3—On page 1 in title, line 6, after the semicolon insert: amending s. 395.12, Florida Statutes, requiring hospitals to maintain inspection reports as public information, post summaries of such reports and make available such reports on request at a reasonable charge;

Senator McKnight moved the following amendments which were adopted:

Amendment 4—On page 1 in title, line 6, after the semicolon ";" insert: adding subsection (4) to s. 381.031, Florida Statutes,

and amending s. 386.03 (2)(c), Florida Statutes, and adding a paragraph thereto, authorizing the Department of Health and Rehabilitative Services to impose administrative fines to enforce the Sanitary Code of Florida and to deter sanitary nuisances; amending s. 513.10, Florida Statutes, correcting and updating a cross reference; providing severability

Amendment 5—On page 1 in title, line 2, strike all of said line and insert: An act relating to public health; encouraging

On motion by Senator Tobiassen, by two-thirds vote CS for SB 1188 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Dunn	Henderson

Consideration of CS for SB 717 was deferred.

By the Committee on Ways and Means and Senators Anderson and McKnight—

CS for SB 625—A bill to be entitled An act relating to traffic infractions; amending s. 318.18(3), Florida Statutes; providing additional fines for those persons convicted for certain speeding violations; prohibiting waiver of the additional fines; amending ss. 34.191(4), 316.660, Florida Statutes; providing distribution of additional fines; providing an effective date.

—was read the first time by title and SB 625 was laid on the table.

On motion by Senator Anderson, by two-thirds vote CS for SB 625 was read the second time by title.

Senator Anderson moved the following amendment:

Amendment 1—On page 3, between lines 19 and 20, insert: Section 4. Any law enforcement officer who issues a citation to any person for driving at an unlawful speed may confiscate any radar detection device then in the possession of such person.

(Renumber subsequent section.)

Senator Thomas raised a point of order that Amendment 1 was not germane to the bill.

The Presiding Officer ruled the point well taken and the amendment out of order.

Senator Trask presiding

On motion by Senator Anderson, by two-thirds vote CS for SB 625 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Hair	McKnight	Stuart
Chamberlin	Henderson	Myers	Thomas
Childers, D.	Hill	Neal	Tobiassen
Childers, W. D.	Holloway	Peterson	Trask
Fechtel	Jenne	Poole	Vogt
Frank	Johnston	Scott	Williamson
Gorman	MacKay	Steinberg	Winn

Nays—7

Carlucci	Maxwell	Scarborough	Ware
Grizzle	McClain	Skinner	

Votes after roll call:

Yea—Beard, Dunn

Consideration of CS for HB 347 and CS for CS for HB 786 was deferred.

Senator Scarborough presiding

Senator Steinberg moved that the rules be waived and SB 1386 relating to economic revitalization jobs creation incentive credits; SB 1387 relating to economic revitalization tax incentive credits; SB 1388 relating to community improvement; SB 1389 relating to community disaster assistance; SB 1390 relating to community development; SB 1391 relating to criminal justice; SB 1392 relating to community revitalization; SCR 1393 relating to alleviating problems which exist in Dade County and surrounding areas; SB 1394 relating to community revitalization; be introduced notwithstanding the fact that the deadline for filing bills pursuant to Rule 4.6 had passed.

The motion was referred to the Committee on Rules and Calendar.

CS for CS for HJR 323—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 18 of Article XII of the State Constitution relating to tax exemption.

—was read the second time.

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

Amendment 1—On page 2, strike all of line three and line four up through *operated,* and insert: *a renewable energy source device and to real property on which such device is installed and operated.*

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

Amendment 2—On page 2, strike line 11 starting with property and insert: a renewable energy source device and real property on which such

Amendment 3—On page 2, line 21, insert after the word "for": a renewable energy source device and

On motion by Senator Henderson, by two-thirds vote CS for CS for HJR 323 as amended was read the third time in full as follows:

A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 18 of Article XII of the State Constitution relating to tax exemption.

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

That the amendment to Section 3 of Article VII and the creation of Section 18 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1980:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such por-

tions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

ARTICLE XII

SCHEDULE

SECTION 18. Renewable energy source property.—The amendment to Section 3 of Article VII, relating to an exemption for a renewable energy source device and real property on which such device is installed, if adopted at the general election in 1980, shall take effect January 1, 1981.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendments proposed herein shall appear on the ballot as follows:

Proposing an amendment to Section 3 of Article VII and the creation of Section 18 of Article XII of the State Constitution to authorize, for purposes of ad valorem taxation, an exemption for a renewable energy source device and real property on which a renewable energy source device is installed.

The Secretary called the roll and CS for CS for HJR 323 as amended passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Johnston, the rules were waived and time of adjournment was extended until 12:15 p.m.

SB 27—A bill to be entitled An act relating to taxation of motor fuels; amending ss. 206.01(1) and 206.60(1), Florida Statutes, and adding subsection (6) to s. 206.41, Florida Statutes; exempting certain alcohol blended fuels derived from Florida crops, crop residues and other biomass and distilled in Florida from the first gas tax and the additional seventh cent tax for a designated period; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike all of lines 16-22 and insert:

(6) Alcohol blended fuels which consist of gasoline and not less than 10 percent ethyl alcohol, with a purity of 99 percent, commonly known as "gasohol," shall be exempt from the first gas tax levied pursuant to subsection (4)(a), as follows:

The vote was:

Yeas—18

Chamberlin	Henderson	Myers	Trask
Dunn	Hill	Neal	Vogt
Frank	Johnston	Peterson	Winn
Gordon	MacKay	Steinberg	
Gorman	McKnight	Stuart	

Nays—19

Anderson	Fechtel	McClain	Thomas
Beard	Grizzle	Poole	Tobiassen
Carlucci	Hair	Scarborough	Ware
Childers, D.	Holloway	Scott	Williamson
Childers, W. D.	Jenne	Skinner	

Senator Johnston called for a verification of the roll call. The vote was:

Yeas—17

Chamberlin	Johnston	Peterson	Williamson
Dunn	MacKay	Steinberg	Winn
Frank	McKnight	Stuart	
Gordon	Myers	Tobiassen	
Gorman	Neal	Vogt	

Nays—18

Anderson	Grizzle	McClain	Thomas
Beard	Hair	Poole	Trask
Carlucci	Hill	Scarborough	Ware
Childers, D.	Holloway	Scott	
Fechtel	Jenne	Skinner	

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

Amendment 2—On page 3, lines 20-28, strike everything after the period on line 20 through line 28 and insert: *However, alcohol blended fuels which consist of gasoline and not less than 10 percent ethyl alcohol, with a purity of 99 percent, shall be exempt from the imposition of such additional tax of 1 cent per gallon for the year July 1, 1980, to July 1, 1981. Thereafter, said additional tax of 1 cent per gallon shall again become applicable pursuant to this section.*

On motion by Senator Anderson, by two-thirds vote SB 27 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Anderson	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	Winn
Dunn	Jenne	Skinner	
Fechtel	Johnston	Steinberg	
Frank	MacKay	Stuart	

Nays—None

CS for CS for SB 80 by the Committee on Ways and Means and Senator Frank was read the first time by title and CS for SB 80 and SB 80 were laid on the table.

CS for CS for SB 80—A bill to be entitled An act relating to energy; amending s. 377.703(2)(a) and (h), and (3)(i), Florida Statutes, and adding paragraph (3)(k); redefining the term "coordinate," and the term "promote"; redefining information responsibilities of the Executive Office of the Governor; requiring a comprehensive state energy research plan; creating s. 377.706, Florida Statutes; establishing the Florida Energy Research and Development Task Force; providing joint chairmen,

membership, responsibilities and duties; establishing a Solar Research Coordinating Council; providing membership, responsibilities and duties; providing home energy assistance benefits for eligible households; providing a definition of "eligible household"; authorizing the Department of Health and Rehabilitative Services as the agency to administer the Federal Home Energy Assistance Program; providing for agreements between electric or natural gas utility companies, energy suppliers, the Department of Revenue, and the Department of Health and Rehabilitative Services; providing for a report to the Legislature; providing rulemaking authority; providing an effective date.

On motion by Senator Frank, by two-thirds vote CS for CS for SB 80 was read the second time by title.

Senator Frank moved the following amendments which were adopted:

Amendment 1—On page 4, lines 19-22, strike all of said lines

Amendment 2—On page 4, lines 26-30, strike all of said lines

On motion by Senator Frank, by two-thirds vote CS for CS for SB 80 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Consideration of HB 1004 was deferred.

On motion by Senator Hair, 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 concurred in Senate amendments 1, 2, 3 and 4, further amended and passed as further amended—

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; 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; 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; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

On motion by Senator Hair, the Senate reconsidered the vote by which HB 294 passed May 29.

Senator Hair moved the following amendment to HB 294, as further amended by the House, which was adopted:

Amendment 5—In Section 2, strike all of ss (2) and insert: *(2) In addition to judgments rendered pursuant to subsection (1) herein any person who shall willfully damage lands of the state or damage or remove products thereof or who shall knowingly refuse to comply with or willfully violate any of the provisions of this chapter may incur a fine for each offense in an amount up to $2,500 to be fixed, imposed and collected by the board. Each day during any portion of which such violation occurs constitutes a separate offense. This subsection shall not apply to any person who holds such lands under color of title based on a pre-statehood conveyance or conveyances from either the state or the United States if title to such lands should subsequently be found in the state.*

HB 294 as further amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 738—A bill to be entitled An act relating to the tax on sales and rentals; amending s. 212.08(7)(a), (c), Florida Statutes; redefining exempted veteran organizations to provide an exemption for nonprofit organizations and their auxiliaries not having a state headquarters; providing that such organizations must be chartered by the United States Congress or recognized as a national organization by the Veterans' Administration; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 738 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Hill, Holloway, Scott

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:15 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—39:

Mr. President	Beard	Childers, D.	Fechtel
Anderson	Carlucci	Childers, W. D.	Frank
Barron	Chamberlin	Dunn	Gordon

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

SPECIAL ORDER, continued

The Senate resumed consideration of—

SB 1285—A bill to be entitled An act relating to claims against an officer, employee, or agent of the state or its subdivisions; amending s. 768.28(9), Florida Statutes; providing that an officer, employee, or agent of the state shall not be personally liable or named in any action for injuries or omissions which arise as a result of any act, event, or omission of action within the scope of his employment; providing that complaints shall be presented as a claim against the state and in any litigation on such claim the state shall be joined as a party defendant; amending s. 111.07, Florida Statutes; providing for defense of civil actions arising from claims against an officer, employee, or agent of the state or its subdivisions; amending s. 111.071(1)(a), Florida Statutes; authorizing payment of final judgments in such actions; providing an effective date.

—with pending Amendment 2 which was withdrawn.

Senator Dunn moved the following amendment which was adopted:

Amendment 3—On page 2, line 10, before the comma (,) insert: *or the head of such entity in his official capacity,*

Senator Frank moved the following amendment which was adopted:

Amendment 4—On page 2, line 18, after the period (.) insert: *As used in this subsection, the term "employee" includes any volunteer firefighter.*

Senator Dunn moved the following amendments which were adopted:

Amendment 5—On page 3, line 21, after the comma (,) insert: constitutional officers,

Amendment 6—On page 2, line 13, after the word "subdivisions" insert: or constitutional officers

Amendment 7—On page 2, lines 9 and 10, strike all of said lines and insert: state, or its subdivisions, shall be by action against the governmental entity or constitutional officer of which the officer, employee or agent is an employee, unless such act or omission was committed

Amendment 8—On page 1, line 19 in title, after the semicolon (;) insert: providing for pending actions; providing severability;

Amendment 9—On page 1, line 19, in title, after the semicolon (;) insert: amending s. 765.25(5), Florida Statutes; raising the limits of recovery for certain tort claims or judgments against the state or its political subdivisions or agencies;

Further consideration of SB 1285 was deferred.

SB 682—A bill to be entitled An act relating to building construction standards; amending s. 553.74(1), Florida Statutes; increasing from 15 to 17 the membership of the Board of Building Codes and Standards of the Department of Community Affairs; revising a membership requirement; providing for conditional repeal; 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 Vogt and adopted:

Amendment 1—On page 2, line 19, strike "*Two-members*" and insert: *One member*

Amendment 2—On page 2 after line 20, insert: *(o) One mechanical or electrical engineer registered to practice in Florida.*

Pending further consideration of SB 682 as amended, on motion by Senator Vogt, the rules were waived and by two-thirds vote CS for HB 719 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Vogt—

CS for HB 719—A bill to be entitled An act relating to building construction standards; amending s. 553.74(1), Florida Statutes; increasing from 15 to 17 the membership of the Board of Building Codes and Standards of the Department of Community Affairs; revising a membership requirement; providing for conditional repeal; providing an effective date.

—a companion measure, was substituted for SB 682 and read the second time by title. On motion by Senator Vogt, by two-thirds vote CS for HB 719 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—Myers

SB 682 was laid on the table.

CS for SB 962 by the Committee on Governmental Operations was read the first time by title and SB 962 was laid on the table.

On motions by Senator McKnight, the rules were waived and by two-thirds vote HB 1633 was withdrawn from the Committees on Governmental Operations and Ways and Means and placed on the calendar.

On motion by Senator McKnight—

HB 1633—A bill to be entitled An act relating to state theaters; creating s. 265.287, Florida Statutes, to create the State Theater Program within the Department of State; providing purpose; authorizing the conduct and support of educational programs; creating s. 265.288, Florida Statutes, to create the State Theater Board; providing membership, powers, and responsibilities; creating s. 265.289, Florida Statutes, to provide for state theater contract organizations; requiring annual post-audits of each contract organization; providing for the retention of fees; providing for repeal of said sections and legislative review in accordance with the Sundown Act; providing an effective date.

—a companion measure, was substituted for CS for SB 962 and read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 1633 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yea—Myers, Peterson

CS for SB 962 was laid on the table.

SB 855 was taken up and on motions by Senator McKnight, the rules were waived and by two-thirds vote HB 1674 was

withdrawn from the Committees on Governmental Operations and Ways and Means and placed on the calendar.

On motion by Senator McKnight—

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.

—a companion measure, was substituted for SB 855 and read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 1674 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yea—Myers, Peterson

SB 855 was laid on the table.

SB 941—A bill to be entitled An act relating to the Bureau of Historical Museums; creating the Museum of Florida History Trust Fund; adding s. 267.071(1)(d), (e), Florida Statutes; providing for the establishment of a museum store in the Museum of Florida History; authorizing the creation of a nonprofit support association and prescribing duties; adding s. 267.071(3), (4), Florida Statutes; authorizing the museum store to accept transactions involving commercial credit cards; authorizing the bureau to accept donations; providing that profits and proceeds are to be deposited to the trust fund; providing an effective date.

—was read the second time by title. On motion by Senator McKnight, by two-thirds vote SB 941 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Votes after roll call:

Yea—W. D. Childers, Myers, Peterson

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

CS for SB 1024—A bill to be entitled An act relating to dimethyl sulfoxide (DMSO); creating s. 500.1516, Florida Statutes; allowing the manufacture, distribution, delivery, possession, sale, and use of dimethyl sulfoxide under certain circumstances; adding paragraph (e) to s. 500.16(3), Florida Statutes; exempting dimethyl sulfoxide from certain state laws regulating the sale of new drugs; creating s. 500.466, Florida Statutes; directing the Department of Health and Rehabilitative Services to adopt certain rules and establish a licensing fee with respect to manufacture of dimethyl sulfoxide; amending ss. 395.067, 458.335(2), and 459.0154, Florida Statutes; deleting provisions authorizing the Board of Medical Examiners and Board of Osteopathic Medical Examiners to declare dimethyl sulfoxide to be harmful; providing an effective date.

—was read the first time by title and SB 1024 was laid on the table.

On motions by Senator Johnston, by two-thirds vote CS for SB 1024 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—32

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

Nays—None

Votes after roll call:

Yea—W. D. Childers, Myers, Peterson

SB 879—A bill to be entitled An act relating to members of the cabinet; creating s. 111.021, Florida Statutes; authorizing cabinet members to be reimbursed for travel expenses incurred in educating and informing the public regarding their official duties; providing an effective date.

—was read the second time by title.

Senator Chamberlin moved the following amendment which was adopted:

Amendment 1—On page 1, line 18, after the period insert: If the cabinet member has publicly declared his or her candidacy for a statewide office, expenses shall not be reimbursed under this section if the expenses are to attend a meeting to which other candidates for the same office have been invited or a meeting at which the cabinet member directly seeks support for his or her candidacy.

Senator Chamberlin moved the following amendment:

Amendment 2—On page 1, line 7, in title, after the semicolon insert: providing exceptions;

Further consideration of SB 879 was deferred.

SB 407—A bill to be entitled An act relating to motor vehicles; amending s. 320.10, Florida Statutes; exempting from the annual license tax for the operation of motor vehicles, trailers, or semitrailers, any such motor vehicle, trailer, or semitrailer owned and operated by any member of the United States Armed Forces who is domiciled in the state in compliance with military or naval orders; providing for issuance of license plates for such vehicles and prescribing the fee therefor; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 23, before the word "*member*" insert: *nonresident*

Senator Holloway moved the following amendment which was adopted:

Amendment 2—On page 3, between lines 8 and 9, insert: Section 2. 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.

(Renumber subsequent section.)

Senators Poole, Jenne, Scott and Williamson offered the following amendments which were moved by Senator Poole and adopted:

Amendment 3—On page 3, between lines 8 and 9, insert a new section 2:

Section 2. Section 320.0841 (1), F.S., is amended to read:

(1) The department shall issue each year, free of charge to any state agency or individual, ~~1,250~~ *2,250* motor vehicle license plates for use on vehicles owned and operated by members of the Seminole and Miccosukee Indian Tribes. The allocation for any year may be increased by an amount equal to up to 10 percent of the allocation for the previous year. Any request for such increase shall be accompanied by a formal certification of the need therefore by the Seminole and Miccosukee Tribal Councils.

(Renumber subsequent section.)

Amendment 4—On page 1, line 11, in title, after the semicolon ";" insert: amending s. 320.0841(1), Florida Statutes; increasing number of motor vehicle license plates issued for use on vehicles owned and operated by the Seminole and Miccosukee Indian tribes;

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

Amendment 5—On page 1, in title, line 7, after the word "any" insert: nonresident

Senator Holloway moved the following amendment which was adopted:

Amendment 6—On page 1, in title, strike line 12 and insert: prohibiting the display of certain motor vehicle license plates; providing an effective date.

Senator Scarborough moved the following amendment which was adopted:

Amendment 7—On page 1, line 21, strike "or semi-trailer"

On motion by Senator Beard, by two-thirds vote SB 407 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

On motion by Senator Anderson, 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 concurred in Senate Amendment 1 and has refused to concur in Senate Amendments 2 and 3 to CS for HB 1095 and requests the Senate to recede, and passed as amended.

Allen Morris, Clerk

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

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

On motion by Senator Anderson, the Senate receded from Senate Amendments 2 and 3.

CS for HB 1095 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Anderson	Gorman	Myers	Stuart
Barron	Grizzle	Neal	Thomas
Beard	Hair	Peterson	Tobiassen
Chamberlin	Henderson	Poole	Trask
Childers, W. D.	Hill	Scarborough	Vogt
Fechtel	MacKay	Scott	Williamson
Frank	McClain	Skinner	
Gordon	McKnight	Steinberg	

Nays—None

On motion by Senator Barron, by two-thirds vote HB 342 was placed at the end of the consent calendar.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 3A and 5, has refused to concur in Senate Amendment 4 and requests the Senate to recede, has amended Senate Amendments 1 and 3, concurred in same as amended and passed HB 1586 as amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 1586—A bill to be entitled An act relating to financial matters; adding paragraph (g) to s. 215.47(2), Florida Statutes; authorizing the investment of public funds in mortgage pass-through certificates; providing an effective date

House Amendment 1 to Senate Amendment 3—On page 1, line 1, after "Association." insert a new section 2:

Section 2. Subsection (3) is added to section 215.50, Florida Statutes, to read:

215.50 Custody of securities purchased; interest, etc.—

(3) The State Treasurer, as custodian of securities owned by the Florida Survivor Benefit Trust Fund, shall collect the interest, dividends, prepayments, maturities, proceeds from sales and other income accruing from such assets. As such income is collected by the State Treasurer, it shall be deposited directly in a commercial bank to the credit of the State Board of Administration. Such bank accounts, as may be required for this purpose, shall offer satisfactory collateral security as provided by s. 18.11. In the event funds so deposited according to the provisions of this section are required for the purpose of paying benefits or other operational needs, the State Board of Administration shall remit to the Florida Retirement System Trust Fund in the State Treasury such amounts as may be requested by the director of the Division of Retirement.

(renumber subsequent sections accordingly)

House Amendment 1 to Senate Amendment 3—On page 1, line 4, after "Association;" insert: adding subsection (3) to s. 215.50, Florida Statutes, providing that the State Treasurer shall deposit investment income of certain funds with respect to the Florida Retirement System directly in a commercial

bank to the credit of the State Board of Administration; providing that funds needed for retirement operations shall be remitted by the State Board of Administration to the Florida Retirement System Trust Fund in the State Treasury;

On motions by Senator MacKay, the Senate receded from Senate Amendment 4 and concurred in House Amendment 1 to Senate Amendment 1 and House Amendment 1 to Senate Amendment 3.

HB 1586 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—2

Mr. President Johnston

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to CS for CS for HB 1769 and requests the Senate to recede and in the event the Senate refuses to recede requests a Conference Committee.

The Speaker has appointed Representatives Burnsed, Bell, Morgan, Lippman, Dennis Jones, alternates: Sadowski and Pajcic.

Allen Morris, Clerk

(Amendments attached to original bill)

On motions by Senator MacKay, the Senate refused to recede from Senate amendments 1 and 2 to CS for CS for HB 1769 and acceded to the request for a conference committee. The President appointed Senators MacKay, Gordon, Johnston, Jenne, and Maxwell as conferees; Senators Hair and Frank as alternates.

Senator Johnston moved that the Senate defer further consideration of Messages from the House of Representatives until 4:30 p.m. this day and that no messages be taken up prior to that time unless they related to conference committees. The motion was adopted.

CS for SB 1070 by the Committee on Natural Resources and Conservation was read the first time by title and SB 1070 was laid on the table.

On motions by Senator Vogt—

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

—a companion measure, by two-thirds vote was withdrawn from the Committee on Natural Resources and Conservation, substituted for CS for SB 1070 and read the second time by title. On motion by Senator Vogt, by two-thirds vote CS for HB 1452 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—4

Fechtel	Myers	Peterson	Tobiassen

Votes after roll call:

Yea to Nay—Ware
Nay to Yea—Myers

CS for SB 1070 was laid on the table.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gordon, the rules were waived and by two-thirds vote SCR 617 was withdrawn from the Committee on Ways and Means.

SPECIAL ORDER, continued

HB 448—A bill to be entitled An act relating to public housing; amending s. 421.27(2), Florida Statutes, relating to county housing authorities; providing for appointment of commissioners thereof by the board of county commissioners rather than by the Governor; providing for removal from office; 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 Thomas and adopted:

Amendment 1—On page 1 between lines 11 and 12 insert: Section 1. Subsection (1) of section 421.05, Florida Statutes, is amended to read:

421.05 Appointment, qualifications, and tenure of commissioners.—

(1) When the governing body of a city adopts a resolution as aforesaid, the mayor with the approval of the governing body shall promptly appoint *no less than* five persons as commissioners of the authority created for said city. Three of the commissioners who are first appointed shall be designated to serve for terms of 1, 2, and 3 years respectively; and the remaining ~~two of such~~ commissioners shall be designated to serve for terms of 4 years each, from the date of their appointment. Thereafter commissioners shall be appointed as aforesaid for a term of office of 4 years, except that a vacancy shall be filled for the unexpired term by an appointment of the mayor with the approval of the governing body within 60 days after such vacancy occurs. No commissioner of an authority may be an officer or employee of the city for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

(Renumber subsequent sections.)

Amendment 2—On page 1 between lines 11 and 12 insert: Section 2. Subsection (2) of section 421.05, Florida Statutes, is amended to read:

421.05 Appointment, qualifications, and tenure of commissioners.—

(2) The powers of each authority shall be vested in the commissioners thereof in office from time to time. *A majority*

of the ~~Three~~ commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. The mayor with the concurrence of the governing body shall designate which of the commissioners appointed shall be the first chairman, but when the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary, who shall be executive director, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the city or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

(Renumber subsequent sections.)

Amendment 3—On page 1, lines 12-31, and on page 2, lines 1-21, strike all of said lines.

Amendment 4—On page 1, in title, lines 2-7, strike "amending s. 421.27(2), Florida Statutes, relating to county housing authorities; providing for appointment of commissioners thereof by the board of county commissioners rather than by the Governor; providing for removal from office;"

Amendment 5—On page 1, in title, line 2, after the word "housing;" insert: amending s. 421.05, Florida Statutes, relating to City Housing Authorities; providing for the number of city housing authority commissioners; providing for the number necessary for a quorum;

On motion by Senator Thomas, by two-thirds vote HB 448 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

SB 1277—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(3) (c) and (4)(f), Florida Statutes; creating a children, youth and families program office to include all protective services, adoption, child care, foster care, specialized services to families, delinquency programs, dependency programs for children, related mental health programs, and single intake; deleting such programs from the responsibility of current program offices; creating an economic services program office to include all programs in the current social and economic services program office with the exception of transferred programs; requiring cooperative planning for programs for children by program offices; requiring an annual and a 5-year state plan for children and youth; providing for district programs to correspond to changes made to the program offices; requiring administrative transfer of specified positions and related expenses to the children, youth and families program office; directing the department to complete program office structure changes within existing resources; restructuring budget entities; providing directives to the department for preparation of a budget request for 1981-1983 biennium; requiring establishment and evaluation of a unit in the mental health program office to aid in consolidating and strengthening certain services to emotionally disturbed children and youth; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 9, between lines 19 and 20, insert: 5. District funding procedures related to all programs under this paragraph shall remain consistent during the 1979-81 biennium.

Amendment 2—On page 9, line 26, insert a new subsection (4) and renumber the subsequent subsection:

(4) Notwithstanding the provisions of ss. 216.262, 216.292, and 216.351, Florida Statutes, the Secretary of the Department of Health and Rehabilitative Services may transfer positions and funding required for the provision of EPSDT case management to any unit of the Office of the Assistant Secretary for Program Planning and Development.

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

Amendment 3—On page 2, line 22; page 3 lines 7 and 26 and on page 5 line 15 strike "medical"

Amendment 4—On page 3, line 29, strike "certificated" and insert: certificates

On motions by Senator Johnston, the Senate reconsidered the votes by which Amendments 3 and 4 were adopted. The question recurred on the adoption of the amendments and the amendments failed.

Senator McKnight moved the following amendments which were adopted:

Amendment 5—On page 2, between lines 19 and 20, insert: Section 1. X-ray systems and components; inspection.—

(1) The Department of Health and Rehabilitative Services and its duly authorized agents shall have the power to inspect in a lawful manner at all reasonable hours any hospital or other health-care facility or other place in the state in which an x-ray system is installed for the purpose of determining whether the system and its components meet the standards of the Department of Health and Rehabilitative Services. If, in the opinion of the department, a system which fails to meet such standards can be made to meet the standards through an adjustment or limitation upon the stations or range of the system or through the purchase of a component meeting the standards, the department shall order the owner of the system to make the necessary adjustment or purchase the necessary component within 90 days of the date or receipt of the order. However, if the system cannot be made to meet the standards, the department shall order the owner to cease the utilization of the system.

(2) Any person who enters the state with an x-ray system or component owned by him for the purpose of installing and utilizing the system shall register the system with the department. The department shall inspect the system to determine its compliance with the standards and shall approve or disapprove the system or order adjustments to the system in accordance with the provisions of subsection (1).

(3) No person shall sell or offer to sell **in this state any** x-ray system or component thereof which does not meet the standards of the Department of Health and Rehabilitative Services or which cannot be adjusted to meet such standards in accordance with the provisions of subsection (1).

(4) The Department of Health and Rehabilitative Services shall enforce the provisions of this section and may impose an administrative fine, in addition to all other fines and penalties imposed by law, in an amount of $1,000 for each violation of this section.

Section 2.

290.131 Fees.—The Department of Health and Rehabilitative Services is authorized to charge and collect reasonable fees for *specific* ~~special~~ and general licenses *and for the registration of radiation machines.* The fees shall not exceed the estimated costs to the department of performing licensing and

regulatory duties. All such fees shall be deposited to the credit of the Radiation Protection Trust Fund, to be held and applied solely for salaries and expenses of the department incurred in implementing and enforcing the provisions of this act.

Section 3. Subsections (1) and (2) and paragraph (e) of subsection (3) of section 381.493, Florida Statutes, are amended, and paragraphs (p), (q), (r), and (s) are added to subsection (3) of said section, to read:

381.493 Health Facilities and health services planning.—

(1) SHORT TITLE.—Sections *381.493, 381.494, 381.495, 381.498, and 381.499* ~~381.493~~ ~~381.497~~ shall be known as the "Health Facilities and Health Services Planning Act."

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to stimulate the establishment and continuous reevaluation of community-oriented health goals by providers, consumers, and public agencies; to assist in the rational examination of alternate methods of achieving those goals; and to aid in their achievement through the most effective means possible within the limits of available resources. It is imperative to plan the rendering of health services in order to meet and provide for community health needs in a responsible and effective manner, and this planning by the community must be assisted by a state health planning agency which is intended to coordinate the activities of all health planning agencies. It is the intent of the Legislature to invest the state health planning agency with the roles of provider of information, consultant, stimulator, and adviser to all health care institutions, health service providers, hospices, and consumers. It is intended that the agency work closely with *health systems agencies*, health care facilities, health service providers, and hospices in developing a planning process to define service needs in specific geographic areas and assist health care facilities, health service providers, and hospices in those areas to develop programs of service that will assure the best possible service to the community. It is also intended that the agency work with the community to find and define areas of need and to consider available alternatives to meet the needs. Every consideration shall be given to the elimination of unnecessary duplication of health services and the provision of health services not currently available or insufficiently provided within the community. It is further intended that health care facilities, certain health service providers, and hospices shall not change the scope of those services without the approval and authorization of the state health planning agency. *It is intended that strengthening of competitive forces in the health services industry be encouraged.*

(3) DEFINITIONS.—As used in ss. 381.493-*381.499* ~~381.497~~, unless the context clearly requires otherwise:

(e) "Capital expenditure" means an expenditure, *including a force account expenditure (i.e., an expenditure for a construction project undertaken by a health care facility as its own contractor)*, which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, which *exceeds the minimum as specified in s. 381.494(1)(c)*, changes the bed capacity *of the facility*, or substantially changes the services of the health care facility, health service provider, or hospice with respect to which such expenditure is made, and which includes the cost of the studies, surveys, designs, plans, working drawings, specifications, *refinancing costs*, and other activities essential to acquisition, improvement, expansion, or replacement of the plant and equipment.

(p) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(q) "Major medical equipment" means equipment which is used to provide medical and other health services and which costs in excess of $150,000.

(r) "Health services" means clinically related (i.e., diagnostic, curative, or rehabilitative) services and includes alcohol, drug abuse, and mental health services.

(s) "Institutional health service" means a health service provided by or through a health care facility and which entails an annual operating cost of $75,000 or more. The $75,000 minimum shall be adjusted pursuant to an index designated by the Secretary of Health, Education, and Welfare.

Section 4. Section 381.494, Florida Statutes, is amended to read:

381.494 Health-related projects; certificate of need.—

(1) APPLICATION.—All health care *related projects* ~~facilities, health maintenance organizations, health services, and hospices proposed to be offered or developed~~ as described in paragraphs *(a)-(n)* ~~(a), (b), (c), or (d)~~ shall be subject to review under this act and shall, accordingly, file application for a certificate of need. ~~Such offering or development includes:~~

~~(a) In the case of health care facilities or health maintenance organizations.~~

(a)~~1.~~ The addition of beds by new construction or alteration ~~of existing facilities~~.

(b)~~2.~~ *The* new construction *or establishment* of additional health care facilities.

(c)~~3.~~ A capital expenditure of $150,000 or more *by or on behalf of* ~~in~~ a hospital or $50,000 or more *by or on behalf of* ~~in~~ a skilled or intermediate nursing facility or ambulatory surgical center, *intermediate care facility, hospice, or freestanding hemodialysis center. Capital expenditure limits shall be adjusted pursuant to an index designated by the Secretary of Health, Education, and Welfare.*

(d)~~4.~~ The conversion from one type of health care facility to another, including the conversion from one level of care to another in a skilled or intermediate nursing facility, if said conversion effects a change in the level of care of 10 beds or 10 percent of total bed capacity of such skilled or intermediate nursing facility *within a 2-year period.* If such nursing facility is certified for both skilled and intermediate nursing care, the provisions of this subparagraph shall not apply.

(e)~~5.~~ An increase in licensed bed capacity.

(f)~~(b)~~ The establishment of a new ~~health maintenance organization,~~ home health agency, or hospice.

(g)~~(c)~~ A substantial change in *health* services provided by a health care facility *which results in either a capital expenditure in any amount or entails an annual operating cost of at least $75,000.*

(h)~~(d)~~ An acquisition by, or on behalf of, a health care facility or health maintenance organization by any means which would have required review if the acquisition had been by purchase *including acquisitions at less than fair market value if the fair market value is greater than the capital expenditure threshold.*

(i) The offering of inpatient institutional health services, acquisition of major medical equipment, or the obligation of capital expenditures for the offering of inpatient institutional health services by health maintenance organizations or health-care facilities to the extent that the health maintenance organization or health-care facility is not exempt pursuant to s. 381.495(4).

(j) The acquisition by any means of an existing health-care facility by any person unless such person provides the department with at least 30 days' written notice of the proposed acquisition to include the services to be offered and bed capacity of the facility and the department does not determine, within 30 days of receipt of such letter of intent, that services to be provided and bed capacity of the facility will be changed.

(k) The acquisition by any means of major medical equipment which will not be owned or located in a health-care facility by any person unless such person provides the department with at least 30 days' written notice of the proposed acquisition to include the proposed utilization of the equipment and the department does not determine, within 30 days of receipt of such letter of intent, that the equipment will be utilized to provide services for inpatients of a hospital.

(l) Radiological diagnostic health services which are offered in, at, through, by or on behalf of a health-care facility or health maintenance organization (including services offered in space leased or made available to any person by the health-care facility or health maintenance organization), which are provided by fixed or mobile computed tomographic scanning equipment.

(m) Capital expenditures, by or on behalf of a health-care facility, which are required to eliminate or prevent safety hazards as defined by federal, state or local codes or regulations or to comply with state licensure standards or to comply with

accreditation standards compliance with is required for reimbursements under Titles XVIII or XIX of the Social Security Act.

(n) An increase in the cost of a project for which a certificate of need has been issued when such increase in cost is in itself a capital expenditure under paragraph (c).

(2) OSTEOPATHIC FACILITIES.—When an application is made for a certificate of need to construct or to expand an osteopathic facility, the need for such facility shall be determined on the basis of the need and availability in the community for osteopathic services and facilities.

(3) HOSPICE.—When an application is made for a certificate of need to establish or expand a hospice, the need for such hospice shall be determined on the basis of the need for and availability of hospice services in the community. Provision of hospice care by any current provider of health care is a significant change in service and would therefore require a certificate of need for such services.

(Substantial rewording of subsection. See s. 381.494(4), F.S., for present text.)

(4) APPLICATION CONTENT.—An application for a certificate of need shall contain the following information:

(a) A detailed description of the proposed project and statement of its purpose and need in relationship to the applicable health systems plan, annual implementation plan and state health plan adopted pursuant to Title XV of the Public Health Service Act.

(b) A statement of financial resources available to the applicant for accomplishment of the proposed project.

(c) A statement of financial condition of the applicant. In applications submitted by existing health care facilities, health maintenance organizations or hospices, financial condition documentation shall include, but not be limited to, a balance sheet and profit and loss statement of the previous fiscal year's operation.

(d) A detailed statement of the capital expenditures necessary to accomplish the proposed project.

(e) A detailed statement of financial feasibility for the proposed project to include, but not be limited to, a statement of projected income and expense on a pro forma basis for the first 2 years of operation after completion of the project, probable impact on health care costs for services proposed by the applicant and probable impact on health care costs for services rendered by existing and like health care providers within the applicant's proposed service area.

(5) NOTICE TO THE HEALTH SYSTEMS AGENCY AND THE DEPARTMENT.—*The department shall, by rule, provide for applications to be submitted on a timetable or cycle basis, provide for application review on a timely basis, and provide for all completed applications pertaining to similar types of services, facilities, or equipment, affecting the same health service area to be considered in relation to each other no less often than twice a year.* At least 30 days prior to filing an application, a letter of intent shall be submitted by the applicant to the health systems agency and the department respecting the development of a proposal subject to review. At the time of filing an application with the health systems agency, the applicant shall send a copy of the application to the department. Within 15 working days after receipt of a project application, the health systems agency and the department shall determine whether said application is complete. If the application is deemed complete by ~~agreement between the health systems agency and~~ the department, the review period shall commence on the date the application is deemed complete. If the application is deemed incomplete by ~~agreement between the health systems agency and~~ the department, the department shall request from the applicant specific information necessary for the application to be deemed complete. Subsequent to the receipt of an application, the department may make only one request for specific additional information. Upon receipt of the specific additional information requested, the application shall be deemed complete, and the review period shall commence on the date the requested additional information is received by the health systems agency and the department. If an applicant does not provide the specific additional information requested by the department within 90 days of the request, the application shall be deemed as withdrawn from consideration. Not later than 90 days after an application is deemed complete and the review period initiated, if said period is not extended as hereinafter provided, the department shall issue or deny a certificate of need.

(6) FUNCTION OF HEALTH SYSTEMS AGENCY.—

(a) The health systems agency, upon commencement of the review period on a proposal, shall make such investigations and inquiries as necessary to enable it to make a recommendation to the department for approval or denial of a certificate of need.

(b) Review of individual applications shall be in accordance with administrative procedures established by the health systems agency in consultation with the department and the statewide health coordinating council, and shall include, but not be limited to:

1. A public hearing that allows applicants and other interested parties to present their positions. *A recorded verbatim record of such hearing shall be maintained.*

2. Reasonable notice.

3. The right to present oral and written evidence.

4. Written findings of fact and recommendations to be delivered to applicant and the department.

(c) *The health systems agencies shall review applications for certificate of need determinations for health care facilities and services, hospices, and health maintenance organizations in context with the following criteria* ~~The following shall be thoroughly considered by health systems agencies in certificates of need determinations for health care facilities and services, hospices, and health maintenance organizations~~:

1. The need for health care facilities and services and hospices being proposed in relation to the applicable health systems plan, annual implementation plan, and state *health* ~~medical facilities~~ plan adopted pursuant to *Title* ~~Titles~~ XV ~~and XVI~~ of the Public Health Service Act, *except in emergency circumstances which pose a threat to the public health.*

2. The availability, *quality of care, efficiency, appropriateness,* accessibility, extent of utilization, and adequacy of like and existing health care services and hospices in the applicant's health service area.

3. The availability and adequacy of other health care facilities and services and hospices in the applicant's health service area, such as outpatient care and ambulatory or home care services, which may serve as alternatives for the health care facilities and services to be provided by the applicant.

4. Probable economies and improvements in service that may be derived from operation of joint, cooperative, or shared health care resources.

5. The need in the applicant's health service area for special equipment and services which are not reasonably and economically accessible in adjoining areas.

6. The need for research and educational facilities, *including, but not limited to, institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels.*

7. The availability of resources, including health manpower, management personnel, and funds for capital and operating expenditures, for project accomplishment and operation*; the effects the project will have on clinical needs of health professional training programs in the service area; the extent to which the services will be accessible to health professions schools in the service area for training purposes if such services are available in limited number of facilities; the availability of alternative uses of such resources for the provision of other health services; and the extent to which the proposed services will be accessible to all residents of the service area.*

8. The immediate and long-term financial feasibility of the proposal.

9. The special needs and circumstances of health maintenance organizations ~~for which assistance may be provided under Title XIII of the Public Health Service Act~~.

10. The needs and circumstances of those entities which provide a substantial portion of their services or resources,

or both, to individuals not residing in the health service area in which the entities are located or in adjacent health service areas. Such entities may include medical and other health professions, schools, multidisciplinary clinics, and specialty services such as open heart surgery, radiation therapy, and renal transplantation.

11. The probable impact of the proposed ~~construction~~ project on the costs of providing health services *proposed* by the applicant *upon consideration of factors including, but not limited to, effects of competition on the supply of health services being proposed and improvements or innovations in the financing and delivery of health services which foster competition and service to promote quality assurance and cost effectiveness.*

12. The costs and methods of the proposed construction, including the costs and methods of energy provision and the availability of alternative, less costly, or more effective, methods of construction.

(d) Upon commencement of the review period, the health systems agency shall, within not more than 60 days, make one of the following recommendations in writing to the department:

1. That a certificate of need be issued for the project in its entirety or for identifiable portions of the total project; or

2. That a certificate of need be denied for the project in its entirety or for identifiable portions of the total project.

(e) A copy of said recommendation shall be mailed to the applicant. If the health systems agency fails to make a recommendation within the 60-day period and if said period is not extended as hereinafter provided, then it shall be deemed that the proposal is recommended for approval by the agency. The 60-day period may be extended by written mutual agreement of the applicant, the department, and the health systems agency, but in no event shall the extension be for more than 60 days. Recommendations made by health systems agencies shall be supported by findings of fact and justifications in context with criteria prescribed in paragraph (c). In cases of capital expenditure proposals for the provision of new health services to inpatients, the agency shall also reference each of the following in its findings of fact:

1. That less costly, more efficient, or more appropriate alternatives to such inpatient services are not available and the development of such alternatives has been studied and found not practicable.

2. That existing inpatient facilities providing inpatient services similar to those proposed are being used in an appropriate and efficient manner.

3. That, in the case of new construction, alternatives to new construction, e.g., modernization or sharing arrangements, have been considered and have been implemented to the maximum extent practicable.

4. That patients will experience serious problems in obtaining inpatient care of the type proposed, in the absence of the proposed new service.

5. That, in the case of a proposal for the addition of beds for the provision of skilled nursing or intermediate care services, the addition will be consistent with the plans of other agencies of the state responsible for the provision and financing of long-term care, including home health services.

(7) DUTIES AND RESPONSIBILITIES OF DEPARTMENT; RULES ~~AND REGULATIONS.~~—

(a) The department *is* ~~shall be~~ designated as the single state agency to issue, *revoke* or deny certificates of need *and to issue, revoke or deny exemptions from certificate of need review* in accordance with present and future federal and state statutes.

(b) The department, with the advice of the statewide health coordinating council, shall consult with the health systems agencies and such hospital, nursing home, and professional associations and societies and other agencies, as it deems advisable, in matters of policy affecting the administration of ss. 381.493-*381.499* ~~381.497~~ and in promulgating rules, ~~regulations,~~ and minimum standards for the issuance of certificates of need. *The department shall, by rule, define the limits of ex parte contacts during the application review process.* Such rules, ~~regulations,~~ and standards shall be in accordance with the Administrative Procedure Act.

(c) Upon review of the applications for certificates of need, *in context with criteria established by paragraph (6)(c) and administrative rules, and* the recommendations of the health systems agencies, ~~and the relationship between the applications, the state health plan, and the state medical facilities plan,~~ the department shall issue or deny certificates of need ~~for proposed capital expenditures~~ in their entirety or for identifiable portions of the total project. If denial of the certificate of need by the department is counter to the recommendation of the local health systems agency, the department shall outline its reason for denial, item by item, to the health systems agency, in writing. The department shall make its determination within not more than 90 days from the day the application is declared to be complete, unless the total review period is otherwise extended according to paragraph *(6)* ~~(5)~~(e) or the applicant agrees, in writing, to an extension of the determination due date of the department. If the department fails to render a determination within 90 days, or within an otherwise extended period, from the day the application is declared to be complete, *the applicant may, within 30 days of the date the department should have rendered a determination, take appropriate legal action, including relief pursuant to the Administrative Procedure Act, to force the department to render a determination* ~~it shall be deemed that the application for a certificate of need is denied.~~ In cases of ~~capital expenditure~~ applications for the provision of new health services to inpatients, the department shall not issue a certificate of need unless the findings prescribed in subsection *(6)*~~(5)~~(e) are documented in writing. *In cases of applications for a health-care facility to eliminate or prevent safety hazards as defined by federal, state or local codes or rules to comply with state licensure standards or to comply with accreditation standards compliance which is required for reimbursements under Titles XVIII or XIX of the Social Security Act, the department shall issue a certificate of need unless the department determines, during the application review process, that the health-care facility or the capital expenditure is not needed based on criteria established in the state health plan and by rules promulgated by the department; except that a certificate of need issued under this provision shall only approve capital expenditures to the extent necessary to eliminate or prevent the defined safety hazards or to comply with licensure or accreditation standards. In cases of applications for certificates of need* construction, if the project provides for construction or incurred an enforceable capital expenditure commitment for projects not involving construction, or unless the certificate of need validity period is extended by the department for an additional period of up to 6 months, upon showing of good cause by the applicant for the extension. *The department shall monitor the progress of the holder of the certificate of need in meeting the timetable for project development specified in the application and may revoke the certificate of need, after consideration of recommendations of the health systems agency, if the holder of the certificate of need is not meeting such timetable and is not making a good faith effort to meet it.*

Section 5. Section 381.495, Florida Statutes, is amended to read:

381.495 Certificate of need; requirement of filing; penalties; *fines; exemptions.*—

(1) In the exercise of its authority to issue licenses to health care facilities and health service providers, as provided under chapters 395 and 400, and to hospices, the Department of Health and Rehabilitative Services shall duly consider the certificate of need required by ss. 381.493-*381.499* ~~381.497~~ and shall not issue a license to any health care facility, health service provider, hospice, or part of a health care facility which fails to receive a certificate of need. ~~However, any health care facility project for which land had been acquired and preliminary construction plans had been filed with the department prior to July 1, 1975, shall not be denied a license on the basis of not having received a certificate of need; however, any health care facility project not requiring a certificate of need as a condition for licensure under this provision shall forfeit such exemption unless:~~

~~(a) The health care facility project is under construction prior to July 1, 1977; or~~

~~(b) An immediate and diligent good faith effort is being made to undertake construction but in no case shall this exemption apply after July 1, 1978.~~

(2) *It is unlawful for any person to undertake a project, subject to review under this act, without a valid certificate of need. Any person violating the provisions of this act is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continuing violation shall be considered a separate offense.* ~~Any health care facility which places a radiation therapy unit, computerized axial tomography scanner, cardiac catheterization laboratory, or hemodialysis unit in operation after July 1, 1977, without a certificate of need issued under this act is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(3) The department, as a part of any final order issued by it under the provisions of this act, may impose such fine as it deems proper, except that such fine shall not exceed $500 for each violation of this act. Each day a violation of this act shall constitute a separate violation and shall be subject to a separate fine. A fine may be levied pursuant to this section in lieu of and notwithstanding any other remedy available for use by the department.

(4) A certificate of need shall not be required for the offering of an inpatient institutional health service, acquisition of major medical equipment, or the obligation of a capital expenditure by entities described in paragraphs (a) and (b), provided that an application for exemption from review has been submitted in such form, manner and content as prescribed by the department and has been approved by the department:

(a) A health maintenance organization or combination of health maintenance organizations when:

1. The health maintenance organization or combination of health maintenance organizations has in its or their service area an enrollment of at least 50,000 individuals, and

2. The facility in which the service will be provided is geographically located so that the service will be reasonably accessible to such enrolled individuals, and

3. At least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be enrolled individuals.

(b) A health care facility which:

1. Primarily provides inpatient health services, and

2. Is leased with at least 15 years remaining in the term of the lease or controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has in its or their service area an enrollment of at least 50,000 individuals, and

3. Is geographically located so that service will be reasonably accessible to such enrolled individuals.

Section 6. Section 381.499, Florida Statutes, is created to read:

381.499 Injunction.—Notwithstanding the existence or pursuit of any other remedy, the Department of Health and Rehabilitative Services may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the pursuit of a project, subject to review under this act, in the absence of a valid certificate of need.

Section 7. A new Subsection (3) of section 395.512, Florida Statutes, is created to read:

395.512 Budget; expenses; assessments; hospital cost containment program account.—

(3) Hospitals operated by the Department of Health and Rehabilitative Services or the Department of Corrections are exempt from the assessments required under this section.

(Renumber subsequent sections.)

Amendment 6—On page 10, between lines 19 and 20, insert: Section ..... . 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.

Senator Gordon moved the following amendment which was adopted:

Amendment 7—On page 4, line 20, after the word "established" and before the colon insert: *and may be consolidated, restructured, or rearranged by the Secretary; provided that any such consolidation, restructuring, or rearranging shall be for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof*

Senator McClain moved the following amendment:

Amendment 8—On page 10 between lines 19 and 20 insert a new section 6 to read as follows:

Section 6. That the Legislature of the State of Florida does hereby make application to the Congress of the United States pursuant to Article V of the Constitution of the United States to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States which would more effectually protect the lives of unborn human offspring.

BE IT FURTHER RESOLVED that the purview of any convention called by the Congress pursuant to this resolution be strictly limited to the consideration of an amendment of the nature as herein proposed, and that this application and request be deemed null and void, rescinded, and of no effect if such convention not be limited to such specific and exclusive purpose.

BE IT FURTHER RESOLVED that this application by the Legislature of the State of Florida constitutes a continuing application pursuant to Article V of the Constitution of the United States, until such time as two-thirds of the legislatures of the several states have made similar application, and the convention herein applied for is convened.

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida Congressional delegation, and to the presiding officers of each house of the several state legislatures.

Renumber subsequent sections.

Point of Order on Amendment 8 to SB 1277

Senator Myers: Point number one, the amendment is not germane to the subject matter of the bill, and in addition you can't have a resolution or a memorial to Congress tacked on as an amendment to a bill.

Mr. President: Senator Barron, you are the Rules Chairman, have you studied this carefully enough to make sure?

Senator Barron: Mr. President, if you will look at 7.1 of the rules, it says no proposition on a matter different from that under consideration shall be admitted under the color of an amendment. Not only is this different but they are trying to amend the constitutional convention onto a statute, and that is just not consistent under the law. It should be done in a different way and, of course, the rules provide for that.

Senator Dunn: I really think the assertion that the amendment or proposed amendment to the bill, is not germane, is a very poor basis on which to rule on that point of order.

It seems to me that it is not in proper form; the way this Senate has set forth in its rules for the request of Congress to take action is in rules 3, 3.1, 3.5, and 3.6, joint resolutions, memorials, and concurrent resolutions.

Fact of the matter is, when a measure of this sort is put in proper form it's handled differently in the Senate process. It's referred to different committees; it has a different requirement concerning the number of times it's read. I believe that if the point is made on that basis it ought to be sustained.

The President ruled the point of order well taken, not only as to germanity but as to form, and the amendment out of order.

Senator McKnight moved the following amendment which was adopted:

Amendment 9—On page 1 in title, line 3, after the semicolon ";" insert: authorizing the Department of Health and Rehabilitative Services to inspect x-ray equipment installed in any hospital or other health-care facility in this state to determine compliance with departmental standards; providing for adjustment of certain equipment in order to meet such standards; requiring registration of x-ray equipment by persons entering the state who own such equipment and who plan to install and use such equipment; prohibiting the selling or offering for sale of such equipment which does not meet departmental standards; providing for enforcement by the department and for imposition of an administrative fine for violations; amending s. 290.131, Florida Statutes, authorizing the department to charge certain fees; amending s. 381.493(1), (2) and (3)(e), Florida Statutes, and adding paragraphs to subsection (3) thereof; relating to health facilities and health services planning; expanding legislative intent, providing definitions; amending s. 381.494, Florida Statutes, broadening the scope of health related projects subject to review; specifying conditions under which a certificate of need is required; amending and expanding certificate of need application submittal procedures; amending criteria against which applications are evaluated; clarifying role of the Department of Health and Rehabilitative Services in the certificate of need review process; authorizing the department to revoke certificates and to issue, revoke and deny exemptions; removing redundant language; providing for monitoring of project accomplishment; amending s. 381.495, Florida Statutes, removing obsolete language; deleting the penalty for operation of certain facilities without a certificate of need; prohibiting the undertaking of projects subject to review without a certificate of need; providing a penalty; providing for fines; providing for exemptions from certificate of need review under certain conditions; creating s. 381.499, Florida Statutes, providing for injunctive authority; creating s. 395.512(3), Florida Statutes, exempting certain state hospitals from assessments to fund the cost containment program; providing effective dates.

On motion by Senator Johnston, by two-thirds vote SB 1277 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

CS for SB's 208 and 801 was read the first time by title and Senate Bills 208 and 801 were laid on the table.

On motion by Senator MacKay, the rules were waived and by two-thirds vote HB 1333 was withdrawn from the Committee on Commerce.

On motion by Senator MacKay—

HB 1333—A bill to be entitled An act relating to dogracing and horseracing; creating s. 550.245, Florida Statutes, to prohibit the use of medication and drugs on race animals except as provided by rule of the Division of Pari-mutuel Wagering of the Department of Business Regulation; delineating the Florida Pari-mutuel Commission's power to recommend rules to the division relating to use of medication and drugs; setting out guidelines with respect to rules; creating s. 550.101, Florida Statutes, to provide for summary suspensions and hearing rights of occupational licensees responsible for medication and drug rule violations; amending s. 550.24, Florida Statutes, prohibiting the attempt or conspiracy to affect the outcome of a race through illegal administration of medication or drugs to a race animal; providing a penalty; providing an effective date.

—a companion measure, was substituted for CS for SB's 208 and 801 and read the second time by title.

Senator MacKay moved the following amendments which were adopted:

Amendment 1—On page 1, line 23, strike everything after the enacting clause and insert:

Section 1. Legislative findings.—The Legislature finds that:

(1) The practice of drugging or medicating a racing animal prior to a race:

(a) Corrupts the integrity of the sport of racing and promotes criminal fraud in such sport,

(b) Misleads the wagering public and those desiring to purchase such animal as to the condition and ability of such animal,

(c) Poses an unreasonable risk of serious injury or death to the rider of such animal if a horse and to the riders of other horses competing in the same race, and

(d) Is cruel and inhumane to the animal so drugged or medicated;

(2) The practice of drugging or medicating a racing animal prior to a race adversely affects the interests of the state; and

(3) Criminal penalties and other sanctions are necessary in order to prevent and eliminate such practices.

Section 2. Section 550.241, Florida Statutes, is created to read:

550.241 Racing of animals under certain conditions prohibited.—

(1) The racing of an animal with any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, drug-masking agent, or any substance foreign to the natural horse or dog is prohibited. It is a violation of this section for a person to administer or cause to be administered any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, drug-masking agent, or any substance foreign to the natural horse or dog; to an animal which will result in a positive test for such substance based on samples taken from the animal immediately prior to or immediately after the racing of that animal. Rules may be promulgated which identify:

(a) Unacceptable levels of substances existing naturally in the untreated dog or horse but at abnormal physiological concentrations, or

(b) Acceptable levels of trace elements or innocuous substances in test samples.

(2) Administrative action may be taken by the division against occupational licensees responsible pursuant to rule of the division for the condition of animals which have been impermissibly medicated or drugged in violation of this section.

(3)(a) Upon the finding of a violation of this section, the Division of Pari-mutuel Wagering may revoke or suspend the license or permit of the violator or deny a license or permit to such violator; impose a fine against the violator in an amount not to exceed $5,000; require the full or partial return of the purse, sweepstakes, and trophy of the race at issue; or impose against the violator any combination of such penalties. The finding of a violation of this section shall in no way prohibit a prosecution for criminal acts committed.

(b) The division, notwithstanding the provisions of chapter 120, may summarily suspend the licenses of occupational licensees responsible under this section or division rule for the condition of race animals if the division laboratory reports the presence of an impermissible substance in the animal or its blood, urine, saliva, or any other bodily fluid, either before a race in which the animal is entered or after a race the animal has run.

(c) If an occupational licensee is summarily suspended under this section, the division shall offer the licensee a prompt post-suspension hearing within 72 hours at which the

division shall produce the laboratory report and documentation that, on its face, establishes the responsibility of the occupational licensee. Upon production of the documentation, the occupational licensee shall have the burden of proving his lack of responsibility.

(d) Any proceedings for administrative action against a licensee or permittee, other than a proceeding under paragraph (c), shall be conducted in compliance with chapter 120.

(4) Prosecution pursuant to this section for a violation of this section shall be commenced within 2 years after the violation was committed. Service of an administrative complaint marks the commencement of administrative action.

(5) All moneys recovered for violations of this section shall be kept in a separate fund to be known as the "Research Trust Fund" and shall be used for research relating to the medication of racing animals. The fund shall be supervised and used by the Division of Pari-mutuel Wagering to contract with a reputable college or school of veterinary medicine or its designee in accordance with this subsection.

(6) The Division of Pari-mutuel Wagering shall adopt and enforce rules to implement this section.

Section 3. Section 550.24, Florida Statutes, is amended to read:

550.24 Conniving to prearrange result of race; *using medication or drugs on* ~~stimulating or depressing~~ horse or dog; penalty.—

(1) Any person who shall influence or have any understanding or connivance with any owner, jockey, groom or other person associated with or interested in any stable, kennel, horse or dog or race in which any horse or dog participates, to prearrange or predetermine the results of any such race, *is* ~~or any person who shall stimulate or depress a dog or horse for the purpose of affecting the results of a race, shall be~~ guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who attempts to affect the outcome of a horse or dog race through administration of medication or drugs to a race animal as prohibited by law, who administers any medication or drugs prohibited by law to a race animal for the purpose of affecting the outcome of a horse or dog-race, or who conspires to administer or to attempt to administer such medication or drugs, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. This act shall take effect October 1, 1980.

Amendment 2—On page 1 in title, lines 1-20, strike everything and insert: A bill to be entitled An act relating to the racing of animals; providing findings; creating s. 550.241, Florida Statutes; prohibiting the racing of animals under certain conditions; authorizing administrative action against occupational licensees; providing for revocation, suspension, summary suspension, and denial of license or permit, for imposition of a fine, and for return of purses, sweepstakes and trophies; providing a limitation on actions; creating a research trust fund; authorizing rules and regulations; amending s. 550.24, Florida Statutes; prohibiting illegal administration of medication or drugs to a race animal and attempts and conspiracies to so administer medication or drugs; providing penalties; providing an effective date.

On motion by Senator MacKay, by two-thirds vote HB 1333 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson

CS for SB's 208 and 801 was laid on the table.

The Senate resumed consideration of SB 879 On motion by Senator Chamberlin, the Senate reconsidered the vote by which Amendment 1 was adopted. By permission, Senator Chamberlin withdrew Amendments 1 and 2.

Pending further consideration of SB 879, on motion by Senator Dunn, the rules were waived and by two-thirds vote HB 1613 was withdrawn from the Committee on Ways and Means.

On motion by Senator Dunn—

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

—a companion measure, was substituted for SB 879 and read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1613 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
Beard	Hair	Neal	Trask
Carlucci	Henderson	Peterson	Vogt
Chamberlin	Hill	Poole	Ware
Childers, D.	Holloway	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtel	Johnston	Skinner	
Frank	MacKay	Steinberg	
Gordon	McClain	Stuart	

Nays—None

SB 879 was laid on the table.

The Senate resumed consideration of SB 1285.

On motion by Senator Dunn, 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 1705 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations—

HB 1705—A bill to be entitled An act relating to waiver of sovereign immunity in tort actions; amending s. 768.28(5), Florida Statutes; providing limits of liability for agencies of the state; amending s. 768.28(9), Florida Statutes; providing that no officer, employee or agent of the state or its subdivisions shall be held personally liable or named as a party defendant in any action for injuries or damages suffered as the result of an act or omission of action in the scope of his employment, and specifying that the exclusive remedy for such injury or damage shall be by action against the employing governmental entity; providing exceptions; amending ss. 111.07 and 111.071(1)(a), Florida Statutes; authorizing agencies of the state and its political subdivisions to provide an attorney and pay certain fees and judgments with respect to actions arising from a complaint for damages or injury suffered as the result of an act or omission of action of any of its officers, employees, or agents; providing a definition; providing for pending actions; providing severability; providing an effective date.

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

On motions by Senator Dunn, by two-thirds vote HB 1705 was withdrawn from the Committees on Governmental Operations and Ways and Means.

Pending further consideration of SB 1285, on motions by Senator Dunn, HB 1705, a companion measure, was substituted for SB 1285 and by two-thirds vote read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On pages 1-5, strike everything after the enacting clause and insert: Section 1. Subsection (9) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitations on attorney fees; statute of limitations; exclusions.—

(9) No officer, employee, or agent of the state or its subdivisions shall be held personally liable in tort *or named as a party defendant in any action* ~~for a final judgment which has been rendered against him~~ for any injuries or damages suffered as a result of any act, event, or omission of action in the scope of his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. *The exclusive remedy for injury or damages suffered as a result of any act, event or omission of any officer, employee, or agent of the state, as its subdivisions or constitutional officers, shall be by action against the governmental entity, or the head of such entity in his official capacity, or constitutional officer of which the officer, employee or agent is an employee, unless such act or omission was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The state or its subdivisions, shall not be liable in tort for the acts or omissions of an officer, employee, or agent committed while acting outside the course and scope of his employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.*

As used in this subsection, the term "employee" includes any volunteer firefighter.

Section 2. Section 111.07, Florida Statutes, is amended to read:

111.07 Defense of civil actions against public officers, employees, or agents.—Any agency of the state, or any county, municipality, or political subdivision of the state is authorized to provide an attorney to defend any civil actions *arising from a complaint for damages or injury, suffered as a result of any act or omission of* ~~brought against~~ any of its officers, employees, or agents for acts or omissions arising out of and in the scope of their employment or function, unless, in the case of a tort action, such officer, employee, or agent acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Defense of such civil actions shall include, but not be limited to, any civil rights lawsuit seeking relief personally against such officers, employees, or agents for acts or omissions under color of state law, custom, or usage, wherein it is alleged that such officer, employee, or agent has deprived another person of his rights secured under the federal constitution or laws. Legal representation of an officer, employee, or agent of a state agency may be provided by the Department of Legal Affairs. If any agency of the state or any county, municipality, or political subdivision of the state is authorized pursuant to this section to provide an attorney to defend a civil action *arising from a complaint for damages or injury suffered as a result of any act, or omission of action of any of* ~~brought against~~ its officers, employees, or agents and fails to provide such attorney, then said agency, county, municipality, or political subdivision shall reimburse any such defendant who prevails in the action for court costs and reasonable attorney's fees. *"Agency of the state" or "state agency" as used in s. 111.071 shall include the executive departments, constitutional officers, the Legislature, and the judicial branch.*

Section 3. Paragraph (a) of subsection (1) of section 111.071, Florida Statutes, is amended to read:

111.071 Payment of judgments or settlements against officers, employees, or agents of any county, municipality, political subdivision, or certain agencies of the state.—

(1) Any county, municipality, political subdivision, or agency of the state which has been excluded from participation in the Insurance Risk Management Trust Fund is authorized to expend available funds to pay:

(a) Any final ~~personal~~ judgment, including damages, costs, and attorney's fees, *arising from a complaint for damage or injury suffered as a result of any act or omission of action of* ~~against~~ any officer, employee, or agent ~~held to be personally liable~~ in a civil or civil rights lawsuit described in s. 111.07. If the civil action arises under s. 768.28 as a tort claim, the limitations and provisions of s. 768.28 governing payment shall apply. If the action is a civil rights action arising under 42 U.S.C. s. 1983, or similar federal statutes, payments for the full amount of the judgment may be made unless the officer, employee or agent has been determined in the final judgment to have caused the harm intentionally.

Section 4. This act shall apply to all actions pending in the trial or appelate courts on the date this act shall take effect and to all actions thereafter initiated.

Section 5. Should any section, paragraph, sentence, clause, phrase, or other part of this act be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this act as a whole or the parts of this act not declared invalid or unconstitutional.

Section 5. This act shall take effect upon becoming a law.

Amendment 2—On page 1, in title, lines 2-22, strike all and insert: An act relating to claims against an officer, employee, or agent of the state or its subdivisions; amending s. 768.28(9), Florida Statutes; providing that an officer, employee, or agent of the state shall not be personally liable or named in any action for injuries or omissions which arise as a result of any act, event, or omission of action within the scope of his employment; providing that complaints shall be presented as a claim against the state and in any litigation on such claim the state shall be joined as a party defendant; amending s. 111.07, Florida Statutes; providing for defense of civil actions arising from claims against an officer, employee, or agent of the state or its subdivisions; amending s. 111.071(1)(a), Florida Statutes; authorizing payment of final judgments in such actions; providing for pending actions; providing severability; amending s. 768.28(5), Florida Statutes; raising the limits of recovery for certain tort claims or judgments against the state or its political subdivisions or agencies; providing an effective date.

On motion by Senator Dunn, by two-thirds vote HB 1705 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	Stuart
Anderson	Gorman	McKnight	Thomas
Barron	Grizzle	Myers	Tobiassen
Beard	Hair	Neal	Trask
Carlucci	Henderson	Peterson	Vogt
Chamberlin	Hill	Poole	Ware
Childers, D.	Jenne	Scarborough	Winn
Childers, W. D.	Johnston	Scott	
Dunn	MacKay	Skinner	
Fechtel	Maxwell	Steinberg	

Nays—None

Votes after roll call:

Yea—Holloway, Peterson

SB 1285 was laid on the table.

Senator Scarborough presiding

By the Committee on Governmental Operations and Senators Vogt, Hill and Peterson—

CS for SB 61—A bill to be entitled An act relating to psychologists, school psychologists, clinical social workers, marriage and family therapists, and mental health counselors; providing legislative intent; providing definitions; prescribing fees; providing for certification; providing for certification by

endorsement; prescribing qualifications; providing for renewal of certificates and for inactive status; providing for discipline of persons regulated; prescribing violations and penalties; providing exemptions to applicability; providing for the adoption of rules by the Department of Professional Regulation; providing an appropriation; providing for future repeal; providing an effective date.

—was read the first time by title and SB 61 was laid on the table.

On motion by Senator Vogt, by two-thirds vote CS for SB 61 was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 4, line 11, strike "and" and insert: or in the case of psychology holds a doctoral degree from a university or professional school accredited by an accrediting agency approved by the United States Department of Education in a program that is primarily psychological in nature and has 4 years' experience primarily psychological in nature as of January 1, 1981.

The President presiding

Amendment 2—On page 3, strike all of lines 5 through 8 and insert: a doctoral degree with a major in psychology from a university or professional school that has a program approved by the American Psychological Association or has received a doctoral degree in psychology from a university or professional school maintaining a standard of training comparable to those universities having programs approved by the American Psychological Association or the doctoral psychology programs of the state universities and who has one year of experience supervised by a certified psychologist.

The vote on adoption of Amendment 2 was:

Yeas—24

Anderson	Gorman	Maxwell	Skinner
Chamberlin	Grizzle	McClain	Tobiassen
Childers, D.	Henderson	McKnight	Trask
Fechtel	Hill	Peterson	Vogt
Frank	Holloway	Poole	Ware
Gordon	Jenne	Scott	Winn

Nays—10

Mr. President	Hair	Steinberg	Williamson
Beard	MacKay	Stuart	
Dunn	Neal	Thomas	

Senator Peterson moved the following amendments which were adopted:

Amendment 3—On page 3, strike all of line 12 and insert: graduate study with a major emphasis in school psychology and who has

Amendment 4—On page 3, strike all of line 16 and insert: received from an accredited institution a master's degree in social work from a graduate program approved by the Council on Social Work Education with

Amendment 5—On page 3, strike all of line 27 and insert: received from an accredited institution a master's degree having completed 60 semester hours or 90 quarter hours in

On motion by Senator Vogt, by two-thirds vote CS for SB 61 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Anderson	Grizzle	McKnight	Steinberg
Chamberlin	Henderson	Myers	Tobiassen
Childers, W. D.	Hill	Peterson	Trask
Fechtel	Holloway	Poole	Vogt
Frank	Jenne	Scarborough	Williamson
Gordon	Maxwell	Scott	
Gorman	McClain	Skinner	

Nays—10

Mr. President	Childers, D.	MacKay	Thomas
Beard	Dunn	Neal	
Carlucci	Hair	Stuart	

Vote after roll call:

Yea—Ware

SB 523—A bill to be entitled An act relating to cable television; authorizing certain cable television services or community antenna line services to increase rates without the approval of a municipality or county under certain circumstances; providing a definition; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 26, insert a new Section 2:
Section 2. This act shall not apply to any franchise agreement between a cable television service or community antenna line service and the consolidated municipal government operating pursuant to section 9 of Article VIII of the State Constitution, or any urban services districts established by the charter of such consolidated municipal government.

Renumber subsequent sections.

Amendment 2—On page 1, lines 19 and 20, strike "since the last rate increase" and insert: or decrease since the last rate increase or decrease

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

Amendment 3—On page 1, line 19, insert after "increase": or decrease

Amendment 4—On page 1, line 18, strike "75"; on page 1, line 17 after the word "county," insert: not more than once in any calendar year; on page 1, line 18 after the word "exceed" insert: 65

Senator Chamberlin moved the following amendment which failed:

Amendment 5—On page 1, line 20, strike the period and insert: , provided that the number of customers has not increased more than 5 percent during same period.

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

Amendment 6—On page 1, in title, line 4, after the word "increase" insert: or decrease

Amendment 7—On page 1, line 7, after the word "definition;" insert: providing an exception;

On motion by Senator Poole, by two-thirds vote SB 523 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—22

Mr. President	Grizzle	Myers	Trask
Anderson	Hair	Peterson	Vogt
Beard	Hill	Poole	Ware
Dunn	Holloway	Scarborough	Winn
Frank	McClain	Steinberg	
Gorman	McKnight	Tobiassen	

Nays—10

Chamberlin	Jenne	Neal	Thomas
Fechtel	Johnston	Skinner	
Henderson	MacKay	Stuart	

Votes after roll call:

Yea—Carlucci, Williamson
Nay—Don Childers

Senator Barron presiding

On motion by Senator MacKay, by unanimous consent—

CS for HB 1060—A bill to be entitled An act relating to municipal utilities; providing for transfer of certain real property between the Jacksonville Electric Authority and the Clay Electric Cooperative; providing for a feasibility study; providing for property appraisal agreement; providing a time period; providing for disposition of certain revenues beyond such time period; providing a procedure; providing an effective date.

—was read the second time by title.

Senators MacKay, Fechtel and Skinner offered the following amendment which was moved by Senator MacKay and adopted:

Amendment 1—On page 3, strike all of lines 22 through 31 and on page 4, strike all of lines 1 through 13 and insert: Section 3. Within 30 days after the expiration of the 6 months immediately following the effective date of this act, and after each succeeeding 6-month period, the Jacksonville Electric Authority, or its successor or assigns, shall pay to Clay County a franchise fee in an amount which equals 6 percent of the gross revenues collected from the retail sale of electricity to all customers within the unincorporated areas of Clay County for the 6 months preceding the applicable anniversary date. For the purpose of computing the amount of the franchise fee to be paid, the term "gross revenues" shall mean the sum total of all revenues, regardless of source, collected from the sale of electricity to customers in the unincorporated area of Clay County during the six months period immediately prior to May 1, 1980, however, after May 1, 1980 "gross revenues" shall mean the sum total of all revenues collected from the sale of electricity to customers in the unincorporated area of Clay County excluding any increase in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel which has occurred subsequent to May 1, 1980. The payment of the franchise fee shall cease upon transfer, to Clay Electric Cooperative, of all real and personal property which is owned by the Jacksonville Electric Authority and is located within the unincorporated area of Clay County.

On motion by Senator MacKay, by two-thirds vote CS for HB 1060 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

The following statements and comments were printed in the Journal with approval of the Senate on motion by Senator Fechtel:

Senator MacKay: Senator Hair is handling the bill. This is a part of a series of bills dealing with Clay County and the Jacksonville Electric Association. You'll be glad to know that the issue is back again.

This is an attempt to straighten out the mess that was made three years ago that some of us warned you was going to be a mess. I'd like to ask Senator Hair a question or two, which will be a part of the record, and will be of significance if litigation should occur at a later date.

20.21 Department of Revenue.—

(3)(d) The responsibilities of the Division of Collection and Enforcement shall include tax collection and enforcement activities. The functions of this division shall include, but not be limited to, receipts processing, license registration, returns processing, ~~investigations,~~ and field operations.

(e) The following functions shall be under the assistant executive director: Tax research, planning and policy development, information systems, legal services, and *investigative services* ~~internal audit~~.

(f) The following functions shall be under the executive director; internal audit.

Section 3. The reorganization and restructuring of the Department of Revenue to conform to this act shall be completed no later than October 1, 1980.

(Renumber subsequent section.)

Amendment 2—On page 1, line 2 in title, after the word "State" insert: and the Department of Revenue

On motion by Senator Dunn, by two-thirds vote CS for HB 717 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Senator Carlucci: Mr. President, as a member, fourth member of Duval United, I want to say that I have always supported keeping those coal-fired plants in Duval County, because I want to get some of that Florida Power and Light tax money for our county.

Senator Hair: Mr. President, this bill merely provides for a feasibility study regarding a transfer of certain property and provides for a franchise fee. There is an amendment, offered by Senator MacKay, which makes the franchise fee take effect immediately, which we all agreed to.

CS for HB 717—A bill to be entitled An act relating to the Department of State; amending s. 20.10(2), Florida Statutes, establishing the Division of Administration within the department; 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 Dunn and adopted:

Amendment 1—On page 1, between lines 23 and 24, insert: Section 2. Paragraphs (d) and (e) of subsection (3) of section 20.21, Florida Statutes, are amended, and paragraph (f) is added to said section to read:

Senator Hair, the Clay delegation would like an assurance for the record that there is not any present intention to build a coal-fired generating plant in Clay County.

Senator Hair: I can represent, Mr. President and Senators, that is the case; there is no present intention to do that, based on the information which I have been furnished.

Senator MacKay: And the Clay delegation is not opposing this legislation in reliance on that assurance.

Senator Scarborough: For the record, I personally oppose, and have opposed, Duval County moving outside of Duval County, to locate a plant. I think that we should put our plant in our county if at all possible. So you have that further assurance.

Senator Fechtel: Mr. President, we've previously agreed in discussion with Senator Hair, but not Senator Scarborough and I'd like to have permission of the Senate to have the remarks spread upon the Journal. Senator Hair and I have agreed to that. If Senator Scarborough doesn't mind we'd like to have that. It's people back home who need that reassurance and understand we are taking this approach in agreement compromise here in the Senate.

Yeas—32

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

Nays—None

The President presiding

CS for HB 907—A bill to be entitled An act relating to public utilities; providing for a payment in lieu of taxes to certain taxing units by any municipal utility owned by a consolidated municipal government operating pursuant to the provisions of Section 9 of Article VIII of the Constitution of 1885 as continued by Section 6(e) of Article VIII of the Constitution of the State of Florida which locates an electric generating plant within the boundaries of such taxing units; providing for applicability of ordinances and regulations of the taxing unit; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote CS for HB 907 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Votes after roll call:

Yea—Chamberlin, Holloway

SB 1058—A bill to be entitled An act relating to financial responsibility; amending s. 324.171, Florida Statutes; requiring certain financial capital assets to be held by motor carriers defined in s. 323.01(22), Florida Statutes, in order to qualify as a self-insurer; providing an effective date.

—was read the second time by title. On motion by Senator Williamson, by two-thirds vote SB 1058 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 1190—A bill to be entitled An act relating to medical practice; amending s. 458.339, Florida Statutes; requiring physicians to waive the confidentiality of certain medical reports; providing for conditional repeal; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 26 and 27, strike ", *based on the findings of an examination required pursuant to s. 458.331-(1)(s)*" and insert: *the department has reason to believe that a violation of this chapter has occurred and*

Amendment 2—On page 1, lines 30 and 31 and page 2, line 1, strike "*chapters 455, 458, and 459, "medical reports" means a summary of a person's medical treatment which may*" and insert: *this section, "medical reports" means a compilation of medical treatment of the physician himself which shall*

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

Amendment 3—On page 2, line 8, insert: Section 2. Subsection (1) of section 409.352, Florida Statutes, is amended and subsection (3) is added to said section to read:

409.352 Licensing requirements for physicians, osteopaths, and chiropractors employed by the department.—

(1) It is the intent of the Legislature that physicians providing services in state institutions shall meet the professional standards of their respective licensing boards and that such institutions shall make every reasonable effort to assure that all physicians employed are licensed, or will become licensed, in the State of Florida. When Florida-licensed physicians cannot be obtained in sufficient numbers for providing quality services, the licensing requirements in chapters 458, 459, and 460 to the contrary notwithstanding, persons employed as physcians, osteopathic physicians, or chiropractic physicians in a state institution, except those under the control of the Department of Corrections on June 28, 1977, may be exempted from licensure in accordance with the following provisions:

(a) No more than 10 percent of such persons shall be exempted from licensure during their continued employment in a state institution. Those persons who shall be so exempted shall be selected by the Secretary of the Department of Health and Rehabilitative Services. In making his selection, the secretary shall submit his recommendations to the appropriate licensing board for a determination by the board, without written examination, of whether or not the person recommended meets the professional standards required of such person in the performance of his duties or functions. The criteria to be used by the respective board in making its determination shall include, but not be limited to, the person's professional educational background, formal specialty training, and professional experience within the 10 years immediately preceding employment by the state institution.

(b) Those persons not exempted pursuant to paragraph (a) shall not be required to obtain a license from the applicable licensing board in accordance with the provisions of chapter 458, chapter 459, or chapter 460 prior to October 1, *1981* ~~1980~~, as a prerequisite to their continued employment as a physician, osteopathic physician, or chiropractic physician in a state institution. *Each such exempted physician shall have been certified to the department by the appropriate licensing board as eligible for admission for examination in this state. A licensing board shall not certify to the department as eligible for admission for examination any person who has been adjudged unqualified or guilty of any of the acts enumerated in the disciplinary provisions of the applicable licensing law.*

(c) Each unlicensed physician employed by the department shall work under the direct supervision of a licensed physician.

(3) The Department of Health and Rehabilitative Services is directed to report to the Speaker of the House of Representatives and the President of the Senate, prior to January 15, 1981, regarding the department's compliance with the provisions of s. 409.352, and provide recommendations regarding the improvement of physician services in institutions operated by the department. The department shall seek advice and assistance from the appropriate licensure boards and employees of the Department of Professional Regulation, as well as other interested private and public groups in preparing this report.

(Renumber subsequent sections.)

Amendment 4—On page 1, line 5, after the semicolon insert: amending s. 409.352(1), Florida Statutes and adding subsection (3) to said section; providing legislative intent; providing ex-

tended exemption under specified conditions for employment of physicians not licensed in this state;

On motion by Senator Trask, by two-thirds vote SB 1190 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 118—A bill to be entitled An act relating to public schools; amending s. 233.062, Florida Statutes; permitting a school board to provide a daily school period for silent meditation; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 12 and 17, on line 12, strike: *"permitting"* on line 17, strike: *"may"* and insert on line 12: *providing* and on line 17: *shall*

On motion by Senator Peterson, 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 refused to concur in Senate Amendments 1 and 2 to HB 1620 and requests the Senate to recede.

Allen Morris, Clerk

By the Committee on Agriculture & General Legislation—

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

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

On motion by Senator Peterson, the Senate reconsidered the vote by which HB 1620 as amended passed.

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

Amendment 3—On page 5, lines 20-24, strike all of said lines and insert: Section 6. The provisions of s. 582.30 to the contrary notwithstanding, the Board of County Commissioners of Pinellas County may, within 12 months after the effective date of this act, call and hold a referendum in Pinellas County during any regular or special election for the purpose of determining whether the Pinellas County soil and water conservation district created pursuant to chapter 582, Florida Statutes, shall be abolished.

Senator Peterson moved the following amendment which was adopted:

Amendment 4—On page 1 in title, line 21, after the semicolon (;) insert: providing for a referendum on abolition of the Pinellas County soil and water conservation district;

HB 1620 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

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 Poole—

SB 1221—A bill to be entitled An act relating to controlled substances; amending ss. 893.03 and 893.135(1)(b), Florida Statutes; revising standards and schedules under which controlled substances are regulated; providing penalties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 9, after the colon ":" insert: Section 1. Section 893.16, Florida Statutes, is created to read:

893.16 Prescriptions for Schedule II Drugs.—No prescription for any substance listed in subsection 893.03(2), shall be dispensed until at least 24 hours after receipt by a community pharmacy unless a prior dispensing is determined to be appropriate in the professional judgment of the dispensing pharmacist.

Section 2. Subsections (2) and (3) of section 768.40, Florida Statutes, are amended to read:

768.40 Medical review committee, immunity from liability.—

(2) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any member of a duly appointed medical review committee *or any health care provider furnishing any information to such committee* for any act or proceeding undertaken or performed within the scope of the functions of any such committee if the committee member *or health care provider* acts without malice or fraud. *The* ~~This~~ immunity *provided to members of a duly appointed medical review committee* shall apply only to actions by providers of health services, and in no way shall this section render any medical review committee immune from any action in tort or contract brought by a patient or his successors or assigns. The provisions of this section do not affect the official immunity of an officer or employee of a public corporation.

(3) *Except as provided in subsection (2),* this section shall not be construed to confer immunity from liability on any professional society or hospital or upon any health professional while performing services other than as a member of a medical review committee. In any case in which, but for the enactment of the preceding provisions of this section, a cause of action would arise against a hospital, professional society, or an individual health professional, such cause of action shall exist as if the preceding provisions had not been enacted.

Amendment 2—On page 1, line 2 in title, after the semicolon ";" insert: creating s. 893.16, Florida Statutes, providing for delayed dispensing of prescriptions for Schedule II medicinal drugs; amending s. 768.40(2) and (3), Florida Statutes, providing for limitation of liability for health care providers who provide information to medical review committees;

On motion by Senator Poole, the Senate concurred in the House amendments.

SB 1221 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

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 concurred in Senate Amendments 1, 1A, and 2, reconsidered, amended Senate Amendment 1A, concurred in same as amended and passed as further amended—

By Representative Hagler—

HB 738—A bill to be entitled An act relating to sanitary sewage treatment; amending section 403.086(1)(b), Florida Statutes; providing effluent standards; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1 to Senate Amendment 1A—On page 1, line 3, strike "17-4.03" and insert: 17-6.01(3)

On motion by Senator Neal, the Senate concurred in the House Amendment to Senate Amendment 1A.

HB 738 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	Gorman	McClain	Stuart
Barron	Grizzle	McKnight	Thomas
Beard	Hair	Myers	Tobiassen
Carlucci	Henderson	Neal	Trask
Chamberlin	Hill	Peterson	Vogt
Childers, D.	Holloway	Poole	Ware
Childers, W. D.	Jenne	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Fechtel	MacKay	Skinner	

Nays—None

The Honorable Philip D. Lewis, President

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

By the Committee on Governmental Operations and Senator Dunn—

SB 1342—A bill to be entitled An act relating to the Department of State; providing intent; providing appropriations; creating and specifying purposes of the Uniform Commercial Code Trust Fund; providing for deposit of certain fees in the trust fund; authorizing additional positions; providing performance standards for the Bureau of Uniform Commercial Code of the Division of Corporations of the department; requiring the department to make reports to the Legislature; establishing certain fees; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 22, strike everything after the enacting clause and insert: Section 1. Section 15.091, Florida Statutes, is amended to read:

15.091 Fees; filing under chapter 679, Uniform Commercial Code.—

(1) The fees for filing of any financing statement or other writing required or permitted to be filed by any provisions of chapter 679 of the Uniform Commercial Code are *$5.25* ~~$5~~ for the first page of each financing statement or other writing and $2 for each additional page thereof.

(2) Notwithstanding the provisions of s. 15.09, the fee for searching of papers or records is $7.50 and the fee for copying any documents is $1 per page or fraction thereof.

Section 2. Any increase in fees paid to the Department of State as authorized by this act, over and above the amount authorized to be collected prior to the effective date of this act, shall be deposited into a trust fund to be called "the Bureau of Uniform Commercial Code Special Contingency Trust Fund," which is hereby created, and shall be utilized by the Bureau of Uniform Commercial Code of the Department of State for any and all of the following purposes:

(1) Conversion of present microfilm rolls or Uniform Commercial Code filings and amendments to a unit record microfiche system.

(2) Audit and verification of the data maintained by the Bureau of Uniform Commercial Code pursuant to chapter 679, Uniform Commercial Code.

Section 3. There are hereby authorized 4 positions for the fiscal year 1980-81 to be utilized for the purposes of carrying out the provisions of this act. Funding for such personnel shall be made from the special contingency trust funds.

Section 4. The fees provided for in s. 15.091(2), Florida Statutes, shall be deposited in The Bureau of Uniform Commercial Code Special Contingency Trust Fund for fiscal years 1980-1981 and 1981-1982, and thereafter the fees shall revert to those in effect prior to the effective date of this act and shall be deposited into the General Revenue Fund and the special contingency trust fund shall be abolished.

Section 5. This act shall take effect August 1, 1980.

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

Amendment 1—On page 2 of House Amendment 1 between lines 14 and 15, insert: Section 5. Performance standards.—To meet the requisite standards of time and reliability for document filing and information furnished by the Bureau of Uniform Commercial Code of the Division of Corporations, the Department of State shall:

(1) Reduce the existing backlog to current filing status within 120 days after the effective date of this act;

(2) After the backlog is eliminated, file all Uniform Commercial Code documents within 3 working days after the time they are received by the bureau; and

(3) Verify the data file and convert the existing system to microfiche within 24 months after the effective date of this act.

Renumber subsequent section.

Amendment 2—On page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 15.091, Florida Statutes, increasing the filing fees for uniform commercial code documents; creating a Bureau of Uniform Commercial Code special contingency trust fund to be utilized for computer conversion and verification of data; authorizing personnel to carry out the provisions of the act; providing for

the sunset of the special contingency trust fund and the reversion of the fee schedule to present level; providing an effective date.

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

SB 1342 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Anderson	Grizzle	McClain	Tobiassen
Beard	Hair	McKnight	Vogt
Carlucci	Henderson	Myers	Ware
Chamberlin	Hill	Scarborough	Williamson
Childers, D.	Holloway	Scott	Winn
Dunn	Jenne	Steinberg	
Frank	Johnston	Stuart	
Gorman	Maxwell	Thomas	

Nays—None

Vote after roll call:

Yea—Fechtel

The Honorable Philip D. Lewis, President

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

By the Committee on Education and Senator 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 support 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; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, lines 13-26, strike all of said lines and renumber subsequent section

Amendment 2—On page 1 in the title, lines 15-19 strike all of said lines and insert: locations; providing an effective

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

CS for SB's 417, 429, 432, 475 and 608 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Fechtel

The bill was ordered engrossed and then enrolled.

On motion by Senator W. D. Childers, the rules were waived and the Committee on Commerce was granted permission to meet June 5 from 12:30 p.m. until 2:00 p.m. in lieu of 12:00 noon until 2:00 p.m. as previously scheduled and then upon adjournment of the Senate until completion of the committee agenda.

On motion by Senator Vogt, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to meet this day from time of adjournment for two hours in lieu of 5:00 p.m. until 7:00 p.m. as previously scheduled.

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 Judiciary-Civil—

SB 445—A bill to be entitled An act relating to elections; amending s. 106.1405, Florida Statutes; prohibiting the use of campaign contributions to pay a salary to a candidate or spouse; prohibiting use of such contributions to defray certain living expenses; amending s. 106.141(5), (6), Florida Statutes; specifying method of disposition by candidates of surplus funds; specifying the amounts certain candidates elected to public office may retain in their campaign accounts for office expenses; authorizing deposit of certain funds in savings accounts; authorizing persons who have retained certain funds to donate such funds to a charitable organization or organizations upon leaving public office; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, lines 4-31, page 4, lines 1-22, strike all of said lines and insert:

(6) A candidate elected to office may dispose of all of the funds in such account in the manner provided in this section or may *transfer from the campaign account to an office account* ~~retain on deposit in such account~~ any amount of the funds on deposit in such *campaign* account up to:

(a) *$10,000* ~~$6,000~~, for a candidate for statewide office.

(b) *$5,000* ~~$3,000~~, for a candidate for legislative or multicounty office.

(c) *$2,000* ~~$1,500~~, for a candidate for *county* ~~countywide~~ office or for a candidate in any election conducted on less than a countywide basis.

(d) $6,000, for a candidate for retention as a justice of the Supreme Court.

(e) $3,000, for a candidate for retention as a judge of a District Court of Appeal.

(f) $1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so *transferred* ~~retained~~ by a candidate shall be used only for legitimate expenses in connection with his public office. *The funds may be deposited in a savings account, however, all deposits, withdrawals, and interest earned thereon, shall be reported at the appropriate reporting period.* Any candidate elected to office who *transfers* ~~retains~~ funds pursuant to this subsection and who has funds remaining in such *office* account after a subsequent election at which such candidate is reelected to office or elected to another office shall, pursuant to subsection *(5)* ~~(4)~~, dispose of all funds on deposit in the *campaign* account established to finance the subsequent campaign which funds have not been spent or obligated to be spent with respect to such subsequent campaign, except that such candidate may transfer from the campaign account established to

finance his campaign in the subsequent election to the account in which the previously *transferred* ~~retained~~ funds are deposited an amount equal to the difference between the amount *allowed to be transferred* ~~retained~~ and the amount of *unspent* ~~previously retained~~ funds *that are remaining in the office account* to be used for legitimate office expenses. Upon leaving public office, any person who has funds *in an office account* ~~retained~~ pursuant to this subsection remaining on deposit shall give such funds, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(7) Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

(a) The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;

(b) The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and

(c) The amount of such funds *transferred to an office account* ~~retained~~ by the candidate, *together with the name and address of the bank in which the office account is located.* Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07.

(8) Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection (6) shall file reports on the first Friday of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from which the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections and signed by the elected candidate and certified as true and correct.

Amendment 2—On page 2, lines 21-25, strike all of subsection (b).

Amendment 4—On page 1, lines 23-30, strike all of the underlined language and insert: all of the struck language on Page 1, lines 30 and 31; and all of the struck language on Page 2, lines 1 thru 11.

Amendment 5—On page 1, lines 7 & 8 in the title, strike "Florida Statutes" and insert: and (7), Florida Statutes, and adding a new subsection (8) thereto.

Amendment 6—On page 1, lines 2 through 7, strike "amending s. 106.1405, Florida Statutes; prohibiting the use of campaign contributions to pay a salary to a candidate or spouse; prohibiting use of such contributions to defray certain living expenses;"

Amendment 7—On page 1, line 5 in the title, strike "or spouse"

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

Amendment 1—On page 1, line 1, strike everything after the words "and insert" and insert: (6) A candidate elected to office may dispose of all of the funds in such account in the manner provided in this section or may retain on deposit in such account any amount of the funds on deposit in such account up to:

(a) $6,000, for a candidate for statewide office.

(b) $3,000, for a candidate for ~~legislative or~~ multicounty office.

(c) $2,000 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) $750 multiplied by the number of years in the term of office for which elected, for a candidate for countywide office.

(e)~~(c)~~ $1,500, for a candidate ~~for countywide office or for a candidate~~ in any election conducted on less than a countywide basis.

(f)~~(d)~~ $6,000, for a candidate for retention as a justice of the Supreme Court.

(g)~~(e)~~ $3,000, for a candidate for retention as a judge of a District Court of Appeal.

(h)~~(f)~~ $1,500, for a candidate for county court judge or circuit judge.

Any funds so retained by a candidate shall be used only for legitimate expenses in connection with his public office. *The funds may be deposited in a savings account, however, all deposits, withdrawals, and interest earned thereon, shall be reported at the appropriate reporting period.* Any candidate elected to office who retains funds pursuant to this subsection and who has funds remaining in such account after a subsequent election at which such candidate is reelected to office or elected to another office shall, pursuant to subsection (4), dispose of all funds on deposit in the account established to finance the subsequent campaign which funds have not been spent or obligated to be spent with respect to such subsequent campaign, except that such candidate may transfer from the campaign account established to finance his campaign in the subsequent election to the account in which the previously retained funds are deposited an amount equal to the difference between the amount retained and the amount of previously retained funds to be used for legitimate office expenses. Upon leaving public office any person who has funds retained pursuant to this subsection remaining on deposit shall give such funds *to a charitable organization or organizations which meet the requirments of s. 501 (3)(c) of the Internal Revenue Code or,* in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision to the political subdivision to be deposited in the general fund thereof.

Section 3. Section 97.072, Florida Statutes, is amended to read:

97.072 Replacement of registration identification card.—

(1) Each elector *may receive* ~~has the right to~~ a replacement of his registration identification card without charge when *the* same becomes defaced, upon his surrendering the card to the supervisor. Any elector who loses his card is entitled to receive a duplicate thereof from the supervisor of the county in which he was registered upon application *in writing, stating that his card has been lost, stolen, or destroyed.* ~~He shall apply for a new registration identification card, stating under oath administered by the supervisor that his card was lost and was not sold, bartered, or willfully destroyed or lost.~~ The supervisor, *upon verification of the application* ~~if he feels the facts justify it,~~ shall issue a duplicate card.

(2) In the case of a change in party affiliation, the elector shall make a written request for such change and surrender his registration identification card, or indicate in writing if it has been lost, stolen, or destroyed, to the supervisor. Upon verification, the supervisor shall cancel the elector's prior registration and issue the person a new card, provided that such card shall not be issued while the registration books are closed pursuant to s. 98.051. All cancellations shall be retained on file by the supervisor.

Section 4. Subsection (1) of section 97.091, Florida Statutes, and paragraphs (a) and (d) of subsection (2) of said section are amended to read:

97.091 Electors must be registered in precinct; provisions for residence or name change.—

(1) No person shall be permitted to vote in any election precinct or district other than the one in which he has his permanent place of residence and in which he is registered.~~; provided~~ However, ~~that~~ persons temporarily residing outside of

the county shall be registered in the precinct in which the county courthouse is located when they have no permanent address in the county and it is their intention to remain a resident of Florida and of the county in which they are registered to vote. *Such persons registered in the precinct in which the county courthouse is located who are residing outside of the county with no permanent address in the county shall not be registered electors of the municipality and shall therefore not be permitted to vote in any municipal election.*

(2)(a) An elector who moves from the precinct within the county in which registered may be permitted to vote in the precinct to which he has moved his residence ~~in any election prior to and including the next general election~~, provided such elector furnishes at the polls proof of his new residence address and executes an affidavit under oath in substantially the following form:

AFFIDAVIT

Change of Residence of Registered

Voter

I, ... (Name of voter)....., being first duly sworn under oath, certify that my former residence was .....(Address) . . . in the municipality of ....., in ..... County, Florida, and I was registered to vote in the ..... precinct of ..... County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at ..... (Address)..... in the Municipality of ....., in ..... County, Florida, and am therefore eligible to vote in the ..... precinct of ..... County, Florida; and I further certify that I am otherwise legally registered and entitled to vote. .....(Signature of voter whose residence has changed).....

Sworn to and subscribed to before me this ..... day of ....., 19.....

.....(Signature and title of person administering oath).....

(d) In accordance with the provisions of s. 98.051, ~~after the general election has passed subsequent to the change of residence or name, the~~ *an* elector whose residence has changed *shall* ~~may~~ notify the supervisor in writing and obtain a voter identification card reflecting the new residence address.~~;~~ *When the name of an elector has changed by marriage or other legal process* ~~and, in the case of change of name,~~ such elector shall notify the supervisor in *writing* ~~person~~ *of such change and obtain a voter identification card reflecting the name change* ~~to be entitled to vote in any future elections~~.

Section 5. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence or name.—When an elector moves from the address named on his voter registration records, it is the duty of such elector to notify the office of the supervisor of elections in writing of such change *and obtain a voter identification card reflecting the new residence address.* When the name of an elector is changed by marriage or other legal process, it is the duty of such elector to notify the office of the supervisor of elections in *writing* ~~person~~ of such change *and obtain a voter identification card reflecting the name change.* The supervisor of elections shall make the necessary changes in the elector's records *as soon as practical* upon receipt of such notice of a change of residence or name.

Section 6. Section 97.111, Florida Statutes, is hereby repealed.

Section 7. Section 101.21, Florida Statutes, is amended to read:

101.21 Official ballots; number; printing; payment for ballots.—

(1) In any county in which voting machines are not used, *the supervisor of elections shall determine the actual number of ballots to be printed* ~~there shall be printed as many official ballots as shall be equal to 110 percent of the number of registered electors~~. The printing and delivery of ballots and cards of instruction shall, in a municipal election, be paid for by the municipality, and in all other elections by the county.

(2) In any county in which voting machines are used, *one set* ~~two sets~~ of official ballots shall be provided for each *machine plus the number of sets equal to 5 percent of the total number of machines* ~~polling place for each precinct~~, of which one set shall be inserted or placed in or upon the *machines* ~~machine~~ and the *5 percent* ~~other~~ retained in the custody of the supervisor, unless it shall become necessary during the election to make use of same upon or in *the machines* ~~said machine~~.

Section 8. Paragraphs(a) and (c) of subsection (3) of section 98.051, Florida Statutes, are amended to read:

98.051 Registration books for permanent registration system; when open.—

(3)(a) The registration books shall close for the first and second primary elections at 5 p.m. on the 30th day before the first primary election and shall remain closed until after the second primary election, during which time no registration~~, address change,~~ *or* party change~~, or name change~~ shall be accepted for such elections. For any other election, the books shall close at 5 p.m. on the 30th day before such election and shall remain closed until after such election, during which time no registration~~, address change,~~ *or* party change~~, or name change~~ shall be accepted for such election. However, when the books are closed for an election, registration and *party* changes ~~in registration~~ shall be accepted for all subsequent elections. For purposes of this subsection, however, a first and second primary shall be considered one election.

(c) When a district, municipal, or special election is called at a time when the books are open, the supervisor shall close the books to further registration~~, address changes,~~ *or* party changes~~, and name changes~~ for such district, municipal, or special election on the 30th day before such election, or immediately, in the event the date of the election is less than 30 days away, but the books shall remain open for all subsequent elections.

Section 9. Subsection (1) of section 98.081, Florida Statutes, is amended to read:

98.081 Removal of names from registration books; procedure.—

(1) During each odd-numbered year the supervisor shall mail, to each elector who did not vote in any election in the county during the past 2 years, a form to be filled in, signed, and returned by mail within 30 days after the notice is postmarked. The form returned shall advise the supervisor whether the elector's status has changed from that of the registration record. Names of electors failing to return the forms within this period shall have their names withdrawn temporarily from registration books. *In addition, electors may be temporarily removed from the registration books when any first class mail sent by the supervisor to an elector is returned as undeliverable. Such name shall not be removed until a diligent effort has been made by the supervisor to locate such elector. This shall constitute such notice for purposes of this section.* The list of the electors temporarily withdrawn shall be posted at the courthouse. When the list is completed, the supervisor shall provide a copy thereof, upon request, to the chairman of the county executive committee of any political party, and the supervisor may charge the actual cost of duplicating the list. A name shall be restored to the registration records when the elector, in writing, makes known to the supervisor that his status has not changed. The supervisor shall then reinstate the name on the registration books without the elector reregistering. Notice of these requirements shall be printed on the voter registration identification card. This method prescribed for the removal of names is cumulative to other provisions of law relating to the removal of names from registration books. This is not a reregistration but a method to be used for keeping the permanent registration list up to date. However, the name of any elector temporarily withdrawn from the registration books shall be removed from such books if the elector fails to respond to the notice within 3 years from the date the last such notice was mailed to him, and such person shall be required to reregister to have his name restored to the registration books.

Section 10. Subsection (7) is added to section 98.161, Florida Statutes, to read:

98.161 Supervisor of elections; election, tenure of office, compensation, custody of books, successor, seal, *voter programs and materials.*—

(7) Each supervisor is authorized to provide voter educational programs and materials of a non-partisan nature in his or her county as may be deemed appropriate by the supervisor.

Section 11. Subsection (1) of section 98.211, Florida Statutes, is amended to read:

98.211 County registers open to inspection; copies.—

(1) The registration books are public records. Every citizen is allowed to examine the registration books while they are in the custody of the supervisor, but is not allowed to make copies or extracts therefrom. The supervisor shall furnish at cost lists of the registered electors of the county that include only the name, party affiliation, address, and precinct number of each elector~~,~~ *or, if requested, the supervisor may provide a list that contains only those electors who have voted in any election or elections which occurred in excess of 60 days prior to the request provided if said list is furnished, said list shall also be made available to all authorized in this subsection. Lists of electors shall be furnished only to:* ~~and shall furnish such lists only to:~~

(a) The courts for the purpose of jury selection;

(b) Municipalities;

(c) Other governmental agencies;

(d) Candidates, to further their candidacy;

(e) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and

(f) Incumbent office holders to report to their constituents. Such lists shall be used solely for political purposes and not for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political activities, voter registration, law enforcement, or jury selection.

(Renumber subsequent section.)

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

Amendment 1—On page 1, line 1, after the words "and insert" " insert: amending s. 97.072, Florida Statutes, providing for the replacement of voter registration identification cards; amending ss. 97.091(1) and (2)(a) and (d), and 97.1031, Florida Statutes, relating to name and residence changes of electors; repealing s. 97.111, Florida Statutes; relating to change of party affiliation; amending s. 98.051(3)(a) and (c), Florida Statutes; relating to changes in the status of an elector when the registration books are closed; amending s. 98.081(1), Florida Statutes; relating to the removal of names of electors from registration books; adding a subsection to s. 98.161, Florida Statutes; providing for voter educational programs and materials; amending s. 98.211(1), Florida Statutes, authorizing the supervisor to provide certain lists; amending s. 101.21, Florida Statutes; providing for the number of official ballots to be printed;

On motions by Senator Hair, the Senate concurred in House Amendment 4; refused to concur in House amendments 2, 5 and 7 and the House was requested to recede.

On motions by Senator Hair, the Senate concurred in House Amendments 1 and 6 as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 445 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yea—Fechtel, Peterson

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 Senator Chamberlin—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 4, insert: [new sections 2, 3 and 4 and renumber]

Section 2. Subsection (2) of section 393.066, Florida Statutes, is amended and subsection (8) is added to said section to read:

393.066 Community services and treatment for the retarded and other developmentally disabled.—

(2) All programs of services and treatment for clients shall be administered through the districts~~, shall be based in the community,~~ and shall serve all clients regardless of the type of residential setting in which the client lives. ~~All departmental service personnel, other than these required to provide room and board and personal care to residents of state operated institutions and facilities, shall be assigned by the district to community based programs, provided that there is no net loss of federal funding from either title XX or title XIX of the Social Security Act.~~ In addition, all purchased services shall be approved by the district.

(8) Subject to the provisions of Chapter 216, the Department shall be responsible for receipt of funds under Public Law 95-602, the Developmental Disabilities Assistance and Bill of Rights Act and for expenditure of such funds.

Section 2. Subsections (3), (4), and (5) of section 393.11, Florida Statutes, are renumbered as subsections (4), (5), and (6) respectively, and subsections (1) and (2) of said section are amended to read:

393.11 Hearing and order for involuntary admission to residential services; recommendations of examining commission.—

(1) When a person is retarded and requires involuntary admission to residential services provided by the retardation program of the Department of Health and Rehabilitative Services, the circuit court of the county in which the person resides shall have jurisdiction to conduct a hearing and enter an order involuntarily admitting the person in order that he may receive the care, treatment, and rehabilitation which he needs. It is the intent of the Legislature that, for the purpose of identifying developmental disabilities, diagnostic capability be established in every program function of the department in the districts, including, but not limited to, youth services, mental health, vocational rehabilitation, and social and economic services. *An order of involuntary admission to residential services provided by the developmental services program of the department shall not enter unless the court finds that the person is mentally retarded and:*

(a) Placement in a residential setting is the least restrictive and most appropriate alternative to meet his needs; and

(b) Because of his degree of retardation:

1. Lacks sufficient capacity to give express and informed consent to a voluntary application for services pursuant to s. 393.065, and lacks basic survival and self-care skills to such a degree that close supervision and habilitation in a residential setting is necessary and if not provided would result in a real and present threat of substantial harm to the person's wellbeing; or

2. It is likely to physically injure others if allowed to remain at liberty.

(2) In no case shall an order authorizing an admission to residential care be considered an adjudication of mental incompetency. In addition, any child involuntarily admitted to residential services of the retardation program of the department shall, upon reaching majority, be given a hearing to determine his competency. The hearing and order for involuntary admission shall be conducted and entered in the county in which the person is residing or in the county from which the original admittance was made.

(3) The hearing shall be conducted and the order entered according to the following procedure:

(a) Three persons, one of whom shall be a physician licensed and practicing under chapter 458, shall constitute a petition committee. These persons shall state under oath the name of the person being considered for involuntary admission, his residence, his family conditions, his physical condition, and the nature and extent of his retardation as established by competent evaluation.

(b) Upon receiving the petition, the court shall immediately appoint an examining commission to examine the person being considered for involuntary admission to residential services of the retardation program of the department. The court shall appoint no fewer than three disinterested experts qualified in the field of mental retardation, including at least one licensed and qualified physician, one licensed and qualified psychologist, and one qualified social worker, to examine the applicant and to testify in person at the hearing on admission to residential care. Members of the commission shall not be employees of the department or be associated with each other in practice or in employer-employee relationships. If there is not a practicing psychologist within the county who meets the above standards, the judge may appoint one additional physician to be a member of the examining commission. Such expert testimony shall include, but not be limited to:

1. The degree of the applicant's retardation.

2. The purpose to be served by residential care.

3. The appropriate habilitation and treatment.

4. The extent to which the applicant meets the criteria for involuntary admission.

Other evidence regarding the appropriateness of the applicant's admission may be introduced at the hearing by any interested party.

(c) Hearing on the petition shall be held as soon as practicable after the petition is filed. The applicant shall be physically present throughout the entire proceeding, be represented by counsel, and be provided the right and opportunity to be confronted with, and to cross-examine, all witnesses alleging the appropriateness of his admission to residential care. All evidence shall be presented according to the usual rules of evidence. All stages of each proceeding shall be stenographically reported. The burden of proof shall be on the party alleging the appropriateness of the applicant's admission to residential care. The burden of proof shall be by clear and convincing evidence. In all cases, the court shall issue findings to support its decision and state the basis for such findings.

(d) An applicant shall be represented by counsel at all stages of a judicial admission proceeding. In the event an applicant cannot afford counsel, the court shall appoint a public defender not less than 20 days before the scheduled hearing. In all cases, a court-appointed, or otherwise procured, attorney shall represent the rights and legal interests of the applicant, regardless of who may initiate the proceedings or pay the attorney's fee.

(e) If the examining commission finds the examined person to be retarded or developmentally disabled and in need of treatment and rehabilitation within residential services of the retardation program of the department, these findings shall be reported to the court. The department shall then inform the court of all available services for the person. The court may order the involuntary admission of the person to residential services of the department. If the evidence presented to the court is not sufficient to warrant involuntary admission to residential services, but the court feels that residential services would be beneficial, the court may recommend that the person seek voluntary admission. The order of involuntary admission to residential care shall be accompanied by the report of the examining commission; shall explicitly document *the extent that the person meets the criteria for involuntary admission and* the degree of retardation, the purpose to be served by residential care, and the least restrictive placement for the person; and shall include copies of any other records that may be required by the department. Upon receiving the order and records, the department shall, within 45 days, provide the court with a copy of the person's habilitation plan outlining treatment and rehabilitative programs and documenting that the person has been placed in the most appropriate, least restrictive, and most cost-beneficial residential facility.

Section 3. Subsection (5) of section 393.15, Florida Statutes, is amended to read:

393.15 Legislative intent; definitions, Group-Living Home Trust Fund.—

(5) Any loan granted by the department under this section shall be repaid by the group-living home within 5 years. A group-living home operating as a nonprofit corporation meeting the requirements of s. 501(c)3 of the Internal Revenue Code shall submit to the department a statement setting forth the residential service it has provided during the year together with such other information as the department by rule shall require, and, upon approval of each such annual statement, the department shall forgive 20 percent of the ~~outstanding~~ principal ~~balance~~ of *any* such *loan granted after June 30, 1975* ~~loans granted prior to October 1, 1976, and shall forgive 20 percent of the principal and interest of such loans granted on or after October 1, 1976.~~.

Amendment 2—On page 1, line 7 in title, insert: [after the semicolon] amending s. 393.066(2), Florida Statutes, and adding subsection (8); deleting requirement that certain Department of Health and Rehabilitative Services service personnel be assigned to community-based programs; providing the department with responsibility for administering certain grants; amending s. 393.11(1) and (2), Florida Statutes; specifying criteria for involuntary admission of a mentally retarded person to residential services; amending s. 393.15(5), Florida Statutes; requiring the department to forgive certain group-living home loans;

On motion by Senator Chamberlin, the Senate concurred in the House amendments.

CS for SB 491 passed as amended and the action of the Senate was 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	Peterson	Trask
Chamberlin	Hill	Poole	Vogt
Childers, D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Winn
Fechtel	Johnston	Skinner	

Nays—None

The bill was ordered engrossed and then enrolled.

On motion by Senator Barron, the rules were waived and time of adjournment was extended until 5:30 p.m.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed

HB 449, as amended; has refused to concur in Senate Amendment 2 and requests the Senate to recede.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 449—A bill to be entitled An act relating to local government planning; amending s. 163.170(2) and (7), Florida Statutes; allowing an alternative definition of "subdivision" by charter counties for purposes of provisions regulating local government planning for future development under part II of chapter 163; creating s. 163.183, Florida Statutes; providing that charter counties may divide planning and zoning functions and create separate zoning commissions; adding subsection (7) to s. 163.185, Florida Statutes; providing functions of such commissions; amending s. 163.225(2)(e), Florida Statutes, and adding paragraph (f) thereto; conforming language and providing that certain duties of the board of adjustment may be performed by such commissions; amending ss. 163.190(2), 163.200, 163.210(2), 163.215(2), 163.220(3), 163.280(3)(a), and 163.285, Florida Statutes; conforming language; providing an exemption to the operation; amending s. 163.3194(2)(a) providing for reference of certain land development regulations or codes to separate zoning commissions; providing an effective date.

On motion by Senator Dunn, the Senate refused to recede from Senate Amendment 2 to HB 449 and again requested the House to concur.

The action of the Senate was certified to the House.

LOCAL BILL CALENDAR

Consideration of SB 834 was deferred.

SB 1368—A bill to be entitled An act relating to Broward County; authorizing the board of county commissioners to grant by ordinance all necessary powers to the Broward County Consumer Protection Board; providing for a referendum; 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 23, before the period "." insert: , subject to approval by resolution of the board of county commissioners

Senator Williamson moved the following amendment which was adopted:

Amendment 2—On page 2, between lines 5 and 6, insert: (8) All complaints and actions contemplated in this act relating to public utilities subject to jurisdiction of the Florida Public Service Commission shall be referred to the local office of said commission for disposition.

On motion by Senator Jenne, by two-thirds vote SB 1368 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	McKnight	Thomas
Anderson	Gorman	Myers	Tobiassen
Barron	Grizzle	Neal	Trask
Beard	Hair	Peterson	Vogt
Chamberlin	Henderson	Poole	Ware
Childers, D.	Hill	Scarborough	Williamson
Childers, W. D.	Jenne	Scott	Winn
Dunn	Johnston	Skinner	
Fechtel	Maxwell	Steinberg	
Frank	McClain	Stuart	

Nays—None

SB 1370—A bill to be entitled An act relating to Broward County; amending s. 4, ch. 27438, Laws of Florida, 1951; authorizing the Board of Commissioners of the North 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 1370 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of SB 1377 and HB 384 was deferred.

HB 917—A bill to be entitled An act relating to Okeechobee County; abolishing the county hospital of Okeechobee County which was established pursuant to general law; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote HB 917 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of HB 1194 was deferred.

HB 1478—A bill to be entitled An act relating to Santa Rosa County; creating the Jay Fire Protection District within the county; providing definitions; providing for the election, membership, terms, compensation and duties of the board of commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy special assessments on the property within the district; providing a schedule of maximum rates of assessments for certain types of property; providing that assessments by the board shall be enforced as are tax assessments by the county; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase or lease certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; providing for a referendum and providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 11, lines 18, 19 and 20, strike all of such lines and insert: district.

Amendment 2—On page 13, line 3, strike the number "17" and insert: 15

On motion by Senator Tobiassen, by two-thirds vote HB 1478 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1479—A bill to be entitled An act relating to Santa Rosa County; creating the Bagdad Fire Protection District within the county; providing definitions; providing for the election, membership, terms, compensation and duties of the board of commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy special assessments on the property within the district; providing a schedule of maximum rates of assessments on the property within the district; providing that assessments by the board shall be enforced as are tax assessments by the county; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase or lease certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; providing for a referendum and providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 9, line 30, and on page 10, lines 1 and 2 strike all of said lines and insert: district.

Amendment 2—On page 11, line 14, strike the number "17" and insert: 15

On motion by Senator Tobiassen, by two-thirds vote HB 1479 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1482—A bill to be entitled An act relating to the City of Winter Haven, Polk County; providing definitions; providing policy and findings; creating the Winter Haven Downtown Development Board; specifying the downtown development area; providing for additions and deletions; providing membership, terms, powers, and duties of the board; providing for eminent domain; providing for special assessments in the development area and additional special assessments in subdistricts; providing for revenue certificates; providing for referenda; providing procedure for repeal of act; providing rules of constuction; repealing ch. 79.581, Laws of Florida, relating to the Winter Haven Downtown Development Board; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 1482 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1483—A bill to be entitled An act relating to Escambia County; repealing section 2 of chapter 57-1294, Laws of Florida, removing the requirement of a physical examination for food handlers; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1483 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1484—A bill to be entitled An act relating to the City of Pensacola and Escambia County; amending chapter 67-1365, Laws of Florida, as amended; providing for a change in the membership structure of the Pensacola-Escambia Promotion and Development Commission; eliminating all standing or advisory committees related thereto; providing for a single executive director; providing for a minimum appropriation from both the City of Pensacola and the County of Escambia; providing authority to sponsor, develop, operate and maintain activities and developments relating to the industry tourism and commerce; and providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1484 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1485—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 8 of chapter 21483, Laws of Florida, 1941, as amended; eliminating provi-

sions of the Firemen's Relief and Pension Fund that reduce the benefits for certain pensioners' widows; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1485 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1486—A bill to be entitled An act relating to the City of Pensacola, Escambia County; repealing section 16 of chapter 78-591, Laws of Florida, relating to standards of efficiency fixed by the Civil Service Board of the City of Pensacola; amending sections 17, 21, and 22 of chapter 78-591, Laws of Florida; removing language rendered obsolete by the repeal of section 16 of said chapter; providing that promotional eligible lists shall contain the names of five rather than three persons; providing for extension of the registers; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1486 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1487—A bill to be entitled An act relating to the City of Pensacola, Escambia County; adding subsection (6) to section 3 of chapter 72-655, Laws of Florida, relating to the Pensacola Downtown Improvement Board, authorizing the exercising of certain powers and the expending of public moneys; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1487 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1488—A bill to be entitled An act relating to Santa Rosa County; creating the Holley-Navarre Fire Protection District within the county; providing definitions; providing for the election, membership, terms, compensation and duties of the board of commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy special assessments on the property within the district; providing a schedule of maximum rates of assessment for certain types of property; providing that assessments by the board shall be enforced as are tax assessments by the county; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase or lease certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; providing for a referendum and providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 9, lines 7, 8, and 9, strike all of said lines and insert: district.

Amendment 2—On page 10, line 31, strike the number "16" and insert: 15

On motion by Senator Tobiassen, by two-thirds vote HB 1488 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1489—A bill to be entitled An act relating to Santa Rosa County; creating the Pace Volunteer Fire Protection and Rescue Service District within the county; providing definitions; providing for the election, membership, terms, compensation and duties of the board of commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy special assessments on the property within the district; providing a schedule of maximum rates of assessments for certain types of property; providing that assessments by the board shall be enforced as are tax assessments by the county; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase or lease certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; providing for a referendum and providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 10, lines 16, 17, and 18 strike all of said lines and insert: district.

Amendment 2—On page 11, line 31, strike the number "17" and insert: 15

On motion by Senator Tobiassen, by two-thirds vote HB 1489 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1490—A bill to be entitled An act relating to Santa Rosa County; creating the East Milton Fire Protection and Rescue Service District within the county; providing definitions; providing for the election, membership, terms, compensation and duties of the board of commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy ad valorem taxes on the property within the district; providing a maximum rate of tax millage; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase or lease certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; providing for a referendum and providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 8, lines 21, 22 and 23, strike all of said lines and insert: district.

Amendment 2—On page 10, line 5, strike the number "17" and insert: 14

On motion by Senator Tobiassen, by two-thirds vote HB 1490 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1492—A bill to be entitled An act relating to Santa Rosa County; creating the Skyline Fire Protection and Rescue Service District within the county; providing definitions; providing for the election, membership, terms, compensation and duties of the board of commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy special assessments on the property within the district; providing that assessments by the board shall be enforced as are tax assessments by the county; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase or lease certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; providing for a referendum and providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 10, lines 21, 22, and 23, strike all of said lines and insert: district.

Amendment 2—On page 12, line 5, strike the number "17" and insert: 15

On motion by Senator Tobiassen, by two-thirds vote HB 1492 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1496—A bill to be entitled An act relating to Santa Rosa County; creating the Midway Fire Protection and Rescue Service District within the county; providing definitions; providing for the election, membership, terms, compensation and duties of the board of commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy ad valorem taxes on the property within the district; providing a millage on real property; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase or lease certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; providing for a referendum and providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 8, lines 9, 10 and 11, strike all of said lines and insert: district.

Amendment 2—On page 9, line 24, strike the number "17" and insert: 14

On motion by Senator Tobiassen, by two-thirds vote HB 1496 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1497—A bill to be entitled An act relating to Santa Rosa County; creating the Avalon Beach-Mulat Fire Protection District within the county; providing definitions; providing for the election, membership, terms, compensation and duties of the board of commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy ad valorem taxes on the property within the district; providing

a maximum rate of tax millage; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase or lease certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; providing for a referendum and providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 10, line 30 and on page 11, lines 1 and 2 strike all of said lines and insert: district.

Amendment 2—On page 12, line 14, strike the number "17" and insert: 14

On motion by Senator Tobiassen, by two-thirds vote HB 1497 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1498—A bill to be entitled An act relating to certain unincorporated lands in Manatee County; creating a special fire control district to be known as the Braden River Fire Control and Rescue District; providing for and limiting the powers, duties, and liabilities of said district in and about purchasing and acquiring firefighting and rescue equipment, fire stations, fire hydrants, and water supply, for the prevention of all types of fires; providing for inspection of places of business, apartment houses, theaters and buildings where large groups of persons might congregate; providing for the exercise and administration of the powers of said district by a board of commissioners to be named and appointed initially by the Governor; providing for the raising of all necessary funds for financing said district and all of its purposes; providing for the levy, collection and enforcement of special assessments against and creating liens upon lands in said district, in order to raise funds for the purpose of said district and determining the priority and dignity of such liens in raising revenues for the purpose of said district; providing for limitations of claims, demands, and suits against said district; authorizing and empowering such district to make and enter into contracts with firms, individuals and municipal corporations relating to any and all of the purposes of said district; providing for and establishing the said district as a public corporation; providing for the preparation of an annual budget; repealing all acts or parts of acts insofar as a conflict may exist with this act; providing a referendum.

—was read the second time by title.

Senator Neal moved the following amendments which were adopted:

Amendment 1—On page 2, line 11, strike all of line 11 and insert: Section 1. All of the

Amendment 2—On page 9, line 21, strike all of line 21 and insert: this section shall take effect upon becoming a law.

On motion by Senator Neal, by two-thirds vote HB 1498 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1500—A bill to be entitled An act relating to Santa Rosa County; creating the Munson Fire Protection District within the county; providing definitions; providing for the election, membership, terms, compensation and duties of the board of commissioners of the district; providing for the filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy ad valorem taxes on the property within the district; providing the maximum rate of tax millage; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase or lease certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; providing for a referendum and providing an effective date.

—was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 9, line 30 and on page 10, lines 1 and 2 strike all of said lines and insert: district.

Amendment 2—On page 11, line 14, strike the number "17" and insert: 14

On motion by Senator Tobiassen, by two-thirds vote HB 1500 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1627—A bill to be entitled An act relating to Broward County; amending section 4 of chapter 24415, Laws of Florida, 1947, as amended, relating to the South 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 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 1627 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1707—A bill to be entitled An act relating to the Loxahatchee River Environmental Control District, Palm Beach and Martin Counties; amending Subsections (3) and (4) of Section 4 of Chapter 71-822, Laws of Florida, as amended, staggering the terms of board members so that board members will continue to serve terms of two (2) years, but with three (3) of the board members elected in even numbered years and two (2) of the board members in odd numbered years rather than having all five (5) board members elected in even numbered years; providing for district elections; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1707 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1217—A bill to be entitled An act relating to the City of St. Petersburg, Pinellas County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to issue an alcoholic beverage license to the City of St. Petersburg, or its assigns, to be used in the operation of the Bayfront Center; providing that such license shall not be subject to any quota or limitation pertaining thereto, but shall be an exception to any such quota or limitation; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote HB 1217 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	Gordon	McClain	Stuart
Barron	Gorman	McKnight	Thomas
Beard	Grizzle	Myers	Tobiassen
Chamberlin	Hair	Neal	Vogt
Childers, D.	Henderson	Poole	Ware
Childers, W. D.	Hill	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtel	Johnston	Skinner	

Nays—2

Peterson Trask

SB 1366—A bill to be entitled An act relating to Broward County; providing that within Broward County the Division of Administration of the Department of Transportation may condemn property for the purpose of securing replacement rights-of-way for the relocation of rail and utility facilities; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 1366 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1480—A bill to be entitled An act relating to the Pensacola Housing Authority, Escambia County; providing exemptions from provisions of ss. 421.05 and 421.07, Florida Statutes, providing for appointment, term of office and removal of commissioners of the authority; changing the name of the Pensacola Housing Authority to the Area Housing Commission; providing additional powers to those granted in s. 421.08, Florida Statutes, authorizing the authority to transact business and exercise its functions within the corporate limits of the City of Pensacola and the unincorporated areas of Escambia County and to apply for and accept grants, loans and subsidies; repealing chapters 76-465, 76-467, and 78-590, Laws of Florida, relating to appointment, term of office, and removal of commissioners; providing that conflicting laws are superseded; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1480 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 1204—A bill to be entitled An act relating to Collier County; designating the official headquarters for district school board members; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1204 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 992—A bill to be entitled An act relating to Putnam County; exempting Putnam County from mandatory compliance with the provisions of s. 336.41(3), Florida Statutes, which provides limitations on the authority of a county to utilize its own construction forces; providing an effective date.

—was read the second time by title. On motion by Senator Fechtel, by two-thirds vote HB 992 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 704—A bill to be entitled An act relating to Polk County; providing for the issuance of a special alcoholic beverage license to Florida Cypress Gardens, Inc., and Restaurant Associates, Inc., to be operated at Florida Cypress Gardens; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 704 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	Gordon	McClain	Stuart
Barron	Gorman	McKnight	Thomas
Beard	Grizzle	Myers	Tobiassen
Chamberlin	Hair	Neal	Vogt
Childers, D.	Henderson	Poole	Ware
Childers, W. D.	Hill	Scarborough	Williamson
Dunn	Jenne	Scott	Winn
Fechtel	Johnston	Skinner	

Nays—2

Peterson Trask

HB 615—A bill to be entitled An act relating to the Jacksonville Electric Authority; readopting and amending chapter 78-538, Laws of Florida, moving chapter 67-1569, Laws of Florida, as amended, (the charter of the Jacksonville Electric Authority) into the charter of the City of Jacksonville; amending chapter 67-1320, Laws of Florida, as amended, creating Article 30 containing the Jacksonville Electric Authority; providing for the payment of certain funds to certain taxing units; repealing chapter 67-1569, Laws of Florida, as amended; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 615 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

HB 612—A bill to be entitled An act relating to the Jacksonville Electric Authority, City of Jacksonville, Duval County; readopting chapter 78-539, Laws of Florida, providing for the acquisition, construction, erection, building, extending, leasing, enlargement, improvement, furnishing, equipping, owning and operating electric generating plants, transmission lines, interconnections and substations for the generation, transmission, and exchanging of electric power and energy by and for the Jacksonville Electric Authority, City of Jacksonville, Duval County, Florida, as a separate bulk power supply utility or system; providing for joint ownership and participation; providing for fuel supply and fuel transportation facilities; providing for the payment of certain funds to certain taxing units; authorizing the issuance of revenue bonds by the Authority to pay the cost thereof payable from revenues derived from the operation of the system and other funds legally available for such purpose; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 612 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Senator Scarborough presiding

SPECIAL ORDER, continued

The Senate resumed consideration of—

SB 118—A bill to be entitled An act relating to public schools; amending s. 233.062, Florida Statutes; permitting a school board to provide a daily school period for silent meditation; providing an effective date.

—which was taken up with pending Amendment 1.

Senators Anderson, Barron, Trask and McClain offered the following substitute amendment which was moved by Senator Barron and adopted:

Amendment 2—On page 1, line 17, strike all of section (2) and insert: (2) *The school board may provide in the public schools in the district that a brief period, not to exceed 2 minutes, be set aside at the start of each school day or each school week for the purpose of silent prayer or meditation.*

Senators Anderson and Barron offered the following amendment which was moved by Senator Barron and adopted:

Amendment 3—On page 1 in title, strike all of lines 4 and 5, and insert: board to provide a daily or weekly period for silent prayer or meditation; providing an effective date.

On motion by Senator Anderson, by two-thirds vote SB 118 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Anderson	Gorman	McClain	Thomas
Barron	Grizzle	McKnight	Tobiassen
Carlucci	Hair	Peterson	Trask
Childers, D.	Henderson	Poole	Ware
Childers, W. D.	Hill	Scarborough	Williamson
Fechtel	Holloway	Scott	Winn
Frank	MacKay	Skinner	

Nays—9

Chamberlin	Jenne	Steinberg	Vogt
Dunn	Johnston	Stuart	
Gordon	Myers		

CS for HB 996—A bill to be entitled An act relating to insurance; amending s. 627.728(3), Florida Statutes, exempting automobile liability insurers from notice of cancellation requirements if a premium finance company has complied with certain notice requirements; amending s. 627.848(2), (4), and (6), Florida Statutes, requiring premium finance companies to provide the insured with certain information following notice of intent to cancel an insurance contract; requiring insurers to return unpaid premium balances; providing for conditional repeal; amending ss. 627.840(3)(b) and 627.901(1), Florida Statutes, increasing allowable service charges on certain insurance contracts; providing for conditional repeal; providing an effective date.

—was read the second time by title.

Senator Carlucci moved the following amendments which were adopted:

Amendment 1—On page 4, between lines 6 and 7, after "made" insert: *(f) No premium finance company shall, in a premium finance agreement, provide financing for the cost of a membership in an automobile club as defined in chapter 649.*

Amendment 2—On page 3, line 19, after "amended" insert: and paragraph (f) is added to said subsection,

Amendment 3—On page 1 in title, line 16, after the semicolon (;) insert: adding s. 627.840(3)(f), Florida Statutes; prohibiting premium finance companies from providing financing for the cost of a membership in an automobile club;

On motion by Senator Carlucci, by two-thirds vote CS for HB 996 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yea—Fechtel, Peterson

HB 1175—A bill to be entitled An act relating to automobile liability insurance; amending s. 627.727, Florida Statutes, providing that uninsured motorist coverage need not be provided by the insurer when certain changes in a policy are made if the named insured has previously rejected such coverage, unless such coverage is requested in writing; requiring insurers to notify insured parties of certain options; providing for conditional repeal; providing an effective date.

—was read the second time by title.

Senator Anderson moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 15 and 16, insert:

Section 1. Paragraphs (e) and (f) of subsection (3) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(3) The department may, after consultation with insurers licensed to write automobile insurance in this state, approve a joint underwriting plan for purposes of equitable apportionment or sharing among insurers of automobile liability insurance and other motor vehicle insurance, as an alternate to the plan required in s. 627.351(1). All insurers authorized to write automobile insurance in this state shall subscribe to the plan and participate therein. The plan shall be subject to continuous review by the department which may at any time disapprove the entire plan or any part thereof if it determines that conditions have changed since prior approval and that in view of the purposes of the plan changes are warranted. Any disapproval by the department shall be subject to the provisions of chapter 120. If adopted, the plan:

(e) Shall provide that the joint underwriting association shall operate subject to the supervision and approval of a board of governors consisting of *eleven* ~~nine~~ individuals including one who shall be elected as chairman.

1. *Five* ~~Four~~ members of the board shall be appointed by the Insurance Commissioner. Two of the commissioner's appointees shall be chosen from the insurance industry. Any board member appointed by the Insurance Commissioner may be removed and replaced by him at any time without cause.

2. *Six* ~~Five~~ members of the board shall be appointed by the participating insurers, two of whom shall be from the insurance agents' associations.

3. All board members, including the chairman, shall be appointed to serve for 2-year terms beginning annually on a date designated by the plan.

(f) Shall provide that an agent appointed to a servicing carrier shall be a licensed general lines agent of an insurer which is authorized to write automobile liability and physical damage insurance in the state and which is actively writing such coverage in the county in which the agent is located, or the immediate adjoining counties, or the agent places a volume of other property and casualty insurance in an amount equal to the premium volume placed with the Florida Joint Underwriting Association.

The Department may, however, determine that an agent may be appointed to a servicing carrier, if, after public hearing, the Department finds that consumers in the agent's operating area would not have adequate and reasonable access to the purchase of automobile insurance if the agent was not appointed to a servicing carrier.

Amendment 2—On page 1 in title, line 4, after the word "Statutes," insert: amending s. 627.311(3)(e), (f), Florida Statutes; increasing the number of members of the board of governors of the joint underwriting association; requiring servicing agents to meet certain conditions;

On motion by Senator Anderson, by two-thirds vote HB 1175 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Anderson	Gordon	McKnight	Trask
Barron	Gorman	Myers	Vogt
Beard	Grizzle	Poole	Ware
Chamberlin	Hair	Scarborough	Williamson
Childers, D.	Henderson	Steinberg	Winn
Childers, W. D.	Jenne	Stuart	
Dunn	Johnston	Thomas	
Frank	McClain	Tobiassen	

Nays—None

Votes after roll call:

Yea—Fechtel, Peterson, Scott

CS for HB 275—A bill to be entitled An act relating to tax administration; creating s. 197.387, Florida Statutes, providing for conveyance of Murphy Act lands under certain circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 11, strike "Conveyence" and insert: Conveyance

Amendment 2—On page 1, in title, line 4, strike "conveyence" and insert: conveyance

On motion by Senator Tobiassen, by two-thirds vote CS for HB 275 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Dunn

Votes after roll call:

Yea—Holloway, Peterson

HB 1560—A bill to be entitled An act relating to tax collectors; authorizing the appointment of deputies; requiring a bond; 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 Dunn and adopted:

Amendment 1—On page 1, line 12, strike all on said line and insert: Section 2. Section 193.024, Florida Statutes, is created to read:

193.024 Deputy Property Appraiser.—Property appraisers may appoint deputies to act in their behalf in carrying out the duties prescribed by law.

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

Amendment 2—On page 1 in title, lines 1-4, strike all on said lines and insert: A bill to be entitled An act relating to the appointment of deputies to certain constitutional officers; authorizing tax collectors to appoint deputies; requiring deputy tax collectors to give bond; creating s. 193.024, Florida Statutes, authorizing property appraisers to appoint deputies; providing an effective date.

On motion by Senator Dunn, by two-thirds vote HB 1560 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

SB 1373 was taken up and on motion by Senator Scott, by two-thirds vote HB 1373 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Scott—

HB 1373—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.27(1), Florida Statutes, authorizing the department to condemn public or private land for transportation rights-of-way, including rights-of-way for relocated rail and utility facilities; providing an effective date.

—a companion measure, was substituted for SB 1373. On motions by Senator Scott, by two-thirds vote HB 1373 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	Gordon	McClain	Thomas
Barron	Gorman	McKnight	Tobiassen
Beard	Grizzle	Myers	Trask
Carlucci	Hair	Peterson	Vogt
Chamberlin	Henderson	Scarborough	Ware
Childers, D.	Hill	Scott	Williamson
Dunn	Jenne	Skinner	Winn
Fechtel	Johnston	Steinberg	
Frank	Maxwell	Stuart	

Nays—None

SB 1373 was laid on the table.

On motion by Senator Scott, the Senate reconsidered the vote by which HB 1373 passed.

Senator Vogt moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 1, between lines 25 and 26, insert: Section 2. Paragraph (c) of subsection (4) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of gas tax revenue by department.—

(4)

(c) The Department of Transportation shall, until July 1, 1980, lend its assistance, advice, and counsel to the counties, when requested, in order to assist in the development of a program for the management of the county road program. This assistance may include such areas as consultant procurement, right-of-way acquisition, specifications, and construction inspection. *After July 1, 1980, a county may enter into an agreement with the department to provide for the department to acquire rights-of-way for the county, provided that the highway project is to be funded by the 80 percent portion of the second gas tax allocated to that county and requires the acquisition of at least 10 parcels of land, the total cost of which will equal or exceed $100,000.*

(Renumber subsequent section.)

Amendment 2—On page 1, in title, line 7, after "facilities;" insert: amending s. 339.08(4)(c), Florida Statutes; authorizing a county to enter into an agreement with the Department of Transportation to provide for the department to acquire rights-of-way for such county under certain circumstances;

HB 1373 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Barron, the rules were waived and time of adjournment was extended until 5:45 p.m.

SB 849—A bill to be entitled An act relating to prescription drugs; requiring all manufacturers and distributors to provide for the identification of drug products in finished, solid, oral

dosage form; providing exceptions under certain circumstances; requiring manufacturers or distributors to provide to the Department of Health and Rehabilitative Services certain descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a licensed pharmacist in a regulated pharmacy; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 14, strike "1981" and insert: "1982"

Pending further consideration of SB 849 as amended, on motion by Senator McKnight, the rules were waived and by two-thirds vote HB 1055 was withdrawn from the Committee on Commerce.

On motion by Senator McKnight—

HB 1055—A bill to be entitled An act relating to the manufacture of prescription drugs; requiring all manufacturers and distributors to provide for the identification of drug products in finished solid oral dosage form; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

—a companion measure, was substituted for SB 849 and read the second time by title. On motion by Senator McKnight, by two-thirds vote HB 1055 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	Peterson	Vogt
Childers, W. D.	Hill	Scarborough	Ware
Dunn	Holloway	Scott	Williamson
Fechtel	Jenne	Skinner	Winn

Nays—None

SB 849 was laid on the table.

HB 1623—A bill to be entitled An act relating to the county discretionary tax on motor fuels and special fuels; amending s. 336.021(1) and (2), Florida Statutes; providing that said tax shall be returned by the Department of Revenue on a monthly basis to the county in which collected; providing that refunds shall be paid by the county from the tax returned to it; authorizing the Department of Revenue to prescribe and publish forms and promulgate rules necessary for the proper administration and collection of the tax; providing dates for filing of reports and remitting the tax; providing for application of provisions of chapter 206, Florida Statutes; providing that by joint agreement with municipalities, the governing body of a county may provide for transportation purposes and distribution of the proceeds of said tax in the incorporated and unincorporated areas; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which failed:

Amendment 1—On page 1, strike all of line 30 and insert: its governing body, by ordinance or subject to referendum, impose, in

On motion by Senator Myers, by two-thirds vote HB 1623 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
Chamberlin	Henderson	Neal	Trask
Childers, D.	Hill	Poole	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Jenne	Scott	Williamson
Fechtel	Johnston	Skinner	Winn
Frank	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Peterson

On motion by Senator Barron, the rules were waived and time of adjournment was extended until completion of motions relating to committee reference and announcements.

On motions by Senator Barron, the rules were waived and by two-thirds vote Senate Bills 884 and 1042 were withdrawn from the Committee on Rules and Calendar.

The President presiding

On motions by Senator Myers, by two-thirds vote HB 584 was withdrawn from Ways and Means Subcommittee D and the Committee on Ways and Means.

On motion by Senator Thomas, by two-thirds vote HB 1757 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

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

CS for HB 717—A bill to be entitled An act relating to the Department of State; amending s. 20.10(2), Florida Statutes, establishing the Division of Administration within the department; providing an effective date.

—as amended, passed this day.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Dunn and adopted by two-thirds vote:

Amendment 3—On page 1 in title, line 5, strike "department" and insert: Department of State; transferring responsibilities within the Department of Revenue

Senator Dunn moved the following amendments which were adopted by two-thirds vote:

Amendment 4—On page 1, strike all of line 24 and insert: Section 2. Subsection (2) of Section 11.60, Florida Statutes, is amended to read:

11.60 Administrative Procedures Committee; creation; membership; powers; duties.—

(2) The committee shall:

(a) Maintain a continuous review of the statutory authority on which each administrative rule is based and, whenever such authority is eliminated or significantly changed by repeal, amendment, holding by a court of last resort, or other factor, advise the agency concerned of the fact.

(b) Maintain a continuous review of administrative rules and identify and request agency repeal of any rule or provision of any rule which reiterates or paraphrases any statute, or for which the statutory authority has been repealed.

(c) ~~(b)~~ Review administrative rules and advise the agencies concerned of its findings.

(d) ~~(c)~~ Have the duties prescribed by chapter 120 concerning the adoption and promulgation of rules.

(e)~~(d)~~ Generally review agency action pursuant to the operation of the Administrative Procedure Act.

(f)~~(e)~~ Report to the Legislature at least annually, no later than the first week of the regular session, and recommend needed legislation or other appropriate action.

(g)~~(f)~~ Adopt rules and regulations necessary for its own organization and operation and for that of its staff, consistent with general law and the rules of each house.

(h)~~(g)~~ Appoint an executive director and general counsel, by majority vote of the members of the committee, and fill any vacancy in that office in the same manner.

(i)~~(h)~~ Have general administrative responsibility for the operations of its staff.

(j)~~(i)~~ Have standing to seek review in the courts of the state, on behalf of the Legislature or the citizens of Florida, of the validity or invalidity of any administrative rule to which the committee has voted an objection and which has not been withdrawn, modified, repealed, or amended to meet the objection. Judicial review under this paragraph shall not be initiated until the Governor and the agency head of the agency making the rule to which the committee has objected have been notified of the committee's proposed action and have been given a reasonable opportunity for consultation with the committee. The committee is hereby authorized to expend public funds from its appropriation for the purpose of seeking judicial review.

Section 2. Subsection (1) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking; adoption procedures.—

(1) Prior to the adoption, amendment, or repeal of any rule not described in subsection (9), an agency shall give notice of its intended action, setting forth a short and plain explanation of the purpose and effect of the proposed rule, ~~a summary of the proposed rule,~~ the specific legal authority under which its adoption is authorized, and a summary of the estimate of the economic impact of the proposed rule on all persons affected by it. ~~The notice shall contain the location where the text of the proposed rule or economic impact statement can be obtained if such text is not included in the notice.~~

(a) Except as otherwise provided in this paragraph, the notice shall be mailed to the committee, to all persons named in the proposed rule, and to all persons who have made requests of the agency for advance notice of its proceedings at least 14 days prior to such mailing. The agency shall also give such notice as is prescribed by rule to those particular classes of persons to whom the intended action is directed. Notice of intent by an educational unit to adopt, amend, or repeal any rule not described in subsection (9) shall be made:

1. By publication in a newspaper of general circulation in the affected area;

2. By mail to all persons who have made requests of the educational unit for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and

3. By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

Such publication, mailing, and posting of notice shall occur at least 14 days prior to the intended action.

(b) The notice shall be published in the Florida Administrative Weekly not less than 21 days prior to the intended action, except that notice of actions proposed by educational units or units of government with jurisdiction in only one county or a part thereof need not be published in the Florida Administrative Weekly or transmitted to the committee. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.

Section 2. Subsection (1) of section 120.545, Florida Statutes, is amended to read:

120.545 Committee review of agency rules.—

(1) As a legislative check on legislatively created authority, the committee shall examine each proposed rule, except for those proposed rules exempted by paragraph 120.54(11)(a), and its accompanying material, and may examine any existing rule, for the purpose of determining whether:

(a) The rule is within the statutory authority upon which it is based;~~, whether~~

(b) The statutory authority for the rule has been repealed;

(c) The rule reiterates or paraphrases statutory material;

(d) The rule is in proper form;~~,~~ and ~~whether~~

(e) The notice given prior to its adoption was sufficient to give adequate notice of the purpose and effect of the rule.

If the committee objects to a proposed or existing rule, it shall, within 5 days of the objection, certify the fact to the agency whose rule has been examined and include with the certification a statement detailing its objections with particularity.

Section 3. Subsections (1) and (2) of section 120.55, Florida Statutes, are amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a) ~~Conduct a systematic and continuing study of the rules of this state for the purpose of reducing their number and bulk and removing redundancies and unnecessary repetitions and make such changes in style and form as are required by paragraph (d).~~

~~(b)~~ Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or to the Florida School for the Deaf and the Blind and university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. The department shall publish, at the beginning of the section of the code dealing with an agency that files copies of its rules with the department, a summary or listing of all rules of said agency excluded from publication in the code and a statement as to where said rules may be inspected or examined. The department shall also publish, at the beginning of the section of the code dealing with an agency, any exemptions granted that agency pursuant to s. 120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to s. 120.63(2)(b). *The department shall, by January 1, 1981, contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the Code as provided in this section. This publication shall be the official compilation of the administrative rules of Florida.*

(b)~~(c)~~ Publish a weekly publication entitled the "Florida Administrative Weekly," which shall contain:

1. *Notice of adoption* ~~A summary~~ of, and an index to, all rules filed during the preceding week.

2. All hearing notices required by subsection 120.54(1), showing the time, place, and date of the hearings and the *text* ~~summaries~~ of all rules proposed for consideration *or a reference to the location in the Florida Administrative Weekly where the text of the proposed rules is published.*

3. All notices of meetings, hearings, and workshops conducted in accordance with the provisions of paragraph 120.53(1)(d), including a statement of the manner in which a copy of the agenda may be obtained.

4. A notice of each request for authorization to amend or repeal an existing model rule or for the adoption of new model rules.

5. A notice of each request for exemption from any provision of this chapter.

6. Notice of petitions for declaratory statements or administrative determinations.

7. A summary of each objection to any rule filed by the Administrative Procedures Committee during the preceding week.

8. Any other material required or authorized by law or deemed useful by the department.

The department may contract with a publishing firm for publication of the Florida Administrative Weekly.

(c)~~(d)~~ Prescribe by rule the style and form required for rules submitted for filing and establish the form for their certification.

(d)~~(e)~~ Correct grammatical, typographical, and like errors not affecting the construction or meaning of the rules, *after having obtained the advice and consent of the appropriate agency,* and insert history notes.

~~(f) Remove from the code any rules the authority for which has been repealed.~~

~~(g) Before making any change in any rules as provided in paragraph (a), (c), or paragraph (f), obtain the advice and consent of the affected agency.~~

(e)~~(h)~~ Make copies ~~of the Florida Administrative Code available for sale at no more than cost and copies~~ of the Florida Administrative Weekly available on an annual subscription basis *computed to cover a pro rata share of 50 percent of the costs related to the publication of the Florida Administrative Weekly* ~~for not more than $25 per year~~.

(f)~~(i)~~ Charge each agency using the Florida Administrative Weekly a space rate computed to cover *a pro rata share of 50 percent of the* ~~all~~ costs related to the Florida Administrative Weekly.

(2) Each agency shall print or distribute copies of its rules, citing the specific rulemaking authority pursuant to which each rule was adopted~~, at its own expense or purchase copies for distribution from the Department of State~~.

Section 4. The sum of $200,000 is appropriated from the General Revenue Fund to the Department of State for the purpose of paying a publishing company for the publication of the Florida Administrative Code.

Section 5. This act shall take effect July 1, 1980, or upon becoming a law, whichever occurs later, except that the provisions of paragraphs (c), (h), and (i) of subsection (1) of section 120.55, Florida Statutes, as redesignated and amended by this act, and of subsection (2) of section 120.55, Florida Statutes, as amended by this act, shall take effect July 1, 1981.

Amendment 5—On page 1 in title, line 5, after the semicolon (;) insert: relating to administrative procedures; amending s. 11.60(2), Florida Statutes; directing the Administrative Procedures Committee to review administrative rules and request the repeal of certain rules; amending s. 120.54(1), Florida Statutes; providing notice of rulemaking requirements; amending s. 120.545(1), Florida Statutes; specifying the purposes for which the committee is to examine proposed and existing rules; amending s. 120.55(1), (2), Florida Statutes; deleting provision which directs the Department of State to conduct a study of rules of the state; directing the department to contract for the publication of the Florida Administrative Code; requiring that the Florida Administrative Weekly contain a notice of adoption of certain rules and the text of all proposed rules; providing that the department may contract for the publication of the Florida Administrative Weekly; deleting requirement that the department remove certain rules from the code; deleting requirement that the department make copies of the Florida Administrative Code available; deleting prescribed subscription rate for the Florida Administrative Weekly; deleting provision authorizing each agency to purchase copies of its rules from the department; providing an appropriation;

CS for HB 717 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Fechtel	Maxwell	Steinberg
Anderson	Frank	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	Johnston	Skinner	

Nays—None

CO-INTRODUCERS

Senator Don Childers—SB 885; Senator Ware—SJR 637; Senator Fechtel—SB 118

Senator Holloway withdrew as co-introducer of SB 1382

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 3 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:50 p.m. to convene at 8:30 a.m. Thursday, June 5, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.