



Journal of the Senate

Number 25

Thursday, June 4, 1981

BILL ACTION SUMMARY

Thursday, June 4, 1981

H 64	Passed	S 448	C/S passed as amended
H 101	Substituted for SB 515 Passed	S 500	Iden./Sim. House Bill substituted passed, refer to HB 536
H 136	Passed as amended	S 513	Iden./Sim. House Bill substituted refer to HB 249
H 144	Substituted for SB 943 Passed	S 515	Iden./Sim. House Bill substituted passed, refer to HB 101
H 157	Passed as amended	S 542	Passed as amended
H 193	Substituted for SB 872 Passed	S 565	Iden./Sim. House Bill substituted refer to HB 563
H 198	Substituted for SB 814 Passed	S 575	Iden./Sim. House Bill substituted passed, refer to HB 571
H 204	Substituted for SB 946 Passed	S 588	Iden./Sim. House Bill substituted passed, refer to HB 437
H 228	Substituted for C/S SB 360 Passed	S 589	Iden./Sim. House Bill substituted passed, refer to HB 484
H 249	Substituted for SB 513 Passed as amended	S 606	C/S passed as amended
H 324	Substituted for SB 330 Passed	S 612	Passed
H 325	Substituted for C/S SB 870 Passed	S 642	Passed
H 327	Passed as amended	S 675	Passed as amended
H 363	Substituted for SB 273 Passed	S 689	C/S passed as amended
H 379	Substituted for C/S SB 793 Passed	S 735	Iden./Sim. House Bill substituted Passed as amended
H 410	Substituted for SB 379 Passed	S 771	Iden./Sim. House Bill substituted refer to C/S HB 707
H 437	Substituted for C/S SB 588 Passed	S 776	Passed
H 484	Substituted for C/S SB 589 Passed	S 793	Iden./Sim. House Bill substituted passed, refer to C/S HB 379
H 486	Passed as amended	S 803	Iden./Sim. House Bill substituted passed, refer to HB 621
H 536	Substituted for SB 500 Passed	S 814	Iden./Sim. House Bill substituted passed, refer to HB 198
H 563	Substituted for SB 565 Passed as amended	S 819	Passed as amended
H 571	Substituted for SB 575 Passed	S 869	Passed as amended
H 616	Passed	S 870	Iden./Sim. House Bill substituted passed, refer to C/S HB 325
H 617	Substituted for C/S SB 873 Passed	S 872	Iden./Sim. House Bill substituted passed, refer to HB 193
H 621	Substituted for SB 803 Passed	S 873	Iden./Sim. House Bill substituted passed, refer to C/S HB 617
H 644	Substituted for SB 928 Passed as amended	S 881	Passed as amended
H 701	Substituted for SB 735 Amendment adopted	S 893	Iden./Sim. House Bill substituted passed, refer to HB 1119
H 707	Passed as further amended	S 909	Iden./Sim. House Bill substituted passed, refer to HB 1060
H 780	Passed	S 915	C/S passed as amended
H 806	Passed as amended	S 928	Iden./Sim. House Bill substituted refer to HB 644
H 823	Substituted for SB 1009 Passed	S 943	Iden./Sim. House Bill substituted passed, refer to HB 144
H 1051	Substituted for SB 442 Passed	S 946	Iden./Sim. House Bill substituted passed, refer to HB 204
H 1060	Substituted for SB 909 Passed	S 974	Passed as amended
H 1061	Substituted for C/S SB 1016 Amendment pending	S 1009	Iden./Sim. House Bill substituted passed, refer to C/S HB 823
H 1071	Substituted for SB 1062 Passed	S 1012	Passed as amended
H 1086	Receded Passed	S 1016	C/S passed as amended
H 1095	Passed as amended	S 1062	Iden./Sim. House Bill substituted passed, refer to HB 1071
H 1119	Substituted for SB 893 Passed	S 1083	Passed
H 1226	Passed as amended	S 1121	Passed as amended
H 1230	Passed as amended		
S 17	C/S passed		
S 34	Passed as amended		
S 97	Concurred C/S passed as further amended		
S 115	Iden./Sim./Compare Bill passed, refer to HB 157		
S 147	Passed as amended		
S 189	Passed as amended		
S 239	Receded C/S passed as amended		
S 273	Iden./Sim./Compare Bill passed, refer to C/S HB 363		
S 314	C/S passed as amended		
S 327	C/S passed		
S 330	Iden./Sim. House Bill substituted passed, refer to C/S HB 324		
S 344	C/S passed as amended		
S 360	Iden./Sim. House Bill substituted passed, refer to C/S HB 228		
S 379	Iden./Sim. House Bill substituted passed, refer to HB 410		
S 442	Iden./Sim. House Bill substituted passed, refer to HB 1051		

The Senate met from 9 a.m. until 12 noon and from 2 p.m. until 5 p.m.

INTRODUCTION AND REFERENCE OF BILLS

First Reading

The following bill is offered for introduction. This constitutes first reading as provided in Article III, Section 7 of the Constitution and the bills are referred as indicated.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1061 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Governmental Operations and Representative Sheldon and others—

CS for HB 1061—A bill to be entitled An act relating to state government; creating ss. 112.3185, 287.001, 287.0125, 287.058, Florida Statutes, and amending ss. 287.012(3), 287.032, 287.042 (4), (5), (8), and (10), and 287.057, Florida Statutes, 1980 Supplement, expanding provisions relating to the procurement of contractual services by the Department of General Services; providing for representation of the state in legal matters by the Department of Legal Affairs; providing for ethical considerations in the procurement of contractual services; providing duties of the Division of Purchasing; providing a penalty; establishing competitive bidding and sealed proposal procedures; providing for the content of contract documents; amending s. 216.023, Florida Statutes, to include requests for contractual services within provisions relating to agencies' budgets; amending s. 20.19(13), Florida Statutes, 1980 Supplement, providing for the procurement of services by the Department of Health and Rehabilitative Services for individual clients, and providing for repeal and legislative review; amending section 11 of chapter 80-374, Laws of Florida, relating to contractual services, to delay the effective date of the act; providing an effective date.

—was referred to the Committee on Governmental Operations.

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn

Excused: Senators Gordon, Johnston, Hair, Jenne, Margolis, Tobiasen, Grizzle, McKnight, Maxwell, Kirkpatrick, McClain, Stuart and Vogt, conferees and alternates on HB 1200, periodically; Senators Thomas, Skinner, Scott, Peterson and Johnston, periodically, to confer with members of the House of Representatives on HB 1200.

Prayer by Senator Peterson:

Dear God in Heaven, we bow our heads and humble ourselves before thy great presence. We ask for thy presence to be in every heart this morning. We ask you to help us remember why we are here. We thank you for this occasion. We thank you for giving us control over this moment in the lives of the Senate of Florida and the people of Florida. We thank you for that opportunity and ask that you would remind us always that you are our Lord and that you should be ruler of all things that we do. We ask this in Christ's name. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, June 4, 1981: CS for SB 335, SB 145, SB 310, SB 201, CS for SB 915, CS for SB 394, CS for SB 873, CS for SB 214, CS for SB 148, CS for SB 398, CS for SB 129, CS for SB 603, SB 929, HB 136, CS for SB 761, HB 602, CS for Senate Bills 664 and 666, CS for Senate Bills 656, 336 and 586, CS for SB 867, CS for SB 919, SB 500, SB 230, HB 147, HB 1116, HB 107, HB 327, CS for SB 347, CS for SB 1089, SB 430, CS for SB 1072, CS for SB 1034, SB 943, CS for SB 841, SB 517, SB 996, HB 467, SB 893, HB 338, HB 542, SB 1062, SB 925, SB 928, SB 984, SB 685, CS for SB 793, SB 760, SB 564, CS for SB 944, SB 475, SB 1014, SB 951, SB 972, CS for SB 1058, HB 925, SB 341, CS for HB 251, SB 443, SB 502, SB 713, SB 814, SB 1012, SB 473, SB 481, CS for CS for SB 689, CS for SB 771, CS for Senate Bills 46 and 53, SB 732, SB 330

Respectfully submitted,
Edgar M. Dunn, Jr., Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for 3:00 p.m.,

Thursday, June 4, 1981: SB 928, SB 34, SB 115, SB 273, CS for SB 314, CS for CS for SB 327, SB 330, CS for SB 360, SB 442, CS for SB 448, SB 473, SB 500, SB 542, SB 565, CS for SB 588, CS for SB 616, SB 776, CS for SB 793, SB 803, SB 814, SB 869, CS for SB 870, SB 872, CS for SB 873, SB 881, SB 893, SB 946, SB 952, SB 974, SB 1009, SB 1011, SB 1012, CS for SB 1016, SB 1062, SB 1083, HB 136, HB 327, HB 780, HB 806, HB 1226

Respectfully submitted,
Edgar M. Dunn, Jr., Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Revised Special Order Calendar for Thursday p.m., June 4, 1981: SB 612, CS for SB 515, CS for SB 606, CS for SB 589, CS for SB 915, CS for SB 841, HB 1047, HB 1092, HB 1093, SB 500, SB 524, CS for SB 409, SB 822, HB 245, HB 607, SB 935, CS for SB 753, SB 1070, CS for SB 854, CS for SB 512, CS for SB 335, SB 145, SB 310, SB 201, CS for SB 394, CS for SB 873, CS for SB 214, CS for SB 148, CS for SB 398, CS for SB 129, SB 862, CS for SB 603, SB 929, HB 136, CS for SB 761, HB 602, CS for Senate Bills 664 and 666, CS for SB 1019, CS for Senate Bills 656, 336 and 586, CS for SB 867, CS for SB 919, SB 230, HB 147, HB 470, HB 1116, HB 107, HB 327, CS for SB 347, CS for SB 1089, SB 430, CS for SB 1072, CS for Senate Bills 1034 and 987, SB 180, CS for SB 529, SB 517, SB 996, HB 467, SB 893, HB 338, HB 542, SB 1062, SB 925, SB 928, SB 984, SB 685, CS for SB 793, SB 760, SB 564, CS for SB 944, SB 475, SB 1014, SB 951, SB 972, CS for SB 1058, HB 925, SB 341, CS for HB 251, SB 443, SB 502, SB 713, SB 814, SB 1012, SB 473, SB 481, CS for Senate Bills 46 and 53, SB 732, SB 330

Respectfully submitted,
Edgar M. Dunn, Jr., Chairman

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 1202, HB 1203

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 1201

The bill was placed on the calendar.

The Committee on Economic, Community and Consumer Affairs recommends the following not pass: HB 1029

The bill was laid on the table.

Bills Placed on Special Order

On motions by Senator Barron, by two-thirds vote Senate Bills 771 and 689 were established as a special and continuing order for 10:30 a.m.

On motion by Senator Jenne, by two-thirds vote—

CS for CS for HB 1095—A bill to be entitled An act relating to juveniles; amending s. 39.08(1) and (2), Florida Statutes, 1980 Supplement, authorizing the court, after a petition for delinquency has been filed, to order the child to be evaluated by a county school system or a Department of Health and Rehabilitative Services educational needs assessment team; providing for mandatory educational needs assessment after adjudication; amending s. 39.09(3)(b) and (f), Florida Statutes, 1980 Supplement, requiring the court to order an educational evaluation of the child to be included in the predispositional report; including remedial educational treatment within a list of alternative community-based sanctions the court may order when the court determines not to adjudicate and commit to the department; amending s. 39.01(8), Florida Statutes, 1980 Supplement, redefining "child who has committed a delinquent act"; to remove the exemption for juvenile traffic offenses; court jurisdictions over traffic offenses; amending s. 39.02(1) and (2), Florida Statutes, 1980 Supplement, clarifying court jurisdiction over juvenile traffic offenses; amending s. 39.03(1)(c), Florida Statutes, 1980 Supplement, reducing the period of detention care for certain violations pending a detention hearing; amending s. 39.031(4), Florida Statutes, 1980 Supplement, to conform language concerning traffic offenses; amending s. 39.032, Florida Statutes, limiting the circumstances in which the intake officer may

authorize detention care and providing circumstances in which the state attorney may authorize detention care; changing the circumstances in which detention care is authorized; reducing the period of detention care prior to a pre-detention hearing; deleting the required consideration of the least restrictive alternative disposition; authorizing the state attorney to authorize release from secure detention; authorizing the court to order continued detention or release from detention; amending s. 39.04, Florida Statutes, 1980 Supplement, requiring notification of the victim and the investigating law enforcement agency for certain disposition of a child alleged to have committed a delinquent act; amending s. 39.05(7)(a), Florida Statutes, 1980 Supplement, deleting reference to s. 39.01(21); amending s. 39.12(3), Florida Statutes, 1980 Supplement, deleting reference to s. 39.01(21); amending s. 316.635, Florida Statutes; clarifying county court jurisdiction over traffic offenses; providing circumstances in which a minor may be transported; providing circumstances for which a minor may be taken into custody pursuant to Florida law pertaining to arrest and released or detained for a traffic offense; amending s. 316.655(4), Florida Statutes; providing sanctions for the court to impose on a minor convicted of certain traffic offenses; amending s. 959.15(1), Florida Statutes, 1980 Supplement, conforming to the act provisions relating to certain acts of children committed to the Department of Health and Rehabilitative Services; repealing ss. 39.01(21), 39.11(1)(f), and 316.630, Florida Statutes, 1980 Supplement, relating to juvenile traffic offenses and jurisdiction with respect thereto; providing appropriations; providing effective dates.

—was placed on the special order calendar and by unanimous consent taken up instanter.

CS for CS for HB 1095 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Hair	Lewis	Skinner
Anderson	Henderson	Margolis	Steinberg
Barron	Hill	Maxwell	Stevens
Beard	Jenkins	McClain	Stuart
Carlucci	Jenne	McKnight	Trask
Childers, D.	Jennings	Neal	Vogt
Dunn	Johnston	Peterson	Winn
Frank	Kirkpatrick	Rehm	
Grizzle	Langley	Renick	

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Stuart, by two-thirds vote House Bills 1047, 1092 and 1093 were withdrawn from the Committee on Governmental Operations.

On motions by Senator Maxwell, by two-thirds vote Senate Bills 641, 55, 954 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Anderson, by two-thirds vote SB 733 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator McKnight, by two-thirds vote SB 707 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Dunn, the rules were waived and the Committee on Economic, Community and Consumer Affairs was granted permission to consider House Bills 1201, 1202, 1203 and 1029 from 1:30 p.m. to 2:00 p.m. this day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The message containing SB 633 was referred to the Committee on Governmental Operations.

The message containing SB 700 was referred to the Committee on Commerce.

The Honorable W. D. Childers, President

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

CS for SB 97—A bill to be entitled An act relating to prison industries; authorizing the Department of Corrections to lease

the facilities of the prison industries program to a nonprofit corporation organized solely for certain specified purposes; specifying the contents of the lease or agreement between the department and the corporation; providing conditions under which industry facilities may be increased, remodeled, or renovated; providing for the transfer of appropriated and trust funds; providing for annual status reports on the lease of industrial facilities; providing for disbursement of wages earned by inmates who are employed on the grounds of correctional facilities; providing for legislative consideration of tax incentive proposals; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 3, line 5, strike “facilities” and insert: institutions

House Amendment 2—On page 3, line 8, insert after the period: If the Department of Corrections negotiates with the corporation to lease a single industry program at a correctional institution, the corporation shall lease and operate all industry programs at that institution.

House Amendment 3—On page 3, line 11, strike the period and insert: , however, no lease shall be entered into without demonstrating to the Department of Corrections that there are sufficient funds available to the corporation, through donations and pledges, to cover initial expenses.

House Amendment 4—On page 4, line 17, insert: (4) Upon the request from the Department of Corrections, the corporation shall provide the department with technical and sales assistance for those industry programs that the department continues to operate.

(Renumber subsequent sections.)

House Amendment 5—On page 4, strike lines 25-28, and insert: (5) Upon submission of a lease proposal by the corporation, the department shall negotiate in good faith in an attempt to reach and enter into an appropriate agreement for the transfer of the facilities proposed by the corporation. The

House Amendment 6—On page 5, line 20, insert: (8) The corporation shall submit to the Legislature, before January 1 of each year, a report, including but not limited to the following; an evaluation of the programs transferred to the corporation, a listing of the inmates employed by the corporation, an annual financial statement and other information as requested by the Legislature.

House Amendment 7—On page 5, line 23, strike “facility” and insert: institution

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

CS for SB 97 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Henderson	McClain	Steinberg
Anderson	Hill	McKnight	Stevens
Barron	Jenkins	Neal	Stuart
Carlucci	Jenne	Peterson	Tobiassen
Childers, D.	Jennings	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Winn
Grizzle	Margolis	Scott	
Hair	Maxwell	Skinner	

Nays—None

Vote after roll call:

Yea—Lewis

The bill was ordered engrossed and then enrolled.

The Senate stood in informal recess at 9:20 a.m.

The Senate was called to order by the President at 9:29 a.m. A quorum present.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES, resumed

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments to House Amendment 1 to CS for SB 239 and requests the Senate to recede.

CS for SB 239—A bill to be entitled An act relating to legislative review of programs and functions; amending s. 11.61, Florida Statutes; amending s. 11.6105, Florida Statutes, 1980 Supplement; providing legislative intent; repealing various provisions of law relating to the regulation of professions, occupations, businesses, industries, or other endeavors; providing for review of such provisions prior to repeal; providing for periodic review of programs which are continued, reestablished, or created; prescribing criteria to be used in such review; providing for the appointment of a joint committee of the Legislature; prescribing the powers and duties of such committee; providing for the abolition of units of government and reversion of funds; providing for refund of fees; preserving certain causes of action; providing for effect on pending prosecutions, investigations, or disciplinary actions; repealing chapters 76-168, 77-237, and 77-457, Laws of Florida, relating to the Regulatory Reform Act of 1976; repealing various provisions of the Laws of Florida, which repeal various laws relating to the regulation of professions, occupations, businesses, industries, or other endeavors and which require such laws to be reviewed pursuant to the Regulatory Reform Act of 1976; providing severability; providing an effective date.

Allen Morris, Clerk

On motions by Senator Stuart, the Senate receded from the Senate amendments to the House amendment. CS for SB 239 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Hair	McClain	Steinberg
Barron	Henderson	McKnight	Stevens
Beard	Hill	Neal	Stuart
Carlucci	Jenkins	Peterson	Thomas
Childers, D.	Johnston	Poole	Trask
Dunn	Langley	Rehm	Vogt
Frank	Lewis	Renick	Ware
Gordon	Margolis	Scott	Winn
Grizzle	Maxwell	Skinner	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, 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 1086 and requests the Senate to recede.

Allen Morris, Clerk

HB 1086—A bill to be entitled An act relating to education; amending ss. 236.37(3), 236.55, 237.071(3) and 237.34(3)(b), Florida Statutes, deleting obsolete statutory references and inserting current statutory references; amending ss. 236.68, 237-151(1) and (3)(b), and 237.171(4)(a), Florida Statutes, relating to maximum interest rates on certain government bonds, notes or indebtedness; amending s. 237.111, Florida Statutes, clarifying language with respect to school budgets; amending s. 237-161(1) and (5), Florida Statutes, providing certain purposes for which district school may obtain loans; providing an effective date.

On motion by Senator Stevens, the Senate receded from the Senate amendments. HB 1086 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dunn	Jennings	Maxwell
Anderson	Grizzle	Johnston	McClain
Barron	Hair	Kirkpatrick	McKnight
Beard	Henderson	Langley	Neal
Carlucci	Hill	Lewis	Peterson
Childers, D.	Jenkins	Margolis	Rehm

Renick	Steinberg	Thomas	Ware
Scott	Stevens	Trask	Winn
Skinner	Stuart	Vogt	

Nays—None

The Honorable W. D. Childers, President

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

Allen Morris, Clerk

SB 189—A bill to be entitled An act relating to the duties of school attendance assistants; amending s. 232.17(2)(h), Florida Statutes; prescribing times for making reports to the school board of all service performed; providing an effective date.

House Amendment 4—On page 1, line 9, after the colon (:): insert: Section 1. Paragraph (a) of subsection (2) of section 231.40, Florida Statutes, 1980 Supplement, is amended to read:

231.40 Sick leave.—

(2) PROVISIONS GOVERNING SICK LEAVE.—The following provisions shall govern sick leave:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis shall be entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which shall not be used prior to the time it is earned and credited to the member. However, the member shall be entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. Such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave a member of the instructional staff may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A school board may establish policies and prescribe standards to permit a member of the instructional staff to be absent 4 days each school year for personal reasons. However, such absences for personal reasons shall be charged only to accrued sick leave, and leave for personal reasons shall be noncumulative.

3. A school board may establish policies to provide terminal pay for accumulated sick leave to any employee of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his beneficiary. However, such terminal pay shall not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During the next 3 years and after the 10th year of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 20th year of service, the daily rate of pay multiplied by 100 per-cent of the number of days of accumulated sick leave.

(Renumber subsequent sections.)

House Amendment 5—In title on page 1, line 3, after the semicolon (;) insert: amending s. 231.40(2)(a), F.S., 1980 Supplement, authorizing full payment for unused sick leave upon termination under certain circumstances;

House Amendment 6—On page 1, line 9, after the colon insert: Section 1. Paragraph (g) of subsection (10) of section 230.23, Florida statutes, 1980 supplement, is 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:

(10) FINANCE.—Take steps to assure children adequate educational facilities through the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(g) Approval and payment of accounts.—*Implement a system of accounting and budgetary control to insure that payments do not exceed amounts budgeted. Approve and pay monthly all accounts; keep all payments within the amounts specified in the budget, as required by law; make available all records for proper audit by state officials; have prepared required periodic statements showing receipts, balances, and expenditures to date and require a copy of each such statement to be filed with the Department of Education as provided by rules regulations of the state board.*

Section 2. Paragraph (g) of subsection (12) of section 230.33, Florida Statutes, 1980 Supplement, is 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 doing so he shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule 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.

(12) FINANCE.—*Maintain accurate and current statements of accounts due to be paid by the school board; certify these statements as correct, and liquidate board obligations in accordance with the official budget and rules of the school board; 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; and prepare periodic reports as required by rules of the state board, showing receipts, balances, and disbursements to date, and file copies of such periodic reports with the Department of Education.*

(Renumber subsequent sections.)

House Amendment 7—In title on page 1, line 3, after the semicolon insert: amending s. 230.23(10)(g), Florida Statutes, 1980 Supplement, to provide for a system of accounting and budgetary control; amending s. 230.33(12)(g), Florida Statutes, 1980 Supplement, to provide for the maintenance of account statements and for the liquidation of obligations;

On motions by Senator Margolis, the Senate receded from the Senate amendments. SB 189 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Henderson	McClain	Stuart
Anderson	Hill	McKnight	Thomas
Barron	Jenkins	Neal	Tobiassen
Beard	Jenne	Peterson	Trask
Carlucci	Jennings	Rehm	Vogt
Childers, D.	Johnston	Renick	Ware
Dunn	Kirkpatrick	Scott	Winn
Gordon	Langley	Skinner	
Grizzle	Lewis	Steinberg	
Hair	Margolis	Stevens	

Nays—None

On motion by Senator Margolis, the Senate reconsidered the vote by which SB 189 as amended passed.

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

SB 189 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Hair	Margolis	Stevens
Anderson	Henderson	McClain	Stuart
Barron	Hill	McKnight	Thomas
Beard	Jenkins	Neal	Tobiassen
Carlucci	Jenne	Peterson	Trask
Childers, D.	Jennings	Rehm	Vogt
Dunn	Johnston	Renick	Ware
Frank	Kirkpatrick	Scott	Winn
Gordon	Langley	Skinner	
Grizzle	Lewis	Steinberg	

Nays—None

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER

Senator Stuart presiding

HB 64—A bill to be entitled An act relating to instructional materials; amending s. 233.37, Florida Statutes, to provide for district school board rules for the disposal of certain instructional materials; providing an effective date.

—was taken up with pending Amendment 1:

Amendment 1—On page 1, between lines 28 and 29, insert: Section 2.

The Department of Education is herein directed to implement the including of the Theory of Scientific Creationism in all instructional materials that deal with the origins of the universe and life.

(1) Scientific Creationism means the scientific evidence for creation and inferences from such scientific evidence.

(2) "Creation" includes belief in:

(a) Special creation of the universe and life.

(b) The insufficiency of mutation and natural selection in bringing about progressive evolution.

(c) Fixity of originally created kinds of plants and animals.

(d) Distinct ancestry for man and apes.

(e) Explanation of the earth's geology by catastrophism, including the occurrence of a worldwide flood.

(f) A relatively recent inception of the earth and living kinds.

(3) "Scientific evidence" for creation includes, but is not necessarily limited to:

(a) The sudden appearance of complex living forms in the fossil record.

(b) The harmful nature of most or all mutations, the tautologous nature of natural selection, the application of the law of entropy to prevent development from lesser order to greater order, and the mathematical improbability of evolution of complex living forms.

(c) The systematic absence of transitional forms between kinds in the evolutionary chain.

(d) The reasons for identification of presumed missing links as the same as either modern men or modern apes.

(e) The occurrences of geologic layers with fossils of a presumably earlier or later geologic age, and the past occurrence of catastrophic events in causing mass extinctions and ending the worldwide temperate climate.

(f) Identification of the assumptions of radiometric dating methods that support an ancient age for the earth and life and description of alternate dating methods that support a younger age.

(Renumber subsequent section.)

Senator Frank raised a point of order that Amendment 1 was not germane to HB 64. Further consideration of HB 64 was deferred.

The Presiding Officer requested Senator Dunn to examine the amendment and advise the Chair.

Senator Dunn subsequently advised the Chair that he had examined the amendment to HB 64 and suggested that it was not germane.

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

On motion by Senator Lewis, by two-thirds vote HB 64 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Jennings	McClain	Stevens
Beard	Johnston	McKnight	Stuart
Childers, D.	Kirkpatrick	Neal	Tobiasen
Dunn	Langley	Peterson	Trask
Frank	Lewis	Poole	Vogt
Grizzle	Margolis	Renick	
Henderson	Maxwell	Steinberg	

Nays—None

On motions by Senator Frank, the rules were waived and by two-thirds vote CS for HB 701 was withdrawn from the Committees on Education and Governmental Operations.

On motion by Senator Frank—

CS for HB 701—A bill to be entitled An act relating to postsecondary education; adding paragraph (o) to s. 229.053(2), Florida Statutes; authorizing the State Board of Education to contract with certain independent institutions to provide certain programs and facilities; creating ss. 240.145 and 240.147, Florida Statutes; creating the Postsecondary Education Planning Commission and providing for its membership; providing for an executive director; providing for travel expenses; providing powers and duties of the commission; providing for a master plan for postsecondary education; repealing s. 240.209(3)(i), Florida Statutes, relating to power of Board of Regents to contract with independent institutions for provision of programs to meet needs unfulfilled by the State University System; providing for review and repeal in accordance with the Sundown Act; providing an effective date.

—a companion measure was substituted for SB 735 and read the second time by title.

Senator Maxwell moved the following amendment which was adopted:

Amendment 1—On page 2, line 20, insert after "public.": One of which shall be a full-time student representing the postsecondary education system of the State of Florida. The student shall be appointed to the next vacancy.

Further consideration of CS for HB 701 was deferred.

On motion by Senator Frank, the Senate reverted to the consideration of—

SB 735—A bill to be entitled An act relating to postsecondary education; creating s. 240.145, Florida Statutes; creating the Postsecondary Education Planning Commission; providing for membership, meetings, removal of members, appointment of an executive director, and travel and per diem expenses; providing powers and duties of the commission; repealing s. 240.209(3)(i), Florida Statutes, relating to contracts with independent institutions; redesignating s. 229.053(2)(e)-(n), Florida Statutes, and adding a new paragraph (e) to said subsection; expanding powers and duties of the State Board of Education; providing an effective date.

—which was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Frank and adopted:

Amendment 1—On page 2, line 19, insert: and one of which shall be a full-time student representing the Postsecondary Education system of the State of Florida. The student shall be appointed to the next vacancy.

Amendment 2—On page 2, line 25, strike "and three shall hold four year terms." and insert: three shall hold four year

terms, and the student shall serve for a term of one year. The student member shall be selected annually with the qualification that he be a registered full-time student at a postsecondary education institution as defined in Chapter 230, Florida Statutes, relating to public area vocational-technical centers, Chapter 240, Florida Statutes, re public community colleges and universities, and Chapter 246, Florida Statutes, re non-public colleges, universities, and vocational schools.

On motion by Senator Frank, by two-thirds vote SB 735 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Hill	McKnight	Stuart
Anderson	Jenne	Neal	Thomas
Barron	Jennings	Peterson	Tobiasen
Beard	Johnston	Poole	Trask
Childers, D.	Kirkpatrick	Rehm	Vogt
Dunn	Langley	Renick	Ware
Frank	Lewis	Scott	Winn
Grizzle	Margolis	Skinner	
Hair	Maxwell	Steinberg	
Henderson	McClain	Stevens	

Nays—2

Carlucci Johnston

Consideration of SB 513 was deferred.

HB 157—A bill to be entitled An act relating to condominiums; amending s. 718.111(9)(b), Florida Statutes, 1980 Supplement; requiring hazard insurance policies to insure specified items of the individual units; providing an effective date.

—was read the third time by title.

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

Amendment 1—On page 1, between lines 25 and 26, insert: Section 2. Paragraph (1) of subsection (2) of section 718.112, Florida Statutes, 1980 Supplement, is amended to read:

718.112 Bylaws.—

(2) The bylaws shall provide for the following, and if they do not do so, shall be deemed to include the following:

(1) The fidelity bonding of all officers or directors of any association existing on or after October 1, 1978, who control or disburse funds of the association in the principal sum of not less than \$10,000 for each such officer or director. The association shall bear the cost of bonding. This paragraph shall not apply to associations operating a condominium consisting of 50 units or less; however, any condominium association may bond any officer of the association, and said association shall bear the cost of bonding.

(Renumber subsequent section.)

Senator Henderson moved the following amendment which was adopted:

Amendment 2—In title on page 1, line 6, after the word "units;" insert: amending s. 718.112(2)(1), Florida Statutes, 1980 Supplement; providing a specified minimum sum for fidelity bonds required of certain officers or directors of condominium associations;

On motion by Senator Henderson, by two-thirds vote HB 157 as amended was read by title, passed, and certified to the House. The vote on passage was:

Yeas—35

Anderson	Childers, D.	Grizzle	Hill
Beard	Dunn	Hair	Jenkins
Carlucci	Frank	Henderson	Jenne

Jennings	Maxwell	Renick	Tobiassen
Johnston	McClain	Scott	Trask
Kirkpatrick	McKnight	Skinner	Vogt
Langley	Neal	Steinberg	Ware
Lewis	Poole	Stevens	Winn
Margolis	Rehm	Stuart	

Nays—None

Vote after roll call:

Yea—Peterson

SB 485 was laid on the table.

HB 486—A bill to be entitled An act relating to financial institutions; creating s. 655.034, Florida Statutes, providing for injunctions; amending s. 655.045(3)(b), Florida Statutes, 1980 Supplement, deleting reference to periodic examination; providing an implementation schedule for semiannual fees paid by credit unions to the Department of Banking and Finance; amending s. 658.18(2)(b), Florida Statutes, 1980 Supplement, providing that unexpended organization funds may be transferred to undivided profits upon issuance of a charter; amending s. 658.19, Florida Statutes, 1980 Supplement, deleting the requirement that each stock subscriber file a sworn statement that he subscribes in his own right; providing that the name and address of proposed key officers must be filed with the application only if known; deleting the requirement that certain persons file with the department a complete set of fingerprints; creating s. 658.391, Florida Statutes, requiring banks to publish a statement of assets and liabilities; amending s. 658.42(1), Florida Statutes, 1980 Supplement, requiring that the board of directors of each constituent bank approve a plan of merger; amending s. 658.67, Florida Statutes, 1980 Supplement, limiting investments up to specified amounts of capital accounts; amending s. 663.05(1)(e), Florida Statutes, 1980 Supplement, requiring that an application for a license by an international banking corporation must show the total amount of its capital accounts and must include a detailed financial statement as of a date within 180 days prior to the application, which may be extended to 240 days within the discretion of the department; amending s. 665.0201(3)(e), (f) and (g), Florida Statutes, 1980 Supplement, deleting the requirement that certain persons file with the department a complete set of fingerprints; amending s. 665.027(1), Florida Statutes, 1980 Supplement, eliminating the 60-day delay prior to opening a savings association for business; amending s. 662.02(2), Florida Statutes, 1980 Supplement, redefining "bank services"; amending s. 662.06, Florida Statutes, 1980 Supplement, permitting bank service corporations to serve all financial institutions; repealing s. 665.034(3), Florida Statutes, deleting the requirement that certain persons file with the department a complete set of fingerprints; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was taken up with pending Amendment 3.

Amendment 3—On page 11, between lines 16 and 17, insert a new section 12 to read: Section 12. Subsection (8) of section 665.0731, Florida Statutes, 1980 Supplement, is amended to read:

665.0731 Real estate loan plans.—Real estate loans eligible for classification under the real estate loan requirement of s. 665.0711 may be written upon the following plan, or upon any other loan plan approved by the department:

(8) (a) *Acceleration Clauses.*—~~Legislative Intent.~~ It is the intent of the Legislature to provide parity for state-chartered associations operating pursuant to this chapter with federal associations with respect to acceleration clauses in real estate loan contracts. Therefore, *state-chartered associations continue to have the power to include in any mortgage instrument an acceleration clause which is entitled to enforcement in the courts of this state in accordance with the fair meaning of its terms and principles of equity. The Legislature further intends to provide express authority for certain acceleration provisions in mortgage instruments which an association may enforce upon the sale or transfer of the property encumbered by the mortgage or, as a condition for the waiver of such right, may insist upon the transferee's agreement to an increase in the interest rate payable on the debt secured by the mortgage.*

(b) *An association may condition its consent to any sale or transfer of the property upon an agreement by the transferee that the interest on the debt secured by the mortgage shall be payable at a rate requested by the association, if such condition is expressly included in the mortgage instrument. Upon such agreement, the association shall release the original mortgagor from all obligations under the mortgage and any note secured by it, and the association shall be deemed to have made a new loan to the transferee.*

(c) *If the transferee does not agree to pay a higher rate of interest or other consideration requested by the association and the association elects to accelerate the debt pursuant to the terms of the mortgage, no prepayment penalty may be charged if the debt is paid in full within 3 months after the failure to agree to a higher rate of interest.*

(d) *For purposes of this subsection an agreement or contract for deed shall be deemed a sale or transfer of the property. The following events or occurrences shall not be deemed a sale or transfer:*

(1.) *The creation of a lien or other encumbrance subordinate to the lender's mortgage.*

(2.) *A transfer by devise, descent or operation of law upon the death of a joint tenant or pursuant to a court order entered in proceedings for the dissolution of the marriage of tenants by the entirety.*

(3.) *The grant of any leasehold interest.*

(4.) *A transfer to a spouse or relative removed by not more than three degrees of consanguinity.*

(e) *An acceleration clause which complies substantially with the provisions of paragraphs (b), (c) and (d) shall not be considered an unreasonable restraint on alienation and shall be enforceable according to its terms in the courts of this state.*

(f) *This subsection shall apply in all judicial proceedings in which the provisions of any mortgage instrument may be construed, regardless of the date on which such mortgage was executed. If federal associations domiciled within this state should lose the right to include such a provision in a real estate lien contract, then associations operating under this chapter shall be prohibited from including such a provision in real estate loan contracts.*

(Renumber subsequent sections.)

Senator Lewis moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—On page 3, lines 6 and 7, strike "regardless of the date on which such mortgage was executed" and insert: *provided however this subsection shall apply only to mortgage instruments executed after October 1, 1981*

The vote was:

Yeas—25

Beard	Jennings	Poole	Tobiassen
Carlucci	Kirkpatrick	Renick	Trask
Childers, D.	Langley	Scott	Vogt
Dunn	Lewis	Skinner	Winn
Frank	Margolis	Steinberg	
Grizzle	Maxwell	Stevens	
Hill	McClain	Thomas	

Nays—12

Anderson	Hair	McKnight	Rehm
Barron	Jenne	Neal	Stuart
Gordon	Johnston	Peterson	Ware

Vote after roll call:

Yea—Jenkins

Further consideration of HB 486 was deferred.

On motion by Senator Barron, by two-thirds vote SB 943 was placed at the beginning of the special and continuing order to be taken up at 10:30 a.m.

On motion by Senator Thomas, by two-thirds vote HB 144 was withdrawn from the Committee on Commerce.

On motion by Senator Thomas—

HB 144—A bill to be entitled An act relating to the Florida Human Rights Act; amending s. 23.167(8)(b), Florida Statutes; prohibiting involuntary retirement for reasons other than ability to perform a job; providing that certain rejection or termination of employment shall not be unlawful; providing an effective date.

—a companion measure, was substituted for SB 943 and read the second time by title.

Senator Tobiasen moved the following amendment which failed:

Amendment 1—On page 1, lines 22 and 22, strike “a retirement, pension, or insurance plan” and insert: *an employee contributory retirement, pension, or insurance plan*,

On motion by Senator Thomas, by two-thirds vote HB 144 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Hill	McClain	Skinner
Barron	Jenne	McKnight	Steinberg
Beard	Jennings	Neal	Stuart
Childers, D.	Johnston	Peterson	Tobiasen
Dunn	Kirkpatrick	Poole	Trask
Frank	Langley	Rehm	Vogt
Grizzle	Margolis	Renick	Ware
Henderson	Maxwell	Scott	Winn

Nays—None

Vote after roll call:

Yea—Carlucci

SB 943 was laid on the table.

By the Committee on Appropriations and Senators Dunn, Stuart and Thomas—

CS for CS for SB 689—A bill to be entitled An act relating to retirement; adding paragraph (e) to s. 112.05(2), Florida Statutes, 1980 Supplement, and amending subsection (4)(a) thereof; providing a graduated supplementary cost-of-living adjustment for certain retired state officers and employees; increasing the number of hours for which certain retired persons may be reemployed without losing benefits; amending s. 112.362(6), Florida Statutes, 1980 Supplement; to delete the requirement that general revenue funds be used to pay a portion of the minimum benefits; amending s. 121.052(4)(a), (5)(a), (6)(a), Florida Statutes, 1980 Supplement, and adding new paragraphs (d), (e), and (f) to subsection (4); providing increased employer contribution rates and increased retirement credit for certain classifications of the Elected State Officers' Class; amending s. 121.071(2), Florida Statutes; providing increased employer contribution rates; adding a new subsection (4) to s. 121.101, Florida Statutes, 1980 Supplement; providing a graduated supplementary cost-of-living adjustment for certain retired members of the Florida Retirement System and other existing state-supported retirement systems; adding paragraph (c) to s. 238.171(3), Florida Statutes; providing a graduated supplementary cost-of-living adjustment for certain incapacitated teachers receiving allowances from the state; adding subsection (4) to s. 291.325, Florida Statutes; providing a supplementary cost-of-living adjustment for persons receiving Confederate pensions; providing appropriations; amending ss. 121.09(9)(b), 122.16(2)(a) and 238.181(2)(a), Florida Statutes, 1980 Supplement, increasing the number of hours that may be worked without penalty by certain retired persons; providing that retirees exceeding statutory limitations on employment after retirement shall be entitled to regular retirement benefits; providing an effective date.

—was read the first time by title and SB 689 and CS for SB 689 were laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for CS for SB 689 was read the second time by title.

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

Amendment 1—On pages 4-6, after line 9, strike all of section 3 and insert: Section 3. Paragraph (c) of subsection (1) and paragraphs (a) and (b) of subsection (4) of section 121.052, Florida Statutes, 1980 Supplement, are amended, paragraph (d) of subsection (4) is redesignated as paragraph (g), and new paragraphs (d) and (e), are added to subsection (4), to read:

121.052 Membership class of certain elected state officers.—
(1)

(c)1. Any legislator elected to office after July 1, 1980, who is a participant, or is intending to participate, in any plan qualified under Subchapter D, Chapter 1, Subtitle A of the Internal Revenue Code of 1954, as amended and in effect on January 1, 1979, shall have the option of participating in the Elected State Officers' Class of the Florida Retirement System or not participating in the Florida Retirement System in any manner. Any legislator so elected shall have a period of 6 months, commencing with the date of election, to notify the administrator, in writing, of his desire to withdraw from the Elected State Officers' Class; unless and until such time as said legislator makes timely withdrawal herein, he shall be a participant in the Elected State Officers' Class.

2. Any legislator elected to office on or before July 1, 1980, who is a member of the Florida Retirement System shall remain in the system unless such legislator is a participant, or is intending to participate, in any plan qualified under Subchapter D, Chapter 1, Subtitle A of the Internal Revenue Code of 1954, as amended and in effect on January 1, 1979, and unless, prior to January 1, 1981, such legislator indicates to the administrator his desire to withdraw from participation in any class of the Florida Retirement System.

3. Upon receipt of a request from a legislator to withdraw from participation or upon the election of the legislator to withdraw from the Florida Retirement System pursuant to subparagraph 1., the administrator shall refund all moneys contributed by the legislator to the system during his period of participation in the system, unless the legislator has a vested right under the Florida Retirement System, in which case the member shall not receive a refund of contributions.

4. Any legislator who has withdrawn from the Florida Retirement System pursuant to this paragraph, shall be permitted to rejoin the Elected State Officers' Class of said system upon written request to the administrator. Credit for prior service, based on the period for which refunds were received pursuant to subparagraph 3. of this paragraph, shall be received by legislators who rejoin the system upon payment to the system trust fund an amount equal to the amount of contributions refunded to the legislator pursuant to subparagraph 3. of this paragraph plus 6.5 percent interest, compounded annually. Credit for prior service based on the period during which the legislator had withdrawn from the system, and for which no contributions were made, shall be received by the legislator upon payment to the system trust fund an amount equal to the contribution required under the contribution rate in effect during the period of withdrawal for which credit is being purchased, plus 6.5 percent interest, compounded annually; provided, the payment of the total of such amount shall be made by the employer and the member in the relative proportions provided by law for contributions during the period of withdrawal.

(4)

(a)1. From and after October 1, 1978, and except as provided in this subsection ~~paragraph (b)~~, the employer paying the salary of a member of the Elected State Officers' Class shall withhold 8 percent of his gross salary, which shall constitute the contribution of said member with respect to retirement and other benefits payable to members of this class, and one-half of the entire contribution of the member required for social security coverage. The employer withholding such contributions shall set aside the funds necessary to pay the matching contributions required pursuant to s. 121.061 and shall contribute an amount equal to 10.57 percent of such member's gross compensation and one-half of the entire contribution with respect to the member's social security coverage.

2. From and after October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a legislator shall contribute an amount equal to 19.30 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(b)1. From and after October 1, 1978, the employer paying the salary of any member of the Elected State Officers' Class who is a Governor, Lieutenant Governor, Cabinet officer, Supreme Court justice, district court of appeal judge, circuit judge, county court judge, state attorney, public service commissioner, or public defender shall contribute an amount equal to 16.78 percent of such member's gross compensation and shall withhold 4 percent of such member's gross compensation, the sum of which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage. Effective July 1, 1979, any member of the Elected State Officers' Class who is a public service commissioner shall be removed from this class, shall become a regular member on that date, and shall be subject to the contribution provisions of s. 121.071 which pertain to regular members.

2. From and after October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is Governor, Lieutenant Governor, or a Cabinet officer shall contribute an amount equal to 21.03 percent of such member's gross compensation, which shall constitute the entire contribution with respect to such member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(d) Effective October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall contribute an amount equal to 22.55 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

(e) Effective October 1, 1981, the employer paying the salary of any member of the Elected State Officers' Class who is a state attorney or public defender shall contribute an amount equal to 20.95 percent of that member's gross compensation, which shall constitute the entire contribution with respect to that member. The employer shall, however, withhold one-half of the entire contribution of the member required for social security coverage.

Amendment 2—On page 1, lines 14-17, strike all before the word "providing" on line 17 and insert: amending s. 121.052(1) (c), (4)(a) and (b), Florida Statutes, and adding new paragraphs (d) and (e) to subsection (4); authorizing legislators who have withdrawn to rejoin the Elected State Officers' Class and providing for the purchase of prior service credit; requiring the employer to pay the entire contribution for certain members of the Elected State Officers' Class; and

On motion by Senator Dunn, by two-thirds vote CS for CS for SB 689 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	Hair	Maxwell	Stevens
Anderson	Henderson	McClain	Stuart
Barron	Hill	McKnight	Thomas
Beard	Jenne	Poole	Tobiassen
Childers, D.	Jennings	Rehm	Trask
Dunn	Johnston	Renick	Vogt
Frank	Kirkpatrick	Scott	Ware
Gordon	Lewis	Skinner	Winn
Grizzle	Margolis	Steinberg	

Nays—1

Carlucci

Vote after roll call:

Yea—Peterson
Nay—Neal

On motions by Senator Maxwell, by two-thirds vote CS for HB 707 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining and Appropriations.

On motion by Senator Maxwell—

CS for HB 707—A bill to be entitled An act relating to the Florida Retirement System; adding subsection (5) to s. 121.0515, Florida Statutes; providing for the purchase of special risk retirement credit for certain past service; amending s. 121.052(1)(c), Florida Statutes, 1980 Supplement, adding a paragraph to said subsection, and adding a paragraph to subsection (4) of said section; authorizing legislators who have withdrawn from the Florida Retirement System to rejoin said system and providing for the purchase of prior service credit; providing for optional participation in the Elected State Officers' Class for county elected officers; providing a time limit upon exercise of the option to participate; providing for retention of retirement credit; providing for contributions; providing an effective date.

—a companion measure, was substituted for CS for SB 771 and read the second time by title.

Senator Maxwell moved the following amendments which were adopted:

Amendment 1—On page 5, line 16, insert: (4)(f) On or after July 1, 1981, any county or school district elected officer may participate in any plan qualified under Subchapter D, Chapter 1, Subtitle A of the Internal Revenue Code of 1954, as amended and in effect on January 1, 1979, as an alternative to participating in the Elected State Officers' Class, the regular or special risk classes of the Florida Retirement System or any existing system.

Amendment 2—On page 4, lines 3-5, strike all after the word "administrator" on line 3 and before the period on line 5.

Amendment 3—On page 5, line 11, strike "18.75" and insert: 20.21

Amendment 4—On page 5, between lines 15 and 16 insert: Section 3. Paragraph (d) is added to subsection (19) of section 121.021, Florida Statutes, 1980 Supplement, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(19) "Prior service" under this chapter means:

(d) Service which was performed in a Florida Highway Patrol Recruit Training School or the Florida Highway Patrol Training Academy prior to taking the constitutional oath of office by any Florida highway patrolman who was hired on or after July 1, 1945, and before January 1, 1967, and for which no retirement contributions were paid.

Section 4. Paragraph (e) is added to subsection (2) of section 121.081, Florida Statutes, 1980 Supplement, to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(2) Prior service, as defined in s. 121.021(19), may be claimed as creditable service under the Florida Retirement System after a member has been reemployed for 12 continuous months. The member shall not be permitted to make any contributions for prior service until after the 12-month period. The required contributions for claiming the various types of prior service are:

(e) In order to claim credit for prior service as defined in s. 121.021(19)(d) for which no retirement contributions were paid during the period of such service, the member shall contribute the total employee and employer contributions which were required to be made to the Highway Patrol Pension Trust Fund, as provided in chapter 321, during the period claimed, plus 4 percent interest compounded annually from the first year of service until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund. However, any governmental entity which employed such member may elect to pay up to 50 per-

cent of the contributions and interest required to purchase this prior service credit.

Section 5. Subsection (1) of section 321.17, Florida Statutes, is amended, subsection (5) of said section is renumbered as subsection (6), and a new subsection (5) is added to said section to read:

321.17 Contributions; leaving patrol; leave of absence; transferees.—

(1) Every member of the Department of Highway Safety and Motor Vehicles who has subscribed to the constitutional oath of office shall come under the provisions of this law and, beginning July 1, 1965, shall contribute every month 7 percent of his monthly salary, to be deducted by the State Comptroller and paid into the State Treasury to the credit of the Highway Patrol Pension Trust Fund. *However, effective July 1, 1981, members shall make no contributions to the plan, and the Department of Highway Safety and Motor Vehicles shall henceforward make all contributions required under this subsection for the members.* A member who ceases to be an employee after completing 10 or more years of service may elect to leave his contributions on deposit and be eligible to receive retirement benefits upon attaining normal retirement age.

(5) *Any Florida highway patrolman who was hired between July 1, 1945, and December 31, 1966, inclusive, and has service which was performed in the Florida Highway Patrol Recruit Training School or the Florida Highway Patrol Training Academy prior to taking the constitutional oath of office, for which no retirement contributions were paid, shall be given service credit under this chapter for such time provided the proper contributions are paid. The member shall contribute the total employee and employer contributions required under the highway patrol pension plan during the period claimed, plus 4 percent interest compounded annually from the first year of service until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Highway Patrol Pension Trust Fund. Any governmental entity may elect to contribute on behalf of such member up to 50 percent of the amount required to purchase prior service credit under this subsection.*

(Renumber subsequent sections.)

Amendment 5—On page 1, line 18, insert after the semicolon: authorizing such officers to participate in plans qualified under Subchapter D, Chapter 1, Subtitle A of the Internal Revenue Code;

Amendment 6—In title on page 1, line 18, insert after “:” adding paragraph (d) to s. 121.021(19), Florida Statutes, 1980 Supplement; providing prior service credit under the Florida Retirement System for time spent in service in highway patrol training schools by certain highway patrolmen; adding paragraph (e) to s. 121.081(2), Florida Statutes, 1980 Supplement; specifying contributions for the purchase of such prior service credit; amending s. 321.17(1), Florida Statutes, and adding a new subsection (5); converting the highway patrol pension plan to a noncontributory system; providing service credit under the highway patrol pension plan for time spent in service in highway patrol training schools by certain highway patrolmen and specifying contributions for the purchase of such service credit.

On motion by Senator Maxwell, by two-thirds vote CS for HB 707 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Hair	Margolis	Scott
Anderson	Henderson	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenne	McKnight	Stuart
Carlucci	Jennings	Neal	Thomas
Childers, D.	Johnston	Peterson	Trask
Dunn	Kirkpatrick	Poole	Vogt
Frank	Langley	Rehm	Ware
Grizzle	Lewis	Renick	Winn

Nays—None

SB 771 and CS for SB 771 were laid on the table.

On motions by Senator Barron, the rules were waived and by two-thirds vote CS for SB 17 was withdrawn from the Committees on Governmental Operations, Rules and Calendar and Appropriations and by two-thirds vote placed on the special order calendar.

By the Committee on Health and Rehabilitative Services and Senator Dunn and others—

CS for SB 17—A bill to be entitled An act relating to senior citizens; creating the Florida SENIORS Committee to study and make recommendations regarding the economic impact and needs of Florida's senior citizen population; providing for the composition of committee; providing powers and duties; providing for committee staff from the Department of Veterans and Community Affairs; requiring the department to submit a report of findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; providing an appropriation; providing an effective date.

—was read the first time by title and SB 17 was laid on the table. On motions by Senator Dunn, by unanimous consent CS for SB 17 was taken up out of order and by two-thirds vote read the second time by title, by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Hill	McClain	Stevens
Anderson	Jenkins	McKnight	Stuart
Barron	Jenne	Neal	Thomas
Beard	Jennings	Peterson	Tobiassen
Carlucci	Johnston	Poole	Trask
Childers, D.	Kirkpatrick	Rehm	Vogt
Dunn	Langley	Renick	Ware
Frank	Lewis	Scott	Winn
Gordon	Margolis	Skinner	
Hair	Maxwell	Steinberg	

Nays—None

The Senate resumed consideration of—

HB 486—A bill to be entitled An act relating to financial institutions; creating s. 665.034, Florida Statutes, providing for injunctions; amending s. 655.045(3)(b), Florida Statutes, 1980 Supplement, deleting reference to periodic examination; providing an implementation schedule for semiannual fees paid by credit unions to the Department of Banking and Finance; amending s. 658.18(2)(b), Florida Statutes, 1980 Supplement, providing that unexpended organization funds may be transferred to undivided profits upon issuance of a charter; amending s. 658.19, Florida Statutes, 1980 Supplement, deleting the requirement that each stock subscriber file a sworn statement that he subscribes in his own right; providing that the name and address of proposed key officers must be filed with the application only if known; deleting the requirement that certain persons file with the department a complete set of fingerprints; creating s. 658.391, Florida Statutes, requiring banks to publish a statement of assets and liabilities; amending s. 658.42(1), Florida Statutes, 1980 Supplement, requiring that the board of directors of each constituent bank approve a plan of merger; amending s. 658.67, Florida Statutes, 1980 Supplement, limiting investments up to specified amounts of capital accounts; amending s. 663.05(1)(e), Florida Statutes, 1980 Supplement, requiring that an application for a license by an international banking corporation must show the total amount of its capital accounts and must include a detailed financial statement as of a date within 180 days prior to the application, which may be extended to 240 days within the discretion of the department; amending s. 665.0201(3)(e), (f) and (g), Florida Statutes, 1980 Supplement, deleting the requirement that certain persons file with the department a complete set of fingerprints; amending s. 665.027(1), Florida Statutes, 1980 Supplement, eliminating the 60-day delay prior to opening a savings association for business; amending s. 662.02(2), Florida Statutes, 1980 Supplement, redefining “bank services”; amending s. 662.06, Florida Statutes, 1980 Supplement, permitting bank service corporations to serve all financial institutions; repealing s. 665.034(3), Florida Statutes, deleting

the requirement that certain persons file with the department a complete set of fingerprints; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—which was taken up with pending Amendment 3.

(Renumber subsequent sections.)

Senators Frank and Steinberg offered the following amendment to Amendment 3 which was moved by Senator Frank and adopted:

Amendment 3B—On page 2, line 6, strike “a rate requested by the association” and insert: the competitive, prevailing rate

Senators Frank, Lewis and Steinberg offered the following amendment to Amendment 3 which was moved by Senator Frank and failed:

Amendment 3C—On page 2, line 12, insert: *If, at the time of the transfer of the property, the interest rate being offered on new loans by the association is lower than the rate on the debt secured by the mortgage on the property being transferred, the association shall, at the request of the mortgagor, offer the transferee a mortgage loan at that rate being offered on such new loans, with no penalty for prepayment if the debt is paid in full within 3 months after the transfer of the property and no points or other charge to be required by the association for the transfer.*

Senator Steinberg moved the following amendment to Amendment 3 which failed:

Amendment 3D—On page 1, lines 7-20; page 2, lines 1-31; page 3, lines 1-12, strike all of said lines and insert: (8) *No state-chartered association operating under this chapter may include in any real estate loan contract an acceleration clause. LEGISLATIVE INTENT.—It is the intent of the Legislature to provide parity for state chartered associations operating pursuant to this chapter with federal associations with respect to acceleration clauses in real estate loan contracts. Therefore, if federal associations domiciled within this state should lose the right to include such a provision in a real estate loan contract, then associations operating under this chapter shall be prohibited from including such a provision in real estate loan contracts.*

Senator Carlucci moved the following amendment to Amendment 3 which failed:

Amendment 3E—On page 2, line 8, after the period (.) insert: *However, if such rate is higher than the rate on the debt secured by the mortgage held by the transferor, the association may not charge any points on the amount of the loan on the mortgage executed by the transferee.*

On motion by Senator Frank, the Senate reconsidered the vote by which Amendment 3C failed.

On motion by Senator Dunn, by two-thirds vote, debate on Amendment 3 was limited to 5 minutes.

The question recurred on Amendment 3C and the amendment failed. Amendment 3 as amended was adopted.

Senator Johnston moved the following amendment:

Amendment 4—In title on page 2, line 15, after the semi-colon (;) insert: amending s. 665.0731, Florida Statutes, 1980 Supplement, providing for enforcement of certain acceleration clauses in mortgage instruments;

Senator Frank moved the following amendment to Amendment 4 which was adopted:

Amendment 4A—On page 1, line 3, after the semi-colon (;) insert: requiring associations to offer mortgage loans at certain rates under certain conditions;

Amendment 4 as amended was adopted.

Senator Anderson moved the following amendments which were adopted:

Amendment 5—In title on page 1, lines 23-25, strike “creating s. 658.391, Florida Statutes, requiring banks to publish a statement of assets and liabilities;”

Amendment 6—In title on page 2, line 8, after “department” insert: amending s. 663.14, Florida Statutes, 1980 Supplement, specifying the manner of reimbursement for foreign travel and correcting a statutory reference;

On motion by Senator Anderson, by two-thirds vote HB 486 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Hill	McClain	Thomas
Anderson	Jenkins	McKnight	Trask
Barron	Jenne	Neal	Vogt
Childers, D.	Jennings	Peterson	Ware
Dunn	Johnston	Poole	Winn
Gordon	Kirkpatrick	Renick	
Hair	Margolis	Stuart	

Nays—10

Beard	Langley	Skinner	Tobiassen
Carlucci	Maxwell	Steinberg	
Frank	Scott	Stevens	

Vote after roll call:

Yea—Rehm

SB 692 was laid on the table.

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

CS for HB 707—A bill to be entitled An act relating to the Florida Retirement System; adding subsection (5) to s. 121.0515, Florida Statutes; providing for the purchase of special risk retirement credit for certain past service; amending s. 121.052(1)(c), Florida Statutes, 1980 Supplement, adding a paragraph to said subsection, and adding a paragraph to subsection (4) of said section; authorizing legislators who have withdrawn from the Florida Retirement System to rejoin said system and providing for the purchase of prior service credit; providing for optional participation in the Elected State Officers' Class for county elected officers; providing a time limit upon exercise of the option to participate; providing for retention of retirement credit; providing for contributions; providing an effective date.

—as amended passed this day.

On motion by Senator Maxwell, the Senate reconsidered the vote by which CS for HB 707 was read the third time.

On motion by Senator Maxwell the Senate reconsidered the vote by which Amendment 2 was adopted:

Senator Maxwell moved the following substitute amendment which was adopted.

Amendment 7—On page 5, line 11, strike “18.75” and insert: 19.30

On motion by Senator Maxwell, by two-thirds vote CS for HB 707 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	Johnston	McClain
Barron	Gordon	Kirkpatrick	McKnight
Beard	Henderson	Langley	Peterson
Carlucci	Jenkins	Lewis	Poole
Childers, D.	Jenne	Margolis	Rehm
Dunn	Jennings	Maxwell	Renick

Skinner	Stuart	Trask	Winn
Steinberg	Thomas	Vogt	
Stevens	Tobiassen	Ware	

Nays—None

Vote after roll call:

Yea—Hill

SB 909—A bill to be entitled An act relating to commercial development; amending s. 288.063(1), (2), Florida Statutes, 1980 Supplement; authorizing the Division of Economic Development to enter into contracts for transportation projects with governmental bodies; requiring that such contracts specify and identify the project; requiring that the governmental body award subcontracts for projects to the lowest and best bidder under certain conditions; providing for copies of progress reports and payments to the division; providing for project certification; requiring the transfer of funds upon execution of a contract or agreement; adding s. 288.063(5), (6), Florida Statutes, 1980 Supplement; providing that the Department of Transportation shall be the contracting agent when the project is on the state highway system and may advise and assist on other projects; providing funds appropriated for this purpose shall not be subject to reversion; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, between lines 12 and 13, insert: (5) *No project shall be eligible for funding after December 1, 1981, that has not been specified and identified by the Division in accordance with subsection (4) of this section prior to the initiation of construction.*

(Renumber subsequent subsections.)

The Committee on Transportation recommended the following amendment which was moved by Senator Beard:

Amendment 2—On page 2, strike all of line 12 through and including line 17 and insert: (b) *Require that the appropriate governing body the Department of Transportation shall award the particular transportation project to the lowest and best bidder in accordance with applicable state and federal statutes or regulations. If no responsive bids are received, the work may be performed by the governing body.*

Senator Beard moved the following substitute amendment which was adopted:

Amendment 3—On page 2, strike all of lines 12-17 and insert:

(b) *Effective December 1, 1981, require that the appropriate governmental body the Department of Transportation shall award the construction of the particular transportation project to the lowest and best bidder in accordance with the applicable state and federal statutes or regulations when the construction cost exceeds \$50,000, not inclusive of local in-kind cost. If no bids are received, the work may be performed by the appropriate governmental body.*

The Committee on Transportation recommended the following amendment which was moved by Senator Beard and failed:

Amendment 4—On page 3, line 17, strike the word “construct” and insert: *administer*

The Committee on Transportation recommended the following amendment which was moved by Senator Beard:

Amendment 5—In title on page 1, strike all of line 10 through and including line 16 and insert: *projects to the lowest and best bidder; providing that a governmental body may perform the work if no responsive bids are received; providing for copies of progress reports and payments to the division; providing for project certification; requiring the transfer of funds upon execution of a contract or agreement; adding section 288.063(5), (6), (7), Florida Statutes, 1980 Supplement; providing requirements of the eligibility of projects;*

Senator Beard moved the following substitute amendment which was adopted:

Amendment 6—In title on page 1, strike lines 9-11 and insert: *governmental body award the construction of projects to the lowest and best bidder under certain conditions; providing that the appropriate governmental body may perform the work if no bids are received; providing for copies of*

Pending further consideration of SB 909 as amended, on motions by Senator Beard, the rules were waived and by two-thirds vote HB 1060 was withdrawn from the Committees on Transportation and Appropriations.

On motion by Senator Beard—

HB 1060—A bill to be entitled An act relating to transportation; amending s. 288.063(1) and (2), Florida Statutes, 1980 Supplement, and adding subsections thereto, authorizing the Division of Economic Development of the Department of Commerce to contract with any governmental body for transportation projects; providing requirements for the eligibility of projects; naming the Department of Transportation as the contracting agency for state highway projects; providing that funds of such projects will not be subject to reversion; providing an effective date.

—a companion measure, was substituted for SB 909 and read the second time by title. On motion by Senator Beard, by two-thirds vote HB 1060 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Henderson	Margolis	Scott
Anderson	Hill	Maxwell	Steinberg
Beard	Jenkins	McClain	Stevens
Carlucci	Jenne	McKnight	Stuart
Childers, D.	Jennings	Neal	Trask
Dunn	Johnston	Peterson	Vogt
Frank	Kirkpatrick	Poole	Winn
Gordon	Langley	Rehm	
Hair	Lewis	Renick	

Nays—None

SB 909 was laid on the table.

SB 1121—A bill to be entitled An act relating to transportation; amending s. 20.23, Florida Statutes; reorganizing the Department of Transportation; authorizing the appointment of a deputy secretary; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 3, strike “January 1, 1982.” and insert: *July 1, 1981.*

On motion by Senator Beard, by two-thirds vote SB 1121 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	Hill	McClain	Steinberg
Anderson	Jenkins	McKnight	Stevens
Beard	Jenne	Neal	Stuart
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Winn
Hair	Lewis	Scott	
Henderson	Margolis	Skinner	

Nays—None

SB 819—A bill to be entitled An act relating to certification of construction contractors by Department of Transportation; amending s. 337.14(2), Florida Statutes, 1980 Supplement; pre-

scribing the contracts with respect to which certification requirements do not apply; removing the requirement that the successful bidder furnish a contract bond; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Stevens and adopted:

Amendment 1—On page 1, strike lines 23-25 and insert: *maintenance of bridges*. However, the successful bidder on any construction such contract shall furnish a contract bond prior to the award of the contract.

Amendment 2—On page 1, strike all of line 18 and insert: contracts of \$100,000 or less or for the construction of

Senator Stevens moved the following amendment which was adopted:

Amendment 3—On line 21 strike "*for the maintenance of rest areas*" and on line 22 strike "*operation and*" and on line 21 insert "*rest areas*"; and on line 22, after the word "*the*" insert the word "*periodic*"

Senators Neal and Stevens offered the following amendment which was moved by Senator Neal and adopted:

Amendment 4—On page 1, line 26, add a new Section 2 and insert: Section 2. Section 337.16, Florida Statutes, is amended to read:

337.16 Legislative declaration; delinquent bidding; suspension and revocation of certificate; hearing.—

(1) The Legislature hereby finds and declares that delinquency in the progress of work on public transportation projects is a serious menace to the safety and general welfare of the people of this state and must be curbed. In the interest of curbing such delinquency, no contractor shall be qualified to bid when an investigation by the department discloses that such contractor is delinquent because of unsatisfactory progress on a previously awarded contract.

(2) A contractor is delinquent under the following circumstances:

(a) The contract time has not been entirely consumed, but the contractor's progress at any check period does not meet at least one of the following tests:

1. The percentage of dollar value of completed work in relation to the total contract dollar amount is within 15 percentage points of the percentage of contract time elapsed.

2. The percentage of dollar value of completed work in relation to the total contract dollar amount is within 15 percentage points of the dollar value percentage which should have been performed by the contractor pursuant to the contractor's own progress schedule approved by the department.

(b) The allowable contract time has expired and the project is not completed.

(3) *The department shall immediately suspend or revoke the certificate of qualification of any contractor who is deemed to be delinquent.*

(4) *Any contractor who has had a certificate of qualification suspended or revoked under this section shall be afforded the opportunity for an administrative hearing, pursuant to s. 120.57, for reinstatement of such certificate.*

Section 2. Subsection (2) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds required; defaults; damage assessments.—

(2) The department shall adopt regulations for the determination of default on the part of any contractor for cause attributable to such contractor. Every contract let by the department for the performance of work shall contain a provision for payment to the department by the contractor of liquidated damages for any such default due to failure of the

contractor to complete the contract work within the time stipulated in the contract or within such additional time as may have been granted by the department. Such liquidated damages shall be one quarter of 1 percent of the total amount of the contract for each day of such default, but shall not exceed \$300 per day for each day such contractor is in default, not less than the amounts established in the following schedule:

Original Contract Amount—Up to \$50,000—Daily charge per calendar day—\$50; Over \$50,000 to \$250,000—\$100; Over \$250,000 to \$500,000—\$200; Over \$500,000 to \$2,500,000—\$300; Over \$2,500,000 to \$5,000,000—\$400; Over \$5,000,000 to \$10,000,000—\$600; Above \$10,000,000—\$1,000

Any such liquidated damages paid to the department shall be deposited to the credit of the fund from which payment for the work contracted was authorized.

(Renumber subsequent sections.)

The Committee on Transportation recommended the following amendment which was moved by Senator Stevens and adopted:

Amendment 5—In title on page 1, lines 7-9, strike all of line 7 through and including line 9 and insert: requirements do not apply; providing an effective date.

Senator Neal moved the following amendment which was adopted:

Amendment 6—In title on page 1, line 9, after the semicolon (;) insert: adding s. 337.16(3), (4), Florida Statutes; directing the Department to suspend or revoke the certificate of delinquent contractors; providing for administrative hearings; amending s. 337.18(2), Florida Statutes; requiring contracts let by the department to require liquidated damage provisions under certain circumstances and setting a daily change based on contract amounts;

On motion by Senator Stevens, by two-thirds vote SB 819 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Hill	McKnight	Steinberg
Anderson	Jenne	Neal	Stevens
Beard	Jennings	Peterson	Stuart
Carlucci	Johnston	Poole	Trask
Dunn	Langley	Rehm	Vogt
Frank	Lewis	Renick	Winn
Henderson	McClain	Scott	

Nays—None

SB 642—A bill to be entitled An act relating to the uniform system of traffic control devices; amending s. 316.171, Florida Statutes; requiring railroad companies to erect devices conforming to such system at certain railroad crossings; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote SB 642 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	McClain	Stuart
Anderson	Henderson	McKnight	Thomas
Barron	Jenkins	Neal	Tobiassen
Beard	Jenne	Peterson	Trask
Carlucci	Jennings	Rehm	Vogt
Childers, D.	Johnston	Renick	Winn
Dunn	Langley	Skinner	
Frank	Lewis	Steinberg	
Gordon	Margolis	Stevens	

Nays—None

SB 575—A bill to be entitled An act relating to turnpike projects; amending s. 340.091, Florida Statutes, authorizing

the Department of Transportation to grant concessions for certain amusement devices along turnpike projects; eliminating language directing the Florida Department of Citrus, in acting as an advisory body to the Department of Transportation, to act in a described manner; eliminating language preventing the Department of Transportation from permitting any person from selling Florida citrus fruits at more than one turnpike plaza; providing an effective date.

—was read the second time by title.

Senator Winn moved the following amendment which was adopted:

Amendment 1—On page 1, line 28, strike “” after “SKILL” AND INSERT: *NOT INCLUDING GAMES OF CHANCE AS DEFINED IN FLORIDA STATUTES 849.16(1)(A) OR OTHER ILLEGAL GAMBLING GAMES,*

Pending further consideration of SB 575 as amended, on motion by Senator Winn, the rules were waived and by two-thirds vote HB 571 was withdrawn from the Committee on Transportation.

On motion by Senator Winn—

HB 571—A bill to be entitled An act relating to turnpike projects; amending s. 340.091, Florida Statutes, authorizing the Department of Transportation to grant concessions for certain amusement devices along turnpike projects; eliminating language directing the Florida Department of Citrus, in acting as an advisory body to the Department of Transportation, to act in a described manner; eliminating language preventing the Department of Transportation from permitting any person from selling Florida citrus fruits at more than one turnpike plaza; providing an effective date.

—a companion measure, was substituted for SB 575 and read the second time by title. On motion by Senator Winn, by two-thirds vote HB 571 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Hair	Lewis	Skinner
Anderson	Henderson	Margolis	Steinberg
Barron	Hill	Neal	Stuart
Beard	Jenkins	Peterson	Thomas
Carlucci	Jenne	Poole	Tobiassen
Childers, D.	Jennings	Rehm	Trask
Dunn	Johnston	Renick	Vogt
Gordon	Langley	Scott	Winn

Nays—None

Vote after roll call:

Yea—McClain
Nay—Frank

SB 575 was laid on the table.

Consideration of SB 483 was deferred.

SB 379—A bill to be entitled An act relating to public transportation facilities; regulating the distribution of materials and solicitation of funds therein for religious purposes; providing for licensing; regulating the area and manner in which such activities may be conducted; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Carlucci and adopted:

Amendment 1—On page 1, strike all of lines 26 and 27 and insert: Section 3. Any person desiring to solicit funds within a facility

Amendment 2—On page 4, strike line 17 and insert: person soliciting contributions shall

Senator Carlucci moved the following amendments which were adopted:

Amendment 3—On page 1, lines 20 and 21, strike “station, highway service plaza, or highway rest station. The term does not include any airport.” and insert: station, highway service plaza, airport, or highway rest station.

Amendment 4—On page 1, strike all of lines 22-25 and insert on page 3 between lines 20 and 22:

Section 7. (1) Each authority may require an applicant to include such information which the authority determines is reasonably necessary to identify the organization or persons involved.

(2) The authority shall adopt rules governing the activities of persons or organizations obtaining such permits.

(Renumber subsequent sections.)

Amendment 5—On page 1, strike lines 26 and 27 and insert: Section 3. Any person desiring to solicit funds within a facility

Amendment 6—On page 4, between lines 25 and 26, insert a new section 10:

Section 10. This act shall not be deemed to repeal, modify or affect in any way rules relative to access to public areas at airports by persons seeking to solicit funds which have been adopted by authorities prior to the effective date of this act. Such authorities shall be relieved from complying with the provisions hereof.

(Renumber subsequent section.)

Amendment 7—In title on page 1, lines 3, 4 and 5, strike after the semi-colon (;) on line 3 “regulating the distribution of material and solicitation of funds therein for religious purposes” and insert: regulating the solicitation of funds therein

Amendment 8—In title on page 1, line 8, insert after the semi-colon (;): preserving the effect of certain rules previously adopted by airport authorities;

The Committee on Transportation recommended the following amendment which was moved by Senator Carlucci and adopted:

Amendment 9—In title on page 1, strike all of lines 3-5 and insert: facilities; regulating the solicitation of funds therein; providing for licensing;

Pending further consideration of SB 379 as amended, on motion by Senator Carlucci, the rules were waived and by two-thirds vote HB 410 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Carlucci—

HB 410—A bill to be entitled An act relating to public transportation facilities; regulating the solicitation of funds therein; providing for licensing; regulating the area and manner in which such activities may be conducted; providing penalties; preserving the effect of certain rules previously adopted by airport authorities; providing an effective date.

—a companion measure, was substituted for SB 379 and read the second time by title. On motion by Senator Carlucci, by two-thirds vote HB 410 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Henderson	McClain	Steinberg
Anderson	Hill	McKnight	Stuart
Barron	Jenkins	Neal	Thomas
Beard	Jennings	Peterson	Tobiassen
Carlucci	Johnston	Poole	Trask
Childers, D.	Kirkpatrick	Rehm	Vogt
Dunn	Langley	Renick	
Frank	Lewis	Scott	
Gordon	Margolis	Skinner	

Nays—None

SB 379 was laid on the table.

SB 147—A bill to be entitled An act relating to state-owned buildings; adding s. 255.249(4), Florida Statutes; requiring a comprehensive space inventory of all state-owned office buildings; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Henderson and adopted:

Amendment 1—On page 1, strike all of lines 16-22 and renumber subsequent section

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

Amendment 2—On page 1, between lines 22 and 23, insert:

Section 3. Paragraph (c) of subsection (4) of section 255.25, Florida Statutes, 1980 Supplement, is amended to read:

255.25 Approval of the Division of Building Construction and Property Management prior to construction or lease of buildings.—

(4)

(c) There is created a Public Facilities Conversion Revolving Trust Fund in the State Treasury to be administered by the Department of General Services. Legislative appropriations made for the purpose of renovating publicly owned facilities shall be transferred to this fund and are appropriated for such uses authorized by law. Amounts from this fund may be transferred to state agencies or local governing authorities as defined in s. 409.503(2), as authorized by the Executive Office of the Governor. With the approval of the Executive Office of the Governor, agencies or local governing authorities may utilize allocations from the Public Facilities Conversion Revolving Trust Fund to renovate spaces which they will occupy, provided:

1. The project is shown to be cost-effective.

2. For a project of a local governing authority, the project is for the purposes of co-locating community services. The local governing authority may sublet renovated space to human service programs as defined in s. 409.506 and organized as a not-for-profit corporation under part I of chapter 617.

3. The applicable agency makes annual payments in the amount of the savings to the Public Facilities Conversion Revolving Trust Fund until the cost of renovation is recovered, and for a project of a local governing authority, the local government also makes annual payments in the amount of the no-service lease rates set by the Department of General Services for the zone in which the project is located until the cost of renovation is recovered.

(Renumber subsequent section.)

The Committee on Appropriations recommended the following amendment which was moved by Senator Henderson and adopted:

Amendment 3—In title on page 1, lines 5 and 6, strike "providing an appropriation;"

Senator Vogt moved the following amendment which was adopted:

Amendment 4—In title on page 1, strike lines 2-6 and insert: An act relating to publicly owned buildings; adding s. 255.249(4), Florida Statutes; requiring a comprehensive space inventory of all state-owned office buildings; amending s. 255.25(4)(c), Florida Statutes, 1980 Supplement; providing circumstances for transfer of funds from the Public Facilities Conversion Revolving Trust Fund to certain local governing authorities for renovation of space in publicly owned buildings; requiring payback of such funds; providing an effective date.

On motion by Senator Henderson, by two-thirds vote SB 147 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Hair	Lewis	Scott
Anderson	Henderson	Margolis	Skinner
Barron	Hill	McClain	Steinberg
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Winn

Nays—None

By the Committee on Governmental Operations and Senators Poole, Stevens, Kirkpatrick and Peterson—

CS for SB 344—A bill to be entitled An act relating to the Department of Professional Regulation; amending s. 20.30(2) and (3), Florida Statutes, changing the Division of Legal Services to the Division of Regulation; providing for a director of the division; amending s. 455.203(8), Florida Statutes, providing for selection of investigators meeting criteria established by board rules; amending s. 455.207(4), Florida Statutes, authorizing compensation for board members under certain circumstances; amending s. 455.213(3), Florida Statutes, requiring hearing officers to submit recommended orders to appropriate boards; amending s. 455.217(1), Florida Statutes, requiring rules to establish criteria for practical examinations; allowing board members to serve as examiners; requiring the boards to adopt and the department to implement rules involving the security and monitoring of examinations; amending s. 455.221(1), Florida Statutes, authorizing boards to retain legal counsel under certain circumstances; providing for payment of such counsel from the Professional Regulation Trust Fund; amending s. 455.223, Florida Statutes, directing the department to exercise certain powers when requested by the probable cause panel of any board; amending s. 455.225(1) and (3), Florida Statutes, providing that complaints be in writing and signed; providing that the department may only conduct investigations under certain circumstances; limiting the power of the department to initiate investigations; directing the department to notify any person who is being investigated; providing an exception; exempting proceedings of the panel from provisions relating to public meetings and records; requiring the department to refer to the appropriate board any investigation or disciplinary proceeding not completed within a certain time; authorizing panels and boards to employ certain personnel; providing for costs to be paid from the Professional Regulation Trust Fund; providing an effective date.

—was read the first time by title and SB 344 was laid on the table.

On motion by Senator Poole, by two-thirds vote CS for SB 344 was read the second time by title.

Senator Poole moved the following amendment which was adopted:

Amendment 1—On page 8, lines 30 and 31, strike everything after July 1, 1981 and insert: a period.

On motion by Senator Poole, by two-thirds vote CS for SB 344 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	Hill	McKnight	Stuart
Anderson	Jenkins	Neal	Thomas
Barron	Jenne	Peterson	Tobiassen
Beard	Jennings	Poole	Trask
Childers, D.	Johnston	Rehm	Vogt
Dunn	Langley	Renick	Ware
Gordon	Lewis	Scott	Winn
Hair	Margolis	Skinner	
Henderson	Maxwell	Steinberg	
	McClain	Stevens	

Nays—None

SB 675—A bill to be entitled An act relating to the sale of property by the Department of Transportation; adding s. 337.25(7), Florida Statutes; providing that a deposit shall accompany an offer to purchase any real property available for sale by the department; providing for return of such deposit under specified circumstances; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 22-28, and insert: *The \$500 deposit shall be retained by the Department only in the event that no bids are received or no contract of sale is entered into within 180 days of the date of the offer to purchase.*

On motion by Senator Beard, by two-thirds vote SB 675 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hill	McClain	Stevens
Anderson	Jenkins	McKnight	Stuart
Barron	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Langley	Rehm	Winn
Gordon	Lewis	Renick	
Hair	Margolis	Scott	
Henderson	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Beard

The Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

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

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn

Prayer by Rabbi Michael B. Eisenstat, Temple Judea, Coral Gables:

Lord, our God, as we begin a day of deliberation and debate, we are keenly conscious of the many gifts with which you have blessed us. You have bestowed upon us the gifts of reason and the ability to choose. We are humbly aware that with these gifts comes the responsibility to use them well. We are grateful, too, for the opportunity to serve our fellow citizens, to put to use the gifts we have been granted on their behalf. We pray, O Lord our God, with all our heart, with all our soul, and with all our might that we may be worthy of Your gifts to us, worthy of the responsibilities we bear. May we ever choose what is good, not merely convenient. May we ever strive for righteousness and not merely ease and expedience. May we ever be guided by your will and by concern for our brothers and sisters as we labor this day. Amen.

The President introduced his daughters Jeanna, Marvel and Karen, who played guitar and sang several country songs for the entertainment of the Senate. They dedicated their last number, "Have I Told You Lately That I Love You" to their father and Senator Barron.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 249 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative T. McPherson—

HB 249—A bill to be entitled An act relating to saltwater fisheries; providing legislative intent; directing the Department of Natural Resources to report to the Legislature with respect to the effect of a closed season on snook fishing; amending s. 370.111(3), Florida Statutes; reducing the number of snook which may be lawfully taken in 1 day's fishing; providing a closed season for snook fishing; providing effective and expiration dates.

—was referred to the Committee on Natural Resources and Conservation.

SPECIAL ORDER

On motion by Senator McKnight, by two-thirds vote HB 249 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator McKnight, HB 249, a companion measure, was substituted for SB 513 and by two-thirds vote read the second time by title.

Senator Renick moved the following amendment:

Amendment 1—On page 2, line 13, after "snook" strike "of any size" and insert: *26 inches or longer*

The amendment was adopted and the vote was:

Yeas—22

Anderson	Jenkins	Peterson	Tobiassen
Barron	Jennings	Poole	Trask
Beard	Lewis	Renick	Ware
Childers, D.	Margolis	Scott	Winn
Gordon	McClain	Stevens	
Grizzle	Neal	Thomas	

Nays—13

Carlucci	Jenne	Rehm	Vogt
Dunn	Johnston	Skinner	
Frank	Kirkpatrick	Steinberg	
Hair	McKnight	Stuart	

Senator Renick moved the following amendment which was adopted:

Amendment 2—In title on page 1, lines 9-10, strike "providing a closed season for snook fishing;" and insert: limiting snook fishing during a specified period;

On motion by Senator McKnight, by two-thirds vote HB 249 as amended was read the third time by title, passed, and certified to the House.

The vote on passage was:

Yeas—34

Mr. President	Grizzle	McKnight	Stuart
Anderson	Hair	Neal	Thomas
Barron	Henderson	Peterson	Tobiassen
Beard	Jenkins	Poole	Trask
Carlucci	Jenne	Rehm	Vogt
Childers, D.	Jennings	Renick	Ware
Dunn	Johnston	Scott	Winn
Frank	Kirkpatrick	Skinner	
Gordon	McClain	Steinberg	

Nays—None

SB 513 was laid on the table.

SB 612—A bill to be entitled An act relating to the Tobacco Advisory Council; repealing ss. 574.04-574.06, Florida Statutes,

relating to membership, compensation, and duties of the council; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 612 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Hair	McClain	Stuart
Anderson	Hill	McKnight	Thomas
Beard	Jenne	Neal	Tobiassen
Carlucci	Jennings	Peterson	Trask
Childers, D.	Johnston	Rehm	Vogt
Dunn	Langley	Scott	Ware
Frank	Margolis	Steinberg	Winn
Grizzle	Maxwell	Stevens	

Nays—None

On motion by Senator Beard, by two-thirds vote SB 494 was placed on the special order calendar in lieu of SB 483.

By the Committee on Personnel, Retirement and Collective Bargaining and Senators Kirkpatrick and Trask—

CS for SB 606—A bill to be entitled An act relating to collective bargaining; setting forth legislative intent; adding s. 447.203(3)(g), Florida Statutes; exempting persons in inspection positions in federal-state fruit and vegetable inspection service from definition of public employee; providing an effective date.

—was read the first time by title and SB 606 was laid on the table.

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 606 was read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 1, line 15, insert after the word "appointees"; and by the provisions of s. 447.203(3)(h), Florida Statutes, persons employed by the Florida Public Relations Commission

Amendment 2—On page 2, line 20, insert: (5) The Legislature finds that unlike other public employees, employees of the Public Employees Relations Commission have an inherent irreconcilable conflict of interest because of any employee organization certified to represent employees of the Public Employees Relations Commission would be subject to the Commission's regulatory jurisdiction.

Amendment 3—On page 3, line 1, insert: (h) Those persons employed by the Public Employees Relations Commission.

Amendment 4—In title on page 1, line 4, insert after the comma: and (h)

Amendment 5—In title on page 1, line 6, insert after the word service: and persons employed by the Public Employees Relations Commission

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 606 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Anderson	Hill	McClain	Thomas
Barron	Jenne	Neal	Tobiassen
Beard	Jennings	Rehm	Trask
Childers, D.	Johnston	Renick	Vogt
Dunn	Kirkpatrick	Scott	Ware
Frank	Langley	Skinner	Winn
Grizzle	Lewis	Steinberg	
Hair	Margolis	Stevens	
Henderson	Maxwell	Stuart	

Nays—None

On motions by Senator Jenne, by two-thirds vote HB 101 was withdrawn from the Committees on Transportation and Appropriations.

On motion by Senator Jenne—

HB 101—A bill to be entitled An act relating to motor vehicle safety equipment inspection; repealing part II of chapter 325, Florida Statutes, and Florida Statutes, 1980 Supplement, requiring such periodic inspection; authorizing the Department of Highway Safety and Motor Vehicles to reassign personnel; encouraging counties which provide the inspection program to reassign their personnel; amending s. 320.06(1)(b), Florida Statutes, to conform; creating s. 325.001, Florida Statutes, providing that any county who chooses may have a periodic motor vehicle inspection program; providing an effective date.

—a companion measure, was substituted for CS for SB 515 and read the second time by title.

Senator Thomas moved the following amendment which failed:

Amendment 1—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. Section 325.335, Florida Statutes, is created to read:

325.335 Abolishment of vehicle safety equipment inspections by counties.—

Notwithstanding the provisions of s. 325.27, any county licensed to operate vehicle safety equipment inspection stations may, in the discretion of its governing body, abolish the vehicle safety equipment inspection requirement within its boundaries. Notwithstanding the provisions of s. 325.20, any county with privately-operated safety equipment stations may, in the discretion of its governing body, request that the department abolish the vehicle safety equipment inspection requirement within its boundaries. In the case of a request by a county to abolish privately-operated inspection stations, the department shall cancel all certificates of appointment of stations located within the boundaries of that county.

The provisions of this part shall not apply to any county which has abolished vehicle safety equipment inspection within its boundaries pursuant to this section.

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

The vote was:

Yeas—19

Anderson	Henderson	Lewis	Thomas
Childers, D.	Hill	Peterson	Tobiassen
Dunn	Jennings	Rehm	Trask
Grizzle	Kirkpatrick	Skinner	Ware
Hair	Langley	Stevens	

Nays—20

Mr. President	Gordon	McClain	Scott
Barron	Jenne	McKnight	Steinberg
Beard	Johnston	Neal	Stuart
Carlucci	Margolis	Poole	Vogt
Frank	Maxwell	Renick	Winn

Vote after roll call:

Yea—Jenkins

On motion by Senator Dunn, debate on amendments was limited to five minutes per side.

Senator D. Childers moved the following amendment which failed:

Amendment 2—On page 3, strike lines 27-28 and insert: Section 6. The Department of Highway Safety and Motor Vehicles shall conduct a study on the desirability of repealing the motor vehicle safety equipment inspection program and shall report thereon to the Legislature no later than January 1, 1982.

Section 7. This act shall take effect July 1, 1982, except that this section and section 6 shall take effect upon becoming a law.

On motion by Senator Jenne, by two-thirds vote HB 101 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Mr. President	Jenne	Neal	Stuart
Barron	Johnston	Poole	Tobiassen
Beard	Margolis	Rehm	Ware
Frank	Maxwell	Renick	Winn
Gordon	McClain	Scott	
Hill	McKnight	Steinberg	

Nays—17

Anderson	Hair	Lewis	Trask
Carlucci	Henderson	Peterson	Vogt
Childers, D.	Jenkins	Skinner	
Dunn	Jennings	Stevens	
Grizzle	Kirkpatrick	Thomas	

Vote after roll call:

Yea—Langley

SB 515 and CS for SB 515 were laid on the table.

CONSENT CALENDAR

On motions by Senator Tobiassen, the rules were waived and by two-thirds vote HB 644 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Commerce.

On motion by Senator Tobiassen—

HB 644—A bill to be entitled An act relating to consumer collection practices; amending ss. 559.72 and 559.73, Florida Statutes, relating to prohibited practices and judicial enforcement; repealing ss. 559.55(4)-(10), 559.56-559.71, 559.73-559.76, and 559.77(2) and (3), Florida Statutes, relating to regulation of consumer collection practices; providing for refund of unused fees; abolishing certain positions; providing for disposition of unexpended funds; repealing s. 3(4)(ii) of Chapter 76-168, Laws of Florida, as amended, repealing the future repeal of part V of Chapter 559; providing an effective date.

—a companion measure was substituted for SB 928 and read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 5, line 27, insert new section 7:

Section 7. Subsection (1)(d) of section 559.801, Florida Statutes, is amended to read:

Section 559.801 Definitions.—For the purpose of ss. 559.80-559.815:

(1) "Business opportunity" means the sale or lease of any products, equipment, supplies, or services which are sold to a purchaser to enable the purchaser to start a business, and in which the seller represents:

* * * * *

(d) That, upon payment by the purchaser of a fee or sum of money which exceeds \$50 to the seller, the seller will provide a sales program or marketing program which will enable the purchaser to derive income from the business opportunity, except that this paragraph shall not apply to the sale of a marketing program made in conjunction with the licensing of a registered trademark or service mark.

"Business opportunity" does not include the sale of ongoing businesses when the owner of those businesses sells and intends to sell only those business opportunities so long as those business opportunities to be sold are no more than five in number; nor does it include the not-for-profit sale of sales demonstration equipment, materials, or samples for a total price of \$500; nor does it include any sales training course offered by the seller the cost of which does not exceed \$500. (and renumber subsequent sections.)

Amendment 2—In title on page 1, line 14, insert after the semicolon: amending subsection (1)(d) of section 559.801, Flor-

ida Statutes; providing that certain sales training courses shall not be included within the definition of "business opportunity";

On motion by Senator Tobiassen, by two-thirds vote HB 644 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Hill	McClain	Skinner
Anderson	Jenkins	McKnight	Steinberg
Beard	Jennings	Neal	Stuart
Carlucci	Johnston	Peterson	Thomas
Dunn	Kirkpatrick	Poole	Tobiassen
Frank	Langley	Rehm	Trask
Grizzle	Margolis	Renick	Vogt
Hair	Maxwell	Scott	

Nays—None

SB 928 was laid on the table.

SB 34—A bill to be entitled An act relating to state motor vehicles; providing restrictions on equipping such vehicles with air conditioners; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Vogt and adopted:

Amendment 1—On page 1, strike all of lines 9 through 15, and insert:

Section 1. Each motor vehicle purchased or leased by the state for a period of more than one year shall utilize such energy saving cost-effective devices, equipment or additives as have been certified and approved by the Environmental Protection Agency of the United States.

Amendment 2—In title on page 1, strike lines 3 and 4 and insert: requiring utilization of certain energy saving devices or additives; providing an

On motion by Senator Vogt, by two-thirds vote SB 34 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Henderson	Maxwell	Steinberg
Anderson	Hill	McClain	Stevens
Barron	Jenkins	McKnight	Stuart
Beard	Jenne	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn
Hair	Margolis	Skinner	

Nays—None

On motion by Senator Margolis, SB 189 was recalled from engrossing.

SB 273—A bill to be entitled An act relating to judgments; amending s. 55.03(1), Florida Statutes, 1980 Supplement; providing method for determining the rate of interest on unpaid judgments or decrees; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 14-17 and insert: 1, 1981 1080, shall bear bears interest at the rate of 12 10 per cent a year

Amendment 2—In title on page 1, strike line 4 and insert: increasing the rate of

On motion by Senator Gordon, by two-thirds vote SB 273 as amended was read the third time by title, passed, ordered

engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Barron	Hill	McKnight	Stuart
Beard	Jenkins	Neal	Tobiassen
Carlucci	Jenne	Peterson	Trask
Childers, D.	Jennings	Poole	Vogt
Dunn	Johnston	Rehm	Ware
Frank	Kirkpatrick	Renick	Winn
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

On motion by Senator Gordon, the Senate reconsidered the vote by which SB 273 passed.

On motions by Senator Gordon, the rules were waived and by two-thirds vote CS for HB 363 was withdrawn from the Committees on Judiciary-Civil and Commerce.

On motion by Senator Gordon—

CS for HB 363—A bill to be entitled An act relating to judgments; amending s. 55.03(1), Florida Statutes, 1980 Supplement; increasing the rate of interest on unpaid judgments or decrees; providing an effective date.

— a companion measure, was substituted for SB 273 and read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for HB 363 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Hair	Margolis	Steinberg
Anderson	Henderson	McClain	Stevens
Barron	Hill	McKnight	Stuart
Beard	Jenkins	Neal	Thomas
Carlucci	Jenne	Peterson	Tobiassen
Childers, D.	Jennings	Poole	Trask
Dunn	Johnston	Rehm	Vogt
Frank	Kirkpatrick	Renick	Ware
Gordon	Langley	Scott	Winn
Grizzle	Lewis	Skinner	

Nays—None

SB 273 was laid on the table.

By the Committee on Commerce and Senator Maxwell—

CS for SB 314—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.16(2)(h), Florida Statutes, 1980 Supplement; providing for the approval by local government of capital improvements to a pari-mutuel facility; providing an effective date.

—was read the first time by title and SB 314 was laid on the table.

On motion by Senator Maxwell, by two-thirds vote CS for SB 314 was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 2, strike line 29 and insert:

Section 2. Paragraph (b) of subsection (3) of section 550.10, Florida Statutes, 1980 Supplement, is amended to read:

550.10 Occupational license tax to be paid by employees; denial and revocation of license; *finis*.—

(3)(a) The division may deny to or revoke a license of any person who shall have been refused a license by any other state racing commission or racing authority; provided, however, that the state racing commission or racing authority of such other state extends to the Division of Pari-mutuel Wagering reciprocal courtesy to maintain the disciplinary control.

(b) The Division of Pari-mutuel Wagering may deny, suspend, or revoke any occupational license when the holder thereof has violated the provisions of Chapter 550 or Chapter 551, or the rules and regulations of the division governing the con-

duct of persons connected with the racetracks. If any occupational license expires by division rule while administrative charges are pending against the license the proceedings against the license shall continue to conclusion as if the license were still in effect. If an occupational license will expire by division rule during the period of a suspension the division intends to impose, or if a license would have expired but for pending administrative charges and the occupational licensee is found to be in violation of any of the charges, the licensee may be revoked and a time period of license ineligibility may be declared. The division may impose civil fines up to \$1,000 for each violation of the rules of the division in addition to or in lieu of a suspension or a revocation provided for in this section. The stewards at a horse racetrack, the judges at a dog track or the judges, a panel of judges or player's manager at jai alai frontons are authorized to impose a civil penalty against any occupational licensee for violation of the pari-mutuel laws or any rule adopted by the division. The penalty shall not exceed \$1,000 for each count or separate offense. All penalties imposed and collected pursuant to this section shall be deposited into a Board of Relief Fund established at each horse or dog racetrack or jai alai fronton by the pari-mutuel association-permittee. Each association shall name a Board of Relief composed of three of its officers, with the general manager of the permittee-association being the Treasurer-ex-officio of such board. Moneys deposited into the Board of Relief Fund shall be dispersed by the board for the specific purpose of aiding occupational license holders who become ill or injured in the performance of their duties at each pari-mutuel association, upon approval of the division.

Section 3. Section 550.023, Florida Statutes, is created to read:

550.023 Limitation of civil liability.—No permittee conducting a racing meet pursuant to the provisions of this chapter, and no member of the Florida Pari-mutuel Commission, division director or employee of the division, and no steward, judge, or other person appointed to act pursuant to this chapter shall be liable to any person, partnership, association, corporation, or other business entity for any cause whatsoever arising out of, or from, the performance by such permittee, commission, director, steward, judge or other person of his duties and the exercise of his discretion with respect to the implementation and enforcement of the statutes and rules governing the conduct of pari-mutuel wagering, so long as he acted in good faith; provided, however, that the provisions of s. 550.07, shall not be affected by the provisions of this section. This section shall not limit liability in any situation where the negligent maintenance of the premises or negligent conduct of the race contributed to any accident. Nor shall it limit any contractual liability.

Section 4. Subsection (3) of section 550.162, Florida Statutes, 1980 Supplement, is amended to read:

550.162 Dogracing; taxes; purse allowance; hours of operation.—

(3) In addition to the sums permitted to be withheld from pari-mutuel pools under subsection (2), a permitholder may withhold, for capital improvement debt, 1 percent from pari-mutuel pools on triples, trifectas or other similar wagers involving three or more greyhounds in any race. If a permitholder is unequipped to hold triples, trifectas or similar wagers on three greyhounds in one race, then the permitholder may withhold 1 percent, for capital improvements or to reduce capital improvement debt, from pari-mutuel pools on the following exotic wagers only; quinellas, perfectas, Big "Qs"; in addition to the sums permitted to be withheld under subsection (2). If a permitholder becomes equipped to hold triples, trifectas or similar three-greyhound wagers then the permitholder is authorized to withhold the additional 1 percent of this subsection from pools on triples, trifectas and similar three-greyhound wagers only and not from pools on any other type of exotic wagering. The permitholder who withholds additional sums under the provisions of this section for capital improvements or to reduce capital improvement debt shall be bound by the definition of capital improvements and capital improvement debt and the use of these sums as it appears in s. 550.16. In no event shall the total sums withheld on any type of exotic wagering on greyhounds pari-mutuel pools on triples, trifectas, or other similar wagers involving three or more greyhounds in any race exceed 20 percent of the total contributions to such pools.

Section 5. Subsection (3) of section 550.361, Florida Statutes, is amended to read:

550.361 Bookmaking on the grounds of a permitholder; penalties; reinstatement; duties of track employees; penalty; certain exceptions.—

(3) Any person who has been convicted of bookmaking in this state or any other state of the United States or foreign country shall be denied admittance to and shall not attend any racetrack or fronton in this state during its racing seasons or operating dates, including any practice or preparational days for a period of 2 years from the date of conviction or the date of final appeal. Following the conclusion of the period of ineligibility, the Director of the Division of Pari-mutuel Wagering may authorize the reinstatement of an individual following a hearing on readmittance. Any such person knowingly violating this subsection shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. This act shall take effect upon becoming law.

Amendment 2—In title on page 1, line 6, after the semicolon (;) insert: amending s. 550.10(3)(b), Florida Statutes, 1980 Supplement; providing penalties to be imposed by the division on the holder of any occupational license who has violated certain rules and regulations or any part of Chapter 550, Florida Statutes, 1980 Supplement; providing conditions for certain penalties; providing for a Board of Relief; providing for dispersal of funds from Board of Relief Fund, creating s. 550.023, Florida Statutes, providing for limited civil liability; amending s. 550.162(3), Florida Statutes, 1980 Supplement; allowing the withholding of 1 percent from pari-mutuel pools on certain exotic wagers for capital improvements or to reduce capital improvements debt when permitholders are unequipped to conduct pari-mutuel pools on triples, trifectas or similar wagers on three greyhounds in one race; amending s. 550.361(3), Florida Statutes, providing for the reduction of a suspension from pari-mutuel facilities to a period of 2 years; providing for reinstatement by the Director of the Division of Pari-mutuel Wagering; providing an effective date.

On motion by Senator Maxwell, by two-thirds vote CS for SB 314 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Henderson	McClain	Steinberg
Barron	Hill	McKnight	Stevens
Beard	Jenkins	Neal	Stuart
Carlucci	Jenne	Peterson	Thomas
Childers, D.	Jennings	Poole	Tobiassen
Dunn	Kirkpatrick	Rehm	Trask
Frank	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	Ware
Hair	Maxwell	Skinner	Winn

Nays—1

Anderson

By the Committee on Appropriations and Senator McKnight—

CS for CS for SB 327—A bill to be entitled An act relating to the state group insurance program; requiring a pilot cost containment health insurance plan to be offered by the Department of Administration to state employees in Dade County subject to stated conditions and limitations; requiring project evaluation; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; amending s. 110.123(2)(a), (b), Florida Statutes, to authorize additional state group health insurance plans; providing an effective date.

—was read the first time by title and SB 327 and CS for SB 327 were laid on the table. On motion by Senator McKnight, by two-thirds vote CS for CS for SB 327 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Childers, D.	Hair	Johnston
Anderson	Dunn	Henderson	Langley
Barron	Frank	Jenkins	Lewis
Beard	Gordon	Jenne	Margolis
Carlucci	Grizzle	Jennings	McClain

McKnight	Rehm	Stevens	Trask
Neal	Renick	Stuart	Vogt
Peterson	Skinner	Thomas	Ware
Poole	Steinberg	Tobiassen	Winn

Nays—None

SB 330—A bill to be entitled An act relating to firefighters; providing definitions; providing qualifications whereby firefighters may be entitled to supplemental compensation; providing a schedule for supplemental compensation payments; providing for the creation of a special fund; providing for the issuance of warrants for the payment of supplemental compensation; providing that the Division of State Fire Marshal of the Department of Insurance shall determine eligibility under the act under certain circumstances; providing legislative intent; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Margolis and adopted:

Amendment 1—On page 1, line 22, strike “employer” and insert: employing agency

Amendment 2—On page 1, lines 29 and 30, strike “or any state agency,”

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Margolis and adopted:

Amendment 3—On page 2, line 10, strike “a bachelor’s degree”

Amendment 4—On page 2, line 11, after the word “university” insert: a bachelor’s degree

On motion by Senator Margolis, by two-thirds vote SB 330 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	Hair	McClain	Steinberg
Anderson	Henderson	McKnight	Stevens
Beard	Hill	Neal	Stuart
Carlucci	Jenkins	Peterson	Tobiassen
Childers, D.	Jenne	Poole	Trask
Dunn	Jennings	Rehm	Ware
Frank	Kirkpatrick	Renick	Winn
Gordon	Langley	Scott	
Grizzle	Margolis	Skinner	

Nays—2

Johnston Vogt

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 228 and requests the concurrence of the Senate.

Allen Morris, Clerk

CS for HB 228—A bill to be entitled An act relating to educational facilities; amending s. 235.06(1), Florida Statutes, requiring annual fire safety inspections to be conducted by the Division of State Fire Marshal of the Department of Insurance or certified officials; providing an appropriation; providing an effective date.

—was read the first time by title and on motion by Senator Winn, the rules were waived and CS for HB 228 was placed on the calendar.

On motions by Senator Winn, CS for HB 228, a companion measure, was substituted for CS for SB 360. On motions by Senator Winn, by two-thirds vote CS for HB 228 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—38

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Winn
Gordon	Langley	Renick	
Grizzle	Lewis	Scott	

Nays—None.

SB 360 and CS for SB 360 were laid on the table.

On motion by Senator Tobiassen, by two-thirds vote, HB 1230 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Tobiassen by two-thirds vote—

HB 1230—A bill to be entitled An act relating to Escambia County; creating the Escambia County Utilities Authority for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida, and providing for its powers with respect thereto; establishing its governing body and providing for its membership, qualifications and terms of office; providing for the transfer of the water and sewer systems of the City of Pensacola and Escambia County to the authority; providing for the transfer of additional utility systems to the authority; containing other provisions relating to the authority's budget, management, audits and employees; providing an effective date.

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

Senator Tobiassen moved the following amendments which were adopted:

Amendment 1—On page 23, lines 24 through 30, and on page 24, lines 1 and 2, strike all of said lines and insert:

Section 20. Construction.—Sections 1 through 19 shall be liberally construed to effectuate the purposes set forth herein.

Section 21. No person, firm, or corporation may set or cause to be set or fish or cause to be fished any net whatsoever within the salt waters of Grand Lagoon Subdivision, located in Escambia County, Florida, as platted in plat book 8, page 37 of the public records of Escambia County, which plat includes a portion of Lot 7, Section 22, Township 3 South, Range 31 West, or within 600 feet of the entrances to such waters. This section, however, shall not be construed to prohibit fishing in such waters with hand-operated cast nets during such seasons as are established by law.

Section 22. Any person, firm, or corporation which violates section 21 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 23. No person, firm, or corporation may set or cause to be set or fish or cause to be fished any net whatsoever within the salt waters of Herron Bayou, which adjoins Perdido Bay and is located in Escambia County, Florida, or within 600 feet of the entrances to such bayou. This section, however, shall not be construed to prohibit fishing in such waters with hand-operated cast nets during such seasons as are established by law.

Section 24. Any person, firm, or corporation which violates section 23 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 25. Sections 21 through 25 shall take effect upon becoming a law. Section 1 through section 20 shall take effect on August 1, 1981, unless the Secretary of State has received before said date a certified copy of a resolution by a majority of the full membership of the City Council of the City of

Pensacola or the Board of County Commissioners of Escambia County disavowing said sections, in which case sections 1-19 shall be null and void.

Amendment 2—In title on page 1, line 20, after the word "employees;" insert: prohibiting any person, firm, or corporation from using any net in certain salt waters of Escambia County or near the entrances to such waters; providing an exception; providing penalties; providing an effective date.

On motion by Senator Tobiassen, by two-thirds vote HB 1230 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Henderson	Margolis	Steinberg
Anderson	Hill	McKnight	Stevens
Beard	Jenkins	Neal	Stuart
Carlucci	Jenne	Peterson	Tobiassen
Childers, D.	Jennings	Poole	Trask
Dunn	Johnston	Rehm	Vogt
Gordon	Kirkpatrick	Renick	Winn
Grizzle	Langley	Scott	
Hair	Lewis	Skinner	

Nays—None

CONSENT CALENDAR, resumed

Consideration of SB 442 was deferred.

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

CS for SB 448—A bill to be entitled An act relating to sewage disposal facilities; repealing s. 403.086(1)(b), Florida Statutes, as amended, which provides that no such facilities shall dispose of wastes into certain waters without providing advance waste treatment; requiring a study and report on point and nonpoint sources of pollution discharging into specified waters; providing an appropriation; providing an effective date.

—was read the first time by title and SB 448 was laid on the table.

On motion by Senator Trask, by two-thirds vote CS for SB 448 was read the second time by title.

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

Amendment 1—On page 3, strike lines 16-21 and renumber subsequent section

On motion by Senator Trask, by two-thirds vote CS for SB 448 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	Hill	McKnight	Stevens
Anderson	Jennings	Neal	Stuart
Barron	Kirkpatrick	Peterson	Thomas
Beard	Langley	Rehm	Tobiassen
Carlucci	Lewis	Renick	Trask
Childers, D.	Margolis	Scott	Vogt
Dunn	Maxwell	Skinner	Ware
Hair	McClain	Steinberg	Winn

Nays—4

Frank	Gordon	Grizzle	Johnston
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Consideration of SB 473 was deferred.

SB 500—A bill to be entitled An act relating to state personnel matters; amending s. 110.205(2)(i), (j), (m), Florida Statutes, 1980 Supplement; providing for setting the salaries of certain positions which are exempt from career service; deleting certain positions and adding new positions to a list of exempt positions; amending s. 110.402(1), Florida Statutes, 1980 Supplement; characterizing the duties and responsibilities of positions in the Senior Management Service; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendment which was adopted:

Amendment 1—On page 3, line 16, following the period after the word "nature" insert: Provided however, that those persons exempted from the Career Service by s. 110.205(2)(m), F.S., as well as the Executive Director and the Deputy Executive Director of the Commission of Ethics shall be eligible to receive the same benefits, other than salary, as are provided to members of the Senior Management Services.

On motion by Senator Dunn, by two-thirds vote SB 500 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dunn	Margolis	Skinner
Anderson	Frank	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Gordon	Johnston	Poole	Vogt
Grizzle	Kirkpatrick	Rehm	Ware
Hair	Langley	Renick	Winn
Henderson	Lewis	Scott	

Nays—None

SB 542—A bill to be entitled An act relating to public-supported pension plans; adding subsection (3) to s. 112.65, Florida Statutes; providing limitations on reemployment by any public employer applicable to any member of any public-supported pension plan; providing an exception; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendment which was adopted:

Amendment 1—On page 1, line 30, strike "600" and insert: 780

On motion by Senator Jennings, by two-thirds vote SB 542 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Grizzle	Johnston	Renick
Anderson	Hair	Kirkpatrick	Steinberg
Beard	Henderson	Lewis	Trask
Carlucci	Hill	Margolis	Vogt
Childers, D.	Jenkins	McKnight	Ware
Frank	Jenne	Neal	Winn
Gordon	Jennings	Rehm	

Nays—1

Stuart

Vote after roll call:

Yea—Langley

On motion by Senator Margolis, by two-thirds vote, HB 563 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Margolis—

HB 563—A bill to be entitled An act relating to arrests; creating s. 901.211, Florida Statutes; defining the term "strip search"; restricting the performance of strip searches of arrested persons; providing a penalty; providing an effective date.

—a companion measure, was substituted for SB 565 and read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 8 and 9, insert:

Section 1. Subsection (3) of section 901.25, Florida Statutes, is amended to read:

901.25 Fresh pursuit; arrest outside jurisdiction.—

(3) If an arrest is made in this state by an officer outside the county within which his jurisdiction lies, he shall immediately notify the officer in charge of the jurisdiction in which the arrest is made. Said officer in charge of the jurisdiction shall, along with the officer making the arrest, take the person so arrested before a county court judge or other committing magistrate of the county in which the arrest was made without unnecessary delay.

(Renumber subsequent sections.)

Amendment 2—In title on page 1, line 2, after the semi-colon insert: amending s. 901.25(3), Florida Statutes, limiting the applicability of certain provisions relating to procedures following arrests made outside the arresting officer's jurisdiction;

On motion by Senator Margolis, by two-thirds vote HB 563 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Henderson	Maxwell	Steinberg
Anderson	Hill	McClain	Stevens
Barron	Jenkins	McKnight	Stuart
Beard	Jenne	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn
Hair	Margolis	Skinner	

Nays—None

SB 565 was laid on the table.

Senator Stuart presiding

On motion by Senator Jenne, the rules were waived and by two-thirds vote CS for HB 437 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Jenne—

CS for HB 437—A bill to be entitled An act relating to elections; amending ss. 101.64 and 101.65, Florida Statutes; revising the voter's certificate for absentee electors; removing the requirement that the certificate be witnessed by a notary; providing an effective date.

—a companion measure was substituted for CS for SB 588 and read the second time by title. On motion by Senator Jenne, by two-thirds vote CS for HB 437 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Hill	Maxwell	Skinner
Anderson	Jenkins	McClain	Steinberg
Beard	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Thomas
Dunn	Johnston	Peterson	Tobiassen
Frank	Kirkpatrick	Poole	Trask
Grizzle	Langley	Rehm	Vogt
Hair	Lewis	Renick	Ware
Henderson	Margolis	Scott	Winn

Nays—None

CS for SB 588 and SB 588 were laid on the table.

HB 616—A bill to be entitled An act relating to abandonment of animals; amending s. 705.19(1) and (2), Florida Statutes; providing that an animal placed in the custody of a bona fide boarding kennel and abandoned by the owner may be turned over to a humane society or dog pound; requiring notice to the owner and providing that said notice shall relieve the kennel operator of liability; reenacting and amending s. 11.6105(3)(i), Florida Statutes, 1980 Supplement, to provide for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was read the second time by title. On motion by Senator Skinner, by two-thirds vote HB 616 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Henderson	Maxwell	Stevens
Barron	Hill	McClain	Stuart
Beard	Jenne	McKnight	Thomas
Carlucci	Jennings	Neal	Trask
Childers, D.	Kirkpatrick	Poole	Vogt
Dunn	Langley	Rehm	Ware
Frank	Lewis	Renick	
Grizzle	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—Hair, Peterson

SB 776—A bill to be entitled An act relating to pedestrian traffic control; adding s. 316.130(17), Florida Statutes; making it a traffic infraction to jump or dive from a public bridge; providing an effective date.

—was read the second time by title. On motion by Senator Stevens, by two-thirds vote SB 776 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Jennings	McKnight	Stevens
Beard	Johnston	Neal	Stuart
Childers, D.	Kirkpatrick	Peterson	Trask
Frank	Langley	Poole	Vogt
Gordon	Lewis	Rehm	Ware
Henderson	Margolis	Renick	Winn
Hill	Maxwell	Scott	
Jenne	McClain	Steinberg	

Nays—1

Dunn

Vote after roll call:

Yea—Hair

On motions by Senator Henderson, the rules were waived and by two-thirds vote CS for HB 379 was withdrawn from the Committees on Health and Rehabilitative Services and Commerce.

On motion by Senator Henderson—

CS for HB 379—A bill to be entitled An act relating to acupuncture; amending s. 468.323, Florida Statutes, 1980 Supplement; modifying educational and examination requirements for certification; authorizing the Department of Professional Regulation to approve programs of apprenticeship under certain conditions; deleting the requirement that the written examination be in a foreign language under certain circumstances; amending s. 468.324(2), Florida Statutes, 1980 Supplement; revising requirements for failure to renew certificates; creating s. 468.3245, Florida Statutes; providing for an Identification of Apprenticeship; providing for fees; amending s. 468.325, Florida Statutes, 1980 Supplement; providing grounds and procedures for disciplinary actions by the department; amending s. 468.327, Florida Statutes, 1980 Supplement; authorizing the department to adopt guidelines for apprenticeship programs; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—a companion measure was substituted for CS for SB 793 and read the second time by title. On motion by Senator Henderson, by two-thirds vote CS for HB 379 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

Barron	Dunn	Henderson	Johnston
Beard	Frank	Hill	Kirkpatrick
Carlucci	Grizzle	Jenne	Langley
Childers, D.	Hair	Jennings	Lewis

Margolis	Peterson	Skinner	Trask
Maxwell	Poole	Steinberg	Vogt
McClain	Rehm	Stevens	Ware
McKnight	Renick	Stuart	Winn
Neal	Scott	Thomas	

Nays—None

CS for SB 793 and SB 793 were laid on the table.

SB 803—A bill to be entitled An act relating to motor vehicle license plates; creating s. 320.0897, Florida Statutes, requiring the Department of Highway Safety and Motor Vehicles to issue special motor vehicle license plates for the front of motor vehicles owned by certified emergency medical technicians, certified paramedics, firefighters, and law enforcement officers; providing requirements for the issuance of such plates; providing for the form of such plates; providing a fee; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Lewis moved the following amendments which were adopted:

Amendment 1—On page 3, line 14, strike all language and insert: Section 2. Subsection (6) of section 322.25, Florida Statutes, 1980 Supplement, is amended to read:

322.25 When court to forward license to department and report convictions; temporary reinstatement of driving privileges.—

(6) The report of a judicial disposition of an offense committed under this chapter or of any traffic violation, including parking on a roadway outside the limits of a municipality, or of a violation of any law of this state regulating the operation of motor vehicles on highways shall be made by the court to the department on a standard form prescribed by the department. *In addition, the court shall so report to the department any conviction of a person for felony possession of a controlled substance if such person was driving or in actual physical control of a motor vehicle at the time of such possession.* The form shall be a copy of the uniform traffic citation and complaint as prescribed by s. 316.650 and shall include a place for the court to indicate clearly whether it recommends suspension or revocation of the offender's driving privilege. The report shall be signed by the judge or by facsimile signature. The clerks of the court may submit disposition data to the department in an automated fashion, in a form prescribed by the department.

Section 3. Subsection (7) is added to section 322.27, Florida Statutes, to read:

322.27 Authority of department to suspend or revoke license.—

(7) *The department shall revoke the driving privilege of any person who is convicted of a felony for the possession of a controlled substance, if at the time of such possession, the person was driving or in actual physical control of a motor vehicle. A person whose driving privilege has been revoked pursuant to this subsection shall not be eligible to receive a limited business or employment purpose license during the term of such revocation.*

Section 4. This act shall take effect January 1, 1982.

Amendment 2—In title on page 1, lines 12 and 13, strike "providing an effective date" and insert: amending s. 322.25(6), Florida Statutes, 1980 Supplement, requiring the court to report convictions involving illegal possession of controlled substances in motor vehicles to the Department of Highway Safety and Motor Vehicles; adding a subsection to s. 322.27, Florida Statutes, requiring the revocation of the driving privilege of a person convicted of illegal possession of a controlled substance in a motor vehicle while in the operation or control of the vehicle; providing an effective date.

Pending further consideration of SB 803 as amended, on motion by Senator Lewis, by two-thirds vote HB 621 was withdrawn from the Committee on Transportation.

On motion by Senator Lewis—

HB 621—A bill to be entitled An act relating to motor vehicle license plates; creating s. 320.0897, Florida Statutes, requiring the Department of Highway Safety and Motor Vehicles to issue special motor vehicle license plates for the front of motor vehicles owned by certified emergency medical

technicians, certified paramedics, firefighters, and law enforcement officers; providing requirements for the issuance of such plates; providing for the form of such plates; providing a fee; providing a penalty; amending s. 322.25(6), Florida Statutes, 1980 Supplement, requiring the court to report convictions involving illegal possession of controlled substances in motor vehicles to the Department of Highway Safety and Motor Vehicles; adding a subsection to s. 322.27, Florida Statutes, requiring the revocation of the driving privilege of a person convicted of illegal possession of a controlled substance in a motor vehicle while in the operation or control of the vehicle; providing an effective date.

—a companion measure, was substituted for SB 803 and read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 621 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Hill	Maxwell	Skinner
Barron	Jenkins	McClain	Steinberg
Beard	Jenne	McKnight	Stevens
Carlucci	Jennings	Neal	Stuart
Childers, D.	Johnston	Peterson	Trask
Dunn	Kirkpatrick	Poole	Vogt
Frank	Langley	Rehm	Ware
Hair	Lewis	Renick	Winn
Henderson	Margolis	Scott	

Nays—None

SB 803 was laid on the table.

SB 814—A bill to be entitled An act relating to rehabilitation of drug dependents; amending s. 397.20, Florida Statutes; increasing the amount of reimbursement to residential rehabilitation centers and nonresidential day care centers for referred participants in drug rehabilitation programs; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services recommended the following amendment which was moved by Senator Rehm and failed:

Amendment 1—On page 1, strike lines 19-31 and on page 2, strike lines 1 and 2 and insert: The level of reimbursement under this Act shall be limited to an amount consistent with the allocation contained in the Appropriations Act.

Pending further consideration of SB 814, on motions by Senator Rehm, the rules were waived and by two-thirds vote HB 198 was withdrawn from the Committees on Health and Rehabilitative Services and Appropriations.

On motion by Senator Rehm—

HB 198—A bill to be entitled An act relating to rehabilitation of drug dependents; amending s. 397.20, Florida Statutes; increasing the amount of reimbursement to residential rehabilitation centers and nonresidential day care centers for referred participants in drug rehabilitation programs; providing an effective date.

—a companion measure, was substituted for SB 814 and read the second time by title. On motion by Senator Rehm, by two-thirds vote HB 198 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Hill	McClain	Steinberg
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Langley	Rehm	Vogt
Grizzle	Lewis	Renick	Ware
Hair	Margolis	Scott	Winn
Henderson	Maxwell	Skinner	

Nays—None

Vote after roll call:

Yea—Stevens

SB 814 was laid on the table.

SB 869—A bill to be entitled An act relating to state employees; creating the "State Employee and Retiree Direct Deposit Act"; creating s. 17.076, Florida Statutes, providing a definition; authorizing the Department of Banking and Finance to establish a program for the direct deposit of certain funds; authorizing the department to contract for services; providing certain authorization to the Comptroller; providing for written authorization by beneficiary; amending s. 216.331, Florida Statutes, to conform to the act; repealing s. 17.075(2), Florida Statutes, relating to direct deposit of funds; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Vogt and adopted:

Amendment 1—On page 2, between lines 21 and 22, insert: (6) All direct deposit records are exempt from the provisions of chapter 119, Florida Statutes.

Amendment 2—In title on page 1, line 11, insert after the semicolon (;): exempting direct deposit records from the public records law;

On motion by Senator Vogt, by two-thirds vote SB 869 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Hair	Margolis	Skinner
Barron	Hill	Maxwell	Steinberg
Beard	Jenkins	McClain	Stevens
Carlucci	Jenne	McKnight	Stuart
Childers, D.	Jennings	Neal	Thomas
Dunn	Johnston	Poole	Tobiassen
Frank	Kirkpatrick	Rehm	Trask
Gordon	Langley	Renick	Vogt
Grizzle	Lewis	Scott	Winn

Nays—None

Vote after roll call:

Yea—Peterson

On motion by Senator Hair, the rules were waived and by two-thirds vote CS for HB 325 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Hair—

CS for HB 325—A bill to be entitled An act relating to juveniles; amending s. 39.071, Florida Statutes, removing the requirement that the court appoint counsel with respect to certain insolvent children; providing for appointment of counsel for limited purposes; providing a court order to parents or legal guardians to obtain counsel and punishment for failure to follow order; providing counsel after refusal of order and punishment of civil contempt; providing an effective date.

—a companion measure was substituted for CS for SB 870 and read the second time by title. On motion by Senator Hair, by two-thirds vote CS for HB 325 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

Anderson	Hill	Maxwell	Skinner
Beard	Jenkins	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Tobiassen
Frank	Kirkpatrick	Poole	Trask
Gordon	Langley	Rehm	Vogt
Hair	Lewis	Renick	Ware
Henderson	Margolis	Scott	

Nays—None

CS for SB 870 and SB 870 were laid on the table.

Consideration of SB 872 was deferred.

On motion by Senator Barron, the rules were waived and by two-thirds vote CS for HB 617 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Barron—

CS for HB 617—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.6645, Florida Statutes, relating to the prohibition against the sale, or offering for sale, in this state of alligator products; providing definitions; authorizing the Game and Fresh Water Fish Commission to issue permits and make rules for selling alligator products; providing a \$100 permit fee to be deposited in the State Game Trust Fund; providing a penalty; prohibiting sale of stuffed baby alligators or similar species; prohibiting sale of products manufactured from the hide of any crocodile, alligator or other reptilian species which have been declared to be endangered by the United States Fish and Wildlife Service or the Game and Fresh Water Fish Commission; amending s. 372.72(2), Florida Statutes, eliminating the deposit of certain fines, penalties, or forfeitures in the Endangered and Threatened Species Reward Trust Fund; providing an effective date.

—a companion measure was substituted for CS for SB 873 and read the second time by title. On motion by Senator Barron, by two-thirds vote CS for HB 617 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Anderson	Jenkins	McKnight	Stuart
Barron	Jenne	Neal	Thomas
Beard	Jennings	Peterson	Tobiasen
Carlucci	Johnston	Poole	Trask
Childers, D.	Kirkpatrick	Rehm	Vogt
Dunn	Langley	Renick	Ware
Frank	Lewis	Scott	Winn
Gordon	Margolis	Skinner	
Henderson	Maxwell	Steinberg	
Hill	McClain	Stevens	

Nays—None

Vote after roll call:

Yea—Hair

CS for SB 873 and SB 873 were laid on the table.

SB 881—A bill to be entitled An act relating to weapons and firearms; creating s. 775.088, Florida Statutes; providing penalties for the possession of a firearm or destructive device within a pharmacy; providing exceptions; providing an effective date.

—was read the second time by title.

Senator Barron moved the following amendment which was adopted:

Amendment 1—On page 1, line 15, between "a" and "firearm" insert: concealed

Senator Beard moved the following amendment which was adopted:

Amendment 2—On page 1, line 23, after the word "premises" insert: or to any person licensed to carry a concealed weapon

On motion by Senator Beard, by two-thirds vote SB 881 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Anderson	Hill	McClain	Steinberg
Barron	Jenkins	McKnight	Stevens
Beard	Jenne	Neal	Stuart
Carlucci	Jennings	Peterson	Thomas
Childers, D.	Johnston	Poole	Tobiasen
Dunn	Kirkpatrick	Rehm	Trask
Frank	Langley	Renick	Vogt
Gordon	Lewis	Scott	Ware
Henderson	Margolis	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Hair

On motion by Senator Tobiasen, the rules were waived and by two-thirds vote HB 1119 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Tobiasen—

HB 1119—A bill to be entitled An act relating to elections; creating s. 104.045, Florida Statutes, relating to vote selling; providing a penalty; providing an effective date.

—a companion measure was substituted for SB 893 and read the second time by title. On motion by Senator Tobiasen, by two-thirds vote HB 1119 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

Anderson	Jennings	Neal	Stuart
Beard	Johnston	Peterson	Thomas
Carlucci	Kirkpatrick	Poole	Tobiasen
Childers, D.	Langley	Rehm	Trask
Dunn	Lewis	Renick	Vogt
Frank	Margolis	Scott	Ware
Henderson	Maxwell	Skinner	Winn
Hill	McClain	Steinberg	
Jenne	McKnight	Stevens	

Nays—None

Vote after roll call:

Yea—Hair

SB 893 was laid on the table.

On motion by Senator McClain, the rules were waived and by two-thirds vote HB 204 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator McClain—

HB 204—A bill to be entitled An act relating to schools; exempting public or nonprofit schools from certain requirements concerning food service at school carnivals which are operated for 3 days or less; providing an effective date.

—a companion measure was substituted for SB 946 and read the second time by title. On motion by Senator McClain, by two-thirds vote HB 204 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—33

Anderson	Jenne	McKnight	Stuart
Barron	Jennings	Neal	Thomas
Beard	Johnston	Peterson	Tobiasen
Carlucci	Kirkpatrick	Rehm	Vogt
Childers, D.	Langley	Renick	Ware
Dunn	Lewis	Scott	Winn
Gordon	Margolis	Skinner	
Henderson	Maxwell	Steinberg	
Hill	McClain	Stevens	

Nays—None

Vote after roll call:

Yea—Hair, Poole

SB 946 was laid on the table.

Consideration of Senate Bills 952 and 974 was deferred.

On motion by Senator Johnston—

CS for HB 823—A bill to be entitled An act relating to historic highways; amending chapter 75-312, Laws of Florida, providing legislative intent; providing definitions; providing for the designation of McGregor Boulevard as a state historic high-

way and prohibiting the use of state or county funds for described purposes; authorizing the Department of Transportation to issue permits for certain works on the road; prohibiting the erection of signs; providing easements; providing for markers; prohibiting the attachment of signs, lights, reflectors or other objects on certain trees; providing penalties for violations; providing an effective date.

—a companion measure was substituted for SB 1009 and read the second time by title. On motion by Senator Johnston, by two-thirds vote CS for HB 823 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Hair	Margolis	Renick
Anderson	Hill	Maxwell	Scott
Beard	Jenkins	McClain	Skinner
Carlucci	Jennings	McKnight	Steinberg
Childers, D.	Johnston	Neal	Stevens
Dunn	Kirkpatrick	Peterson	Trask
Frank	Langley	Poole	Vogt
Gordon	Lewis	Rehm	Ware

Nays—None

SB 1009 was laid on the table.

Consideration of SB 1011 was deferred.

SB 1012—A bill to be entitled An act relating to recovery of stolen property; amending s. 715.041, Florida Statutes; defining the term "secondhand dealer"; requiring a secondhand dealer to maintain a record of the identification of any person from whom he receives property and, upon request, to provide this information to any law enforcement agency or officer thereof; providing for the recovery by the lawful owner of stolen property possessed by a secondhand dealer; providing for restitution to the secondhand dealer under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Renick moved the following amendment which was adopted:

Amendment 1—On page 3, line 2, strike "used motor vehicles or parts thereof" and insert: *motor vehicle parts*

The Committee on Commerce recommended the following amendments which were moved by Senator Renick and adopted:

Amendment 2—On page 3 between lines 14 and 15, insert: (5) *The provisions of this section shall not apply to registered religious or charitable organizations selling reconditioned or used articles.*

Amendment 3—In title on page 1, line 13, after the semicolon (;) insert: *providing an exception*

On motion by Senator Renick, by two-thirds vote SB 1012 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Anderson	Jenkins	Neal	Tobiassen
Beard	Jenne	Peterson	Trask
Carlucci	Jennings	Renick	Vogt
Childers, D.	Johnston	Scott	Ware
Frank	Langley	Skinner	Winn
Gordon	Lewis	Steinberg	
Hair	Margolis	Stevens	
Hill	McClain	Stuart	

Nays—None

Vote after roll call:

Yea—Rehm

On motion by Senator Neal, by two-thirds vote CS for HB 1061 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Neal—

CS for HB 1061—A bill to be entitled An act relating to state government; creating ss. 112.3135, 287.001, 287.0125, 287.058, Florida Statutes, and amending ss. 287.012(3), 287.032, 287.042(4), (5), (8), and (10), and 287.057, Florida Statutes, 1980 Supplement, expanding provisions relating to the procurement of contractual services by the Department of General Services; providing for representation of the state in legal matters by the Department of Legal Affairs; providing for ethical considerations in the procurement of contractual services; providing duties of the Division of Purchasing; providing a penalty; establishing competitive bidding and sealed proposal procedures; providing for the content of contract documents; amending s. 216.023, Florida Statutes, to include requests for contractual services within provisions relating to agencies' budgets; amending s. 20.19(13), Florida Statutes, 1980 Supplement, providing for the procurement of services by the Department of Health and Rehabilitative Services for individual clients, and providing for repeal and legislative review; amending section 11 of chapter 80-374, Laws of Florida, relating to contractual services, to delay the effective date of the act; providing an effective date.

—a companion measure was substituted for CS for SB 1016 and by two-thirds vote read the second time by title.

Senator Neal moved the following amendment which was adopted:

Amendment 1—On page 4, strike lines 5-31 and on page 5, strike lines 1-31 and on page 6, strike lines 1-9 and insert a new Section 4.: *Section 4. Section 112.313(7)(c) is created to read:*

(c) *Employment after retirement or termination.—No person who has been a public officer or an employee of an agency shall:*

(1) *After retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the officer or employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice or investigation while an officer or employee.*

(2) *Within two years after retirement or termination, have or hold a contractual relationship which concerns his former specific area of responsibility unless the individual is contracting to represent the agency.*

(3) *During the first year after retirement or termination, receive, from the agency or entity with whom the individual was employed, payment in excess of one and one-half times the annual salary received by the individual on the date of his retirement or termination. The provisions of this part may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings to the state.*

(4) *For the purposes of this section, "contractual services" shall be defined as set forth in s. 287.012(3).*

Senator Neal moved the following amendment which failed:

Amendment 2—On page 8, strike lines 1-21

Senator Neal moved the following amendment which was adopted:

Amendment 3—On page 4, strike lines 5-31 and on page 5, strike lines 1-31 and on page 6, strike lines 1 through 9, and insert a new Section 4.: *Section 4. Section 112.3135, Florida Statutes is created to read:*

112.3135 Contractual Services.—

(1) *For the purposes of this section, "contractual services" shall be defined as set forth in s. 287.012(3).*

(2) *For the purposes of this section, "agency" means any of the various state officers, departments, boards, commissions, and councils of the executive and judicial branches of state government.*

(3) No agency employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in the procurement of contractual services shall become or be, while an agency employee, the employee of a person contracting with the agency by whom the employee is employed.

(4) No agency employee shall, after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice or investigation while an officer or employee.

(5) No agency employee shall, within 2 years of retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract which was within the agency employee's responsibility while an employee.

(6) The sum of money paid an agency employee during the first year after the cessation of the agency employee's responsibilities, by the agency with whom the employee was employed, for contractual services provided to the agency by the employee shall not exceed the annual salary received by the employee on the date of cessation of the agency employee's responsibilities. The provisions of this part may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings to the state.

(7) No agency employee acting in his official capacity shall directly or indirectly procure contractual services for his own agency from any business entity of which a relative as defined in s. 116.111(1)(c) is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest.

(8) Violation of any provision of this section shall be punishable in accordance with s. 112.317.

Senator Neal moved the following amendment:

Amendment 4—On page 17, line 1, insert before the word "Whenever": (a)

On motion by Senator Neal, further consideration of CS for HB 1061 was deferred, the bill being retained on second reading.

SB 1062—A bill to be entitled An act relating to elevators; amending s. 399.01, Florida Statutes; providing additional definitions; adding s. 399.02(6)(c), Florida Statutes; providing reporting requirements for elevator service contracts; amending s. 399.035(1), Florida Statutes; exempting certain semi-private elevators from accessibility requirements; amending s. 399.04, Florida Statutes; modifying requirements for inspectors; creating ss. 399.045, 399.055, 399.065, 399.075, Florida Statutes; providing for certification of competency of elevator companies and for suspension or revocation of certificates; providing fees for certification; providing penalties for false representation relating to certificates; amending and renumbering s. 399.05, Florida Statutes; requiring posting of a certificate of operation before an elevator may be operated and increasing fees; creating s. 399.095, Florida Statutes; providing for inspection and certification of elevators and providing for fees therefor; amending and renumbering s. 399.07, Florida Statutes; providing for certificates of operation and for construction certificates for temporary operation; amending and renumbering s. 399.10, Florida Statutes; providing rulemaking powers; amending and renumbering s. 399.11, Florida Statutes; providing penalties; repealing ss. 399.08, 399.12, Florida Statutes, and s. 399.06, Florida Statutes, 1980 Supplement, relating to registering existing installations, reports of inspectors, routine inspections, and construction of law; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 10, strike the colon (:) on line 22, all of lines 23-26 and "(b)" on line 27

Amendment 2—On page 4, lines 24 and 25, strike "or having a required" and insert: and having an

Pending further consideration of SB 1062 as amended, on motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote HB 1071 was withdrawn from the Committees on Governmental Operations and Commerce.

On motion by Senator Kirkpatrick—

HB 1071—A bill to be entitled An act relating to elevator companies; adding new subsections (3), (4), and (5) to s. 399.01, Florida Statutes, providing definitions; adding paragraph (c) to s. 399.02(6), Florida Statutes, providing for contract reports; amending s. 399.035(1), Florida Statutes, 1980 Supplement, exempting certain elevators from the law requiring accessibility for the physically handicapped; amending s. 399.04, Florida Statutes, relating to inspectors; creating s. 399.045, Florida Statutes, providing for certificates of competency; creating s. 399.055, Florida Statutes, providing for the suspension or revocation of certificates; providing penalties; creating s. 399.065, Florida Statutes, providing for fees; creating s. 399.075, Florida Statutes, providing a penalty for false representation; renumbering and amending s. 399.05, Florida Statutes, authorizing an increase in fees for permits; creating s. 399.095, Florida Statutes, providing for annual inspections, certificates, and fees; renumbering and amending s. 399.07, Florida Statutes, providing for certificates of operation and construction certificates; renumbering and amending s. 399.10, Florida Statutes, providing that the Division of Hotels and Restaurants of the Department of Business Regulation shall have rulemaking authority with respect to elevator regulation; renumbering and amending s. 399.11, Florida Statutes, increasing certain fines and providing an administrative fine with respect to certain elevator companies; providing procedures; repealing s. 399.06, Florida Statutes, 1980 Supplement, relating to the registration of existing installations, reports of inspectors and annual license fees; repealing s. 399.08, Florida Statutes, relating to routine inspections, test and maintenance; repealing s. 399.12, Florida Statutes, relating to the construction of chapter 399, Florida Statutes; providing an effective date.

—a companion measure, was substituted for SB 1062 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1071 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Hill	McClain	Steinberg
Barron	Jenkins	McKnight	Stevens
Beard	Jenne	Neal	Stuart
Carlucci	Jennings	Poole	Tobiasen
Childers, D.	Kirkpatrick	Rehm	Trask
Dunn	Langley	Renick	Vogt
Frank	Lewis	Scott	Ware
Henderson	Margolis	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Hair

SB 1062 was laid on the table.

SB 1083—A bill to be entitled An act relating to motor vehicle registration and license number plates; creating s. 320.371, Florida Statutes; providing that the requirements of registration and display of license number plates shall not apply to new automobiles or trucks whose equitable or legal title is vested in a manufacturer, distributor, importer or exporter and which vehicles are in the custody of a vehicle servicing, processing and handling agency; requiring such agency to display its name and address on a temporary sign on the vehicle; providing an effective date.

—was read the second time by title. On motion by Senator Carlucci, by two-thirds vote SB 1083 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Jenkins	Neal	Stevens
Beard	Jenne	Peterson	Stuart
Carlucci	Jennings	Poole	Thomas
Childers, D.	Kirkpatrick	Rehm	Tobiassen
Frank	Langley	Renick	Trask
Gordon	Lewis	Scott	Vogt
Henderson	Margolis	Skinner	Winn
Hill	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—Hair

HB 136—A bill to be entitled An act relating to the “Controlled Substances Therapeutic Research Act”; amending s. 402.36(6), Florida Statutes, revising state procedures dealing with the distribution of cannabis to certified patients to comply with changing federal procedures; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendment which was adopted:

Amendment 1—On page 1, lines 12 and 13, strike all of said language and insert: Section 1. Subsections (5)(c) and (6) of section 402.36, Florida Statutes, are amended to read:

(6) PATIENT QUALIFICATION REVIEW BOARD.—

(c) The Patient Qualification Review Board shall review all applicants for the controlled substances therapeutic research program and their licensed practitioners and certify their participation in the program. The board shall additionally certify practitioners and state-operated pharmacies, *state-licensed hospital pharmacies, or federally-operated pharmacies* for participation regarding the distribution of cannabis pursuant to subsection (6).

On motion by Senator Frank, by two-thirds vote HB 136 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Anderson	Henderson	McClain	Stevens
Barron	Hill	Neal	Stuart
Beard	Jenne	Peterson	Thomas
Childers, D.	Jennings	Poole	Tobiassen
Dunn	Kirkpatrick	Rehm	Trask
Frank	Langley	Scott	Vogt
Gordon	Lewis	Skinner	Ware
Hair	Margolis	Steinberg	Winn

Nays—None

HB 327—A bill to be entitled An act relating to veterans’ affairs; amending ss. 292.05(2) and (5), 292.07, and 292.11(2), Florida Statutes; revising provisions of law relating to qualifications and salary of the Director of the Division of Veterans’ Affairs of the Department of Veteran and Community Affairs; removing the legislative authorization for appointment of an assistant director of the division; providing for an annual, rather than semiannual, division report to the Governor, the House Speaker, and the Senate President; revising provisions of law relating to appointment, duties, and salaries of veterans’ affairs officers; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike line 31, and on page 2, line 1, strike through the word “participant” and insert: States during a period of war, as defined in Title 38, U.S.C., in which the United States was or is a participant

On motion by Senator Peterson, by two-thirds vote HB 327 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Hill	McKnight	Stuart
Beard	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiassen
Dunn	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gordon	Kirkpatrick	Scott	Ware
Grizzle	Langley	Skinner	
Hair	Lewis	Steinberg	
Henderson	McClain	Stevens	

Nays—None

HB 780—A bill to be entitled An act relating to education; amending s. 230.23(4)(n), Florida Statutes, 1980 Supplement; providing for operation of the educational programs of the Arthur Dozier School for Boys and the Marianna Sunland Center by the Department of Education; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 780 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Henderson	Maxwell	Stevens
Barron	Hill	McClain	Stuart
Beard	Jenkins	McKnight	Thomas
Childers, D.	Jennings	Neal	Tobiassen
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gordon	Langley	Scott	
Grizzle	Lewis	Skinner	
Hair	Margolis	Steinberg	

Nays—None

HB 806—A bill to be entitled An act relating to public lodging and food service establishments; amending s. 509.221(9), Florida Statutes, and adding a subsection, to require employees to have examinations for certain diseases upon initial employment and thereafter at the discretion of the Division of Hotels and Restaurants of the Department of Business Regulation; including requiring certain employees of public and non-public schools to have examinations; providing for repeal and review in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was read the second time by title.

Senator Renick moved the following amendments which were adopted:

Amendment 1—On page 3 between lines 9 and 10, strike Section 3 and insert: Section 3. Section 509.212, Florida Statutes, is created to read:

509.212 Fire safety.—

(1) Any public lodging establishment, as defined in s. 509.013, which is greater than 30 feet in height, as measured from the grade level of the road to the main roof, and for which the construction contract is let after September 30, 1981, shall be equipped with an automatic sprinkler system which conforms to the standards prescribed in the National Fire Protection Association publication NFPA No. 13-1975, “Standards for the Installation of Sprinkler Systems”.

(2) Any other public lodging establishment, as defined in s. 509.013, which is greater than 30 feet in height as measured from the grade level of the road to the main roof, and for which the construction contract was let prior to October 1, 1981, shall be equipped, not later than October 1, 1982, with an automatic smoke detection system which conforms to standards prescribed in NFPA No. 72A-1979, “Local Protective Signaling Systems” or NFPA No. 72E-1978, “Automatic Fire Detectors”, and such public lodging establishment shall be

equipped not later than October 1, 1997, with an automatic sprinkler system which conforms to standards prescribed in NFPA No. 13-1975, "Standards for the Installation of Sprinkler Systems".

(3) Provided, however, that upon establishment of a self-liquidating disaster loan fund, for the purposes of complying with this act, all public lodging establishments erected before October 1, 1981, shall be equipped as prescribed by this act as it refers to fire sprinkler systems no later than October 1, 1986.

(4) Notwithstanding any other provisions of law to the contrary, this section shall apply only to those public lodging establishments used primarily for transient occupancy as defined in section 83.43(10) and whose rental agreements are not regulated by the Florida Residential Landlord and Tenant Act, Part II, Chapter 83.

(Renumber subsequent sections.)

Amendment 2—In title on page 1, line 11, after the word: "examinations;" insert: creating s. 509.212, Florida Statutes; requiring future public lodging establishments to be equipped with an automatic sprinkler system; providing standards; requiring existing public lodging establishments to be equipped with an automatic sprinkler system or an automatic smoke detection system by a specified date; providing standards;

On motion by Senator Thomas, by two-thirds vote HB 806 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Anderson	Hill	McClain	Stuart
Barron	Jenkins	McKnight	Thomas
Beard	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	Winn
Grizzle	Lewis	Skinner	
Hair	Margolis	Steinberg	
Henderson	Maxwell	Stevens	

Nays—None

Senator McKnight presiding

HB 1226—A bill to be entitled An act relating to public health; creating ss. 154.401-154.421, Florida Statutes, the State Health Facilities Authority Law; creating a governing board of the authority; providing for the powers of the authority with respect to assisting certain regional hospitals and research centers in the acquisition, construction, financing, and refinancing of projects; providing for lease agreements, construction contracts, and the issuance of negotiable notes and revenue bonds; providing for the use of revenues for the payment of indebtedness; providing a tax exemption for the authority and certain projects; providing that bonds of the authority are legal investments; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Gordon and adopted:

Amendment 1—On page 2, line 26, strike "advisory"

Amendment 2—On page 4, line 30, after the word "created" insert: in the Department of Education

The Committee on Appropriations recommended the following amendment which was moved by Senator Stuart and adopted:

Amendment 3—On page 22, between lines 20 and 21, insert: a new section 154.422 to read: 154.422 Department of Health and Rehabilitative Services certificate of need required as a condition to bond validation and project construction.—Notwithstanding any provision of this part to the contrary, before

any project authorized by this part is approved by the authority, and before revenue bonds are validated for the project, the Department of Health and Rehabilitative Services shall issue a certificate of need for such project, which shall be a condition precedent to the validation and issuance of any bonds hereunder, other than bonds for refunding or refinancing purposes, and to the construction of the project.

Senator Ware moved the following amendment which was adopted:

Amendment 4—On page 6, line 2, after "s. 286.011" change the period (.) to a semicolon (;) and insert: provided that neither the provisions of this section nor those of s. 154.207(7) nor those of Ch. 119 shall apply to private, non-profit lessees of any authority.

Senator Stuart offered the following amendments which were adopted:

Amendment 5—On page 5, line 1, strike the word "seven" and insert: five

Amendment 6—On page 5, line 2, after the word "Governor" insert: subject to confirmation by the Senate

Amendment 7—On page 5, line 8, strike the words "two for 2 years, two for 3 years" and insert: one for 2 years, one for 3 years

Amendment 8—On page 5, line 18, strike the word "Four" and insert: Three

Senator Gordon offered the following amendments which were adopted:

Amendment 9—On page 22, line 21, insert: Section 2. Subsections (2), (3), and (4) of section 395.20, Florida Statutes, are renumbered as subsections (4), (5), and (6), respectively, subsection (1) of said section is amended, and a new subsection (3) is added to said section to read:

395.20 Itemized patient bill; form and content prescribed by the Department of Health and Rehabilitative Services.—

(1) Within 7 days following discharge or release from confinement in a hospital or nursing home, or within 7 days after the earliest date at which the loss or expense from the confinement or service may be determined, which in the case of long-term confinement may be the monthly charge, the hospital or nursing home providing the service shall submit to the patient, or to his survivor or legal guardian as may be appropriate, an itemized statement detailing in language comprehensible to an ordinary layman the specific nature of charges or expenses incurred by the patient, which in the initial billing shall contain a statement of specific services received and expenses incurred for each such item of service, enumerating in detail the constituent components of the services received within each department of the hospital or nursing home and including unit-price data on rates charged by the hospital or nursing home as may be prescribed by the Department of Health and Rehabilitative Services.

(2) *Each This* statement shall:

(a) Not include charges of hospital-based or nursing home-based physicians if billed separately.

(b) Not include any generalized category of expenses such as "other" or "miscellaneous" or the like.

(c) List drugs by brand or generic name and shall not refer to drug code numbers when referring to drugs of any sort.

(d) Specifically identify therapy treatment as to the date, type and length of treatment when therapy treatment is a part of the statement.

The person receiving a statement pursuant to this section shall be fully and accurately informed as to each charge and service provided by the institution preparing the statement.

(3) On a random sample basis, a copy of the itemized bill will be given to the patient's physician.

Section 3. Section 395.201, Florida Statutes, is created to read:

395.201 Patient records; form and content.—Each hospital operated by the Department of Health and Rehabilitative Services and the Department of Corrections shall require the use of a system of problem-oriented medical records for its patients, which system shall include the following elements: basic client data collection; a listing of the patient's problems; the initial plan with diagnostic and therapeutic orders as appropriate for each problem identified; and progress notes, including a discharge summary. The Department of Health and Rehabilitative Services shall, by rule, establish criteria for such problem-oriented medical record systems in order to insure comparability among facilities and to facilitate the compilation of statewide statistics.

Renumber subsequent sections.

Amendment 10—In title on page 1, line 16, after the semicolon insert: amending s. 395.20(1), Florida Statutes, and adding a new subsection (3) thereto; providing requirements with respect to itemized patient billing; creating s. 395.201, Florida Statutes; requiring hospitals operated by the Department of Health and Rehabilitative Services and the Department of Corrections to use problem-oriented medical records for their patients; prescribing contents of such records; requiring the Department of Health and Rehabilitative Services to establish criteria for such records;

Senator Ware moved the following amendment which was adopted:

Amendment 11—In title on page 1, line 5, after the word "authority" insert: ; providing an exemption

On motion by Senator McClain, by two-thirds vote HB 1226 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—33

Anderson	Hair	Margolis	Stuart
Barron	Henderson	Maxwell	Thomas
Beard	Hill	McClain	Tobiassen
Carlucci	Jenkins	McKnight	Vogt
Childers, D.	Jenne	Neal	Ware
Dunn	Jennings	Peterson	Winn
Frank	Johnston	Rehm	
Gordon	Kirkpatrick	Scott	
Grizzle	Lewis	Stevens	

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1051 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Corrections, Probation and Parole—

HB 1051—A bill to be entitled An act relating to the Department of Corrections; creating s. 945.216, Florida Statutes; providing duties of the department with respect to the administration of money or other property received for personal use or benefit of any inmate; providing for deposit of moneys; providing for disposition of unclaimed trust funds; providing an effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

CONSENT CALENDAR, continued

On motions by Senator Hill, the rules were waived and by two-thirds vote HB 1051, a companion measure, was withdrawn from the Committee on Corrections, Probation and Parole and

substituted for SB 442. On motions by Senator Hill, by two-thirds vote HB 1051 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—36

Anderson	Henderson	Margolis	Steinberg
Barron	Hill	Maxwell	Stevens
Beard	Jenkins	McClain	Stuart
Carlucci	Jenne	McKnight	Thomas
Childers, D.	Jennings	Neal	Tobiassen
Dunn	Johnston	Peterson	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	Winn

Nays—None

Vote after roll call:

Yea—Hair

SB 442 was laid on the table.

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

SB 330—A bill to be entitled An act relating to firefighters; providing definitions; providing qualifications whereby firefighters may be entitled to supplemental compensation; providing a schedule for supplemental compensation payments; providing for the creation of a special fund; providing for the issuance of warrants for the payment of supplemental compensation; providing that the Division of State Fire Marshal of the Department of Insurance shall determine eligibility under the act under certain circumstances; providing legislative intent; providing an appropriation; providing an effective date.

—as amended passed this day.

Pending further consideration of SB 330, on motion by Senator Margolis the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 324 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Retirement, Personnel and Collective Bargaining and Representative O'Malley—

CS for HB 324—A bill to be entitled An act relating to firefighters; providing definitions; providing qualifications whereby firefighters may be entitled to supplemental compensation; providing a schedule for supplemental compensation payments; providing for the creation of a special fund; providing for the issuance of warrants for the payment of supplemental compensation; providing that the Division of State Fire Marshal of the Department of Insurance shall determine eligibility under the act under certain circumstances; providing legislative intent; providing an appropriation; providing an effective date.

—which was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining

CONSENT CALENDAR, continued

On motions by Senator Margolis, the rules were waived and by two-thirds vote CS for HB 324, a companion measure, was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining and substituted for SB 330. On motions by Senator Margolis, by two-thirds vote CS for HB 324 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	Hill	Maxwell	Stevens
Beard	Jenkins	McClain	Stuart
Childers, D.	Jenne	McKnight	Tobiassen
Dunn	Jennings	Neal	Trask
Frank	Johnston	Peterson	Vogt
Gordon	Kirkpatrick	Rehm	Ware
Grizzle	Langley	Scott	Winn
Hair	Lewis	Skinner	
Henderson	Margolis	Steinberg	

Nays—None

SB 330 was laid on the table.

SB 974—A bill to be entitled An act relating to indemnification for loss or damage of art and artifacts; creating ss. 265.-51-265.57, Florida Statutes; providing for indemnification against loss or damage for certain eligible items; providing for an application for an indemnity agreement from the Department of State; requiring the Department of Insurance to establish a list of eligible arts institutions; providing for review of applications for indemnification coverage; providing limits on indemnification; establishing the Florida Arts Indemnity Trust Fund; providing for claims; requiring the Department of State to report to the Legislature; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Anderson and adopted.

Amendment 1—On page 2, lines 4-7, strike all of lines 4 through 7 and insert:

(a) Works of art, including tapestries, paintings, sculpture, folk art, graphics and craft arts;

(b) Manuscripts, rare documents, books and other printed or published materials;

(c) Other artifacts or objects;

(d) Photographs, motion pictures or audio and video tape which:

Amendment 2—On page 4, line 25, strike "\$15,000" and insert: \$25,000

Amendment 3—On page 4, line 16, insert after the period (.): The department may have the items appraised by an independent appraiser, with the cost charged to the applicant.

Senator Anderson offered the following amendments which were adopted:

Amendment 4—On page 6, strike lines 6-10 and insert: Section 2. Paragraph (c) of subsection (2) of section 215.32, Florida Statutes, 1980 Supplement, is amended to read: 215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(c)1. The Working Capital Fund shall consist of an amount, not more than 10 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, which accrues from moneys in the General Revenue Fund which are in excess of the amount needed to meet the General Revenue Fund appropriations acts, as determined by the Executive Office of the Governor. Said moneys are hereby appropriated for transfer to the General Revenue Fund whenever it is determined by the Administration Commission that revenue collections in the General Revenue Fund will be less than the estimated amount recommended to the Legislature by the Executive Office of the Governor during the same fiscal year and when the Administration Commission determines, after consultation with the legislative appropriations committees, that it would be more prudent to transfer the Working Capital Funds than to reduce agency operating budgets pursuant to s. 216.221. When not required to meet General Revenue Fund appropriations, said moneys shall be used as a revolving fund for transfers as provided by s. 215.18; and when the Comp-

troller determines that said moneys are not needed for either type of transfer, they may be temporarily invested as provided in ss. 215.44-215.53.

2. The provisions of s. 215.32(2)(c)1. above notwithstanding the comptroller shall pay from the Working Capital Trust Fund such claims as are authorized pursuant to s. 265.55.

Amendment 5—On page 4, strike lines 21-22 and insert: (2) Covered indemnity claims shall be limited to the

Amendment 6—On page 4, between lines 26 and 27 insert: (3) The authorization for payment delineated in (2) above shall be forwarded to the Comptroller. The Comptroller shall take appropriate action to execute authorized payment of the claim from the Working Capital Fund as defined in s. 215.32, Florida Statutes.

Amendment 7—On page 1, line 16, strike "providing an appropriation" and insert: providing for payment of certain claims from the Working Capital Trust Fund

On motion by Senator Anderson, by two-thirds vote SB 974 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Anderson	Henderson	McKnight	Thomas
Barron	Jenkins	Neal	Tobiassen
Beard	Jennings	Poole	Trask
Carlucci	Johnston	Rehm	Vogt
Childers, D.	Kirkpatrick	Skinner	Ware
Dunn	Langley	Steinberg	
Grizzle	Lewis	Stevens	
Hair	Maxwell	Stuart	

Nays—None

SB 872—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.1935(1), Florida Statutes, providing a third degree felony penalty for persons convicted of unlawfully fleeing or eluding a police officer while operating a motor vehicle; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendments which were moved by Senator Langley and failed:

Amendment 1—On page 1, lines 23-25, strike "be guilty of a felony of the third degree, punishable as provided for in s. 775.082, s. 775.083 or s. 775.084" and insert: , upon conviction, be punished by imprisonment in the county jail for a period not to exceed 1 year, or by fine not to exceed \$5,000 ~~\$1,000~~, or both such fine and imprisonment.

Amendment 2—On page 1, between lines 27 and 28, insert: Section 2. Subsection (5) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.— A peace officer may arrest a person without a warrant when:

(5) A violation of chapter 316 has been committed in the presence of the officer. Such arrest may be made immediately or on fresh pursuit; *except that an arrest for a violation of s. 316.1935, fleeing or attempting to elude a law enforcement officer, may be made within a reasonable time after the commission of such offense by any officer who reasonably believes that such offense has been committed and reasonably believes that the person to be arrested has committed it.*

(Re-number subsequent sections.)

Amendment 3—In title on page 1, strike lines 4-7 and insert: Statutes, providing an increased penalty for persons convicted of unlawfully fleeing or eluding a police officer while operating a motor vehicle; amending s. 901.15(5), Florida Statutes; pro-

viding that an arrest without a warrant for a violation of s. 316.1935, Florida Statutes, may be made by any officer under certain circumstances; providing an

Senator Langley moved the following amendments which were adopted:

Amendment 4—Strike everything after the enacting clause and insert: Section 1. Section 316.027, Florida Statutes, is amended to read:

316.027 Accidents involving death or personal injuries.—

(1) The driver of any vehicle involved in an accident resulting in injury or death of any person shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, and shall forthwith return to, and in every event shall remain at the scene of, the accident until he has fulfilled the requirements of s. 316.062.

(2) Any person willfully failing to stop or to comply with the requirements of subsection (1) under such circumstances is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 and, upon conviction, shall be punished by imprisonment in the state penitentiary for not more than 1 year or by fine of not more than \$5,000 or by both such fine and imprisonment.

(3) The department shall revoke the operator's or chauffeur's license of the person so convicted.

(4) Every stop shall be made without obstructing traffic more than is necessary, and, if a damaged vehicle is obstructing traffic, the driver of such vehicle shall make every reasonable effort to move the vehicle or have it moved so as not to obstruct the regular flow of traffic. Any person failing to comply with the provisions of this subsection shall be punished as provided in s. 316.655.

Section 2. Subsections (1) and (3)(a) of section 316.1905, Florida Statutes, are amended to read:

316.1905 Electrical, mechanical, or other speed calculating devices; power of arrest; evidence.—

(1) Whenever any peace officer engaged in the enforcement of the motor vehicle laws of this state uses an electronic, electrical, mechanical, radar as defined in s. 316.1906(1)(a), or other device used to determine the speed of a motor vehicle on any highway, road, street, or other public way, such device shall be of a type approved by the department and shall have been tested to determine that it is operating accurately within plus or minus one mile per hour. Tests for this purpose shall be made not less than once each 6 months, according to methods and procedures and at regular intervals of time prescribed by rules of the department.

(3)(a) A witness otherwise qualified to testify shall be competent to give testimony against an accused violator of the motor vehicle laws of this state when such testimony is derived from the use of such an electronic, electrical, mechanical, radar as defined in s. 316.1906(1)(a), or other device used in the calculation of speed, upon showing that the speed calculating device which was used had been tested and determined accurate as required herein. However, the operator of any visual average speed computer device shall first be certified as a competent operator of such device by the department.

Section 3. Subsection (1) of section 316.1935, Florida Statutes, is amended to read:

316.1935 Fleeing or attempting to elude a police officer; penalty.—

(1) It is unlawful for the operator of any motor vehicle upon a street or highway, having knowledge that he has been directed to stop such vehicle by a duly authorized police officer, willfully to refuse or fail to stop such vehicle in compliance with such directive or, having stopped in knowing compliance with such a directive, willfully to flee in an attempt to elude such officer, and any person violating this subsection shall be guilty of a felony of the third degree, punishable as provided for in s. 775.082, s. 775.083 or s. 775.084, upon conviction, be punished by imprisonment in the county jail for a period not to exceed 1 year, or by fine not to exceed \$1,000, or by both such fine and imprisonment.

Section 4. This act shall take effect October 1, 1981.

Amendment 5—In title on page 1, strike lines 1-8, and insert: A bill to be entitled An act relating to state uniform traffic control; amending s. 316.027, Florida Statutes; increasing criminal penalties for certain such offenses; amending s. 316.1905(1) and (3)(a) to add "radar" as defined elsewhere and to require accuracy of such devices within plus or minus one mile per hour according to methods and procedures adopted by the Department of Highway Safety and Motor Vehicles; amending s. 316.1935(1), Florida Statutes, providing a third degree felony penalty for persons convicted of unlawfully fleeing or eluding a police officer while operating a motor vehicle; providing an effective date.

Pending further consideration of SB 872 as amended, on motion by Senator Langley, by two-thirds vote HB 193 was withdrawn from the Committee on Transportation.

On motion by Senator Langley—

HB 193—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.027, Florida Statutes; increasing criminal penalties for certain such offenses; amending s. 316.1905(1) and (3)(a) to add "radar" as defined elsewhere and to require accuracy of such devices within plus or minus one mile per hour according to methods and procedures adopted by the Department of Highway Safety and Motor Vehicles; amending s. 316.1935(1), Florida Statutes, providing a third degree felony penalty for persons convicted of unlawfully fleeing or eluding a police officer while operating a motor vehicle; providing an effective date.

—a companion measure, was substituted for SB 872 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 193 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Hill	Maxwell	Steinberg
Beard	Jenkins	McClain	Stevens
Carlucci	Jennings	McKnight	Stuart
Dunn	Johnston	Neal	Tobiassen
Frank	Kirkpatrick	Rehm	Trask
Grizzle	Langley	Renick	Vogt
Hair	Lewis	Scott	Ware
Henderson	Margolis	Skinner	Winn

Nays—None

SB 872 was laid on the table.

On motion by Senator Dunn, the Senate reconsidered the vote by which SB 500 passed this day.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 536 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Retirement, Personnel & Collective Bargaining—

HB 536—A bill to be entitled An act relating to state employment; amending s. 110.205(2)(i), (j), and (m), Florida Statutes, 1980 Supplement, providing that the salary of certain employees who are exempt from the career service be set in accordance with the Senior Management Service pay plan; revising certain exempt positions within the office of the Governor and providing additional career service exemptions; amending s. 110.402(1), Florida Statutes, 1980 Supplement, and adding subsection (3) thereto, providing that certain persons who are policymakers or managers and those employees exempted from the Career Service by s. 110.205(2)(m); and the Executive Director and Deputy Executive Director of the Commission on Ethics may be members of the Senior Manage-

ment Service; providing for review of the service; creating s. 110.406, Florida Statutes, providing for the repeal of the Senior Management Service; providing an effective date.

—which was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Dunn, by two-thirds vote HB 536 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Dunn—

HB 536—A bill to be entitled An act relating to state employment; amending s. 110.205(2)(i), (j), and (m), Florida Statutes, 1980 Supplement, providing that the salary of certain employees who are exempt from the career service be set in accordance with the Senior Management Service pay plan; revising certain exempt positions within the office of the Governor and providing additional career service exemptions; amending s. 110.402(1), Florida Statutes, 1980 Supplement, and adding subsection (3) thereto, providing that certain persons who are policymakers or managers and those employees exempted from the Career Service by s. 110.205(2)(m); and the Executive Director and Deputy Executive Director of the Commission on Ethics may be members of the Senior Management Service; providing for review of the service; creating s. 110.406, Florida Statutes, providing for the repeal of the Senior Management Service; providing an effective date.

—a companion measure, was substituted for SB 500 and by two-thirds vote read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 536 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—32

Anderson	Hair	Lewis	Scott
Barron	Henderson	Margolis	Skinner
Beard	Hill	Maxwell	Steinberg
Carlucci	Jenkins	McClain	Stevens
Childers, D.	Jennings	McKnight	Stuart
Dunn	Johnston	Neal	Trask
Frank	Kirkpatrick	Rehm	Vogt
Grizzle	Langley	Renick	Ware

Nays—None

SB 500 was laid on the table.

SPECIAL ORDER, continued

Consideration of CS for SB 589 was deferred.

Senator McKnight presiding

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

CS for SB 915—A bill to be entitled An act relating to state lands; amending s. 253.123, Florida Statutes, providing a definition; providing that the Department of Environmental Regulation shall be responsible with respect to regulating certain restrictions on filling land and dredging in the state; amending s. 253.124, Florida Statutes, deleting reference to certain local authorities with respect to applications for filling land; amending s. 253.1241, Florida Statutes, providing that the Department of Environmental Regulation as well as the Department of Natural Resources shall be required to make certain studies with respect to state lands; amending s. 253.125, Florida Statutes, providing for consideration by local government of certain activities relating to state lands; amending s. 403.814(1) and (2), Florida Statutes, 1980 Supplement, providing a time period for the commencement of work under a general permit; providing an effective date.

—was read the first time by title and SB 915 was laid on the table.

On motion by Senator Vogt, by two-thirds vote CS for SB 915 was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 25 and 26, insert:

Section 1. Subsection (2) of section 208.001, Florida Statutes, 1980 Supplement, is amended to read:

208.001 Tax on generation of hazardous wastes; levy.—

(2) The 4-percent rate provided in subsection (1) shall be suspended for a period of 4 years beginning October 1, 1980. During such period the following rates shall be applicable:

(a) There shall be no tax charged from October 1, 1980, through September 30, 1982 1981.

(b) ~~October 1, 1981, through September 30, 1982, 1 percent of the price of disposing of, storing, or treating hazardous waste.~~

(b)(c) October 1, 1982, through September 30, 1983, 2 percent of the price of disposing of, storing, or treating hazardous waste.

(c)(d) October 1, 1983, through September 30, 1984, 3 percent of the price of disposing of, storing, or treating hazardous waste.

Section 2. Section 403.091, Florida Statutes, 1980 Supplement, is amended to read:

403.091 Inspections.—Any duly authorized representative of the department may enter and inspect any property, premises, or place, except a building which is used exclusively for a private residence, on or at which a *hazardous waste generator, transporter, or facility or other* an air and water contaminant source or a resource recovery and management facility is located or is being constructed or installed, at any reasonable time for the purpose of ascertaining the state of compliance with the law or rules and regulations of the department. No person shall refuse immediate entry or access to any authorized representative of the department who requests entry for purposes of inspection and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection. If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status.

Section 3. Subsection (1) of section 403.72, Florida Statutes, 1980 Supplement, is amended to read:

403.72 Identification, listing, and notification.—

(1) The department shall adopt rules which list hazardous wastes and identify their characteristics and shall establish procedures by which hazardous waste may be identified. The department *may shall* consider ignitability, corrosivity, reactivity, toxicity, infectiousness, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, and persistence and degradability in nature and any other characteristics relevant to each particular waste material.

Section 4. Subsection (7) is added to section 403.725, Florida Statutes, 1980 Supplement, to read:

403.725 Hazardous Waste Management Trust Fund.—

(7) *Fund moneys which are derived from the excise tax for the privilege of generating hazardous wastes shall not be expended in a manner which is inconsistent with section 114(c) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (94 Stat. 2767).*

Section 5. Subsection (4) of section 403.727, Florida Statutes, 1980 Supplement, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(4) The following defenses shall be available to a person alleged to be in violation of this act, who shall plead and prove that the alleged violation was solely the result of any of the following or combination of the following:

(a) An act of war.

(b) An act of government, either state, federal, or local.

(c) An act of God, which means only an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency.

(d) *An act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant (except where the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail), if the defendant establishes by a preponderance of the evidence that (a) it exercised due care with respect to the hazardous waste concerned, taking into consideration the characteristics of such hazardous waste, in light of all relevant facts and circumstances, and (b) it took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions.*

~~(d) An act or omission of a third party, without regard to whether any such act or omission was or was not negligent.~~

~~(e) The negligence of a second party.~~

(Renumber subsequent sections.)

Amendment 2—On page 1, between lines 25 and 26 insert:

Section 1. Subsection (2) of section 403.201, Florida Statutes, is amended to read:

403.201 Variances.—

(2) *The department shall publish notice or shall require a petitioner for variance to publish notice of proposed agency action in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected and afford interested persons an opportunity for held a hearing on each application for a variance. If within 14 days of published notice no request for hearing is filed with the department, the department may proceed to final agency action without a hearing.*

Section 2. Subsection (7) of section 403.061, Florida Statutes, 1980 Supplement, is amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it, and for this purpose to:

(7)(a) Adopt, modify, and repeal rules and regulations to carry out the intent and purposes of this act. Any rules or regulations adopted pursuant to this act shall be consistent with provisions of federal law, if any, relating to control of emissions from motor vehicles, effluent limitations, pretreatment requirements, or standards of performance. *Rules adopted pursuant to this act shall not require dischargers of wastes to waters of the state to improve natural background conditions. The department may not adopt standards more stringent than federal regulations, except as provided in s. 403.804.*

(b) *In issuing a permit for a domestic waste water treatment facility the department may not impose effluent limitations more stringent than secondary waste treatment except where required by federal regulations or by rule adopted by the Governor and Cabinet pursuant to s. 403.804; provided, however, in no case shall the department allow a facility's discharge to reduce the quality of the receiving waters below the classification established for them. However, as a condition of issuing such permits, the department may require a monitoring program of that particular facility. Appropriate treatment more stringent than secondary waste treatment may be required where the results of the monitoring program affirmatively demonstrate that the facility's discharge will cause or contribute to violations of applicable water quality standards.*

(Renumber subsequent sections.)

Amendment 3—On page 1, between lines 25 and 26, insert:

Section 1. Section 253.022, Florida Statutes, is created to read:

253.022 Land Acquisition Administrative Trust Fund established; purpose.—

(1) There is established within the Department of Natural Resources the Land Acquisition Administrative Trust Fund to be used by the Bureau of Land Acquisition of the Division of State Lands to fund the administrative costs associated with acquisition of state lands, the title to which lands is to vest in the Board of Trustees of the Internal Improvement Trust Fund.

(2) The Department of Natural Resources, in association with the Executive Office of the Governor, shall each fiscal year determine the total land acquisition funds authorized from any trust fund established for acquisition of lands to be titled to the board of trustees, and shall evaluate each state agency's appropriation to determine the total funds authorized for acquisition of lands to be titled to the board of trustees. The evaluation shall determine the total funds available for land acquisition from authorized appropriations and trust funds, and shall compute an assessment rate based on the direct proportion of the total authorized acquisition moneys for each fiscal year and the approved annualized budget for the Bureau of Land Acquisition of the Division of State Lands. The assessment rate shall be provided at the beginning of the fiscal year to the Comptroller, who shall transfer moneys based on the assessment to the Land Acquisition Administrative Trust Fund.

(3) The Land Acquisition Administrative Trust Fund may also be used for incidental acquisition costs such as, but not limited to, title information, land surveys, appraisals, and statutorily required reviews. Such costs paid from the Land Acquisition Administrative Trust Fund shall be reimbursed to the fund by the acquiring entity, upon invoice from the Bureau of Land Acquisition of the Division of State Lands.

Section 2. Subsection (2) of section 253.025, Florida Statutes, 1980 Supplement, is amended, present paragraph (e) of subsection (5) of said section is redesignated as paragraph (f) and a new paragraph (e) is added to said subsection to read:

253.025 Acquisition of state lands.—

(2) For the purposes of this section, the term "negotiations" shall not include preliminary contacts with the property owner to determine the availability of the property, existing appraisal data, existing abstracts, and existing surveys.

(5)

(e) *Prior to the acquiring agency executing the purchase agreement or option-purchase agreement, the provisions of s. 286.23 and other statutory disclosure requirements shall be complied with. When the landowner is a nonprofit organization or charitable entity or a trustee or trust fund, the acquiring agency shall obtain disclosure notice from the prior owner in title, if such owner had title within the past 10 years. Such disclosure notice shall identify all persons who had a beneficial interest from the sale or donation to the current owner of the lands under consideration for purchase by the state. Upon compliance with such disclosure notices, the agency's authorized representative may then execute the purchase agreement or option-purchase agreement.*

Section 3. Subsection (4) of section 253.115, Florida Statutes, is amended and subsection (5) is added to said section to read:

253.115 Public notice and hearings.—

(4) This section shall not apply to the release of any reservations contained in Murphy Act deeds or board of trustees' deeds; to any conveyance of land lying landward of the line of mean high water, the area of which is less than 1 acre in size; to any lands covered by the provisions of ss. 253.12(6) and 253.129; or to the lease of any land acquired under the provisions of chapters ~~chapter~~ 375, 259 or by specific legislative appropriation, when the land is being leased to a state agency or political subdivision of the state for public purposes as identified in the acquisition proceedings.

(5) *The department may adopt rules which provide that notice and public hearings, similar to the requirements of this section, that are held by a state agency or local government regarding a specific lease may be substituted by the board for the notice and hearing requirements of this section. The Division of State Lands shall provide a separate report of such substituted hearings in a format prescribed in rules adopted by the board.*

(Renumber subsequent sections.)

Amendment 4—On page 12, between lines 23 and 24, insert:

Section 5. Paragraph (b) of subsection (1) of section 403.086, Florida Statutes, as amended by chapter 80-371, Laws of Florida, is hereby repealed.

Section 6. The Department of Environmental Regulation shall specify wasteload allocations on a case by case basis for domestic point sources of pollution, and shall conduct a survey and shall report to the Legislature no later than October 1, 1982, on the overall impact of existing sources of nonpoint pollution, discharging into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, and Charlotte Harbor or any bay, bayou, or sound tributary thereto. Such report shall contain recommendations for economic and cost effective long-term control and abatement of existing nonpoint source discharges into the waters of the area, and shall include an estimate of the cost of each recommended control and abatement program. The department shall work closely with affected local governments and the appropriate water management district in developing the report.

(Renumber subsequent sections.)

Amendment 5—On page 14, between lines 4 and 5, insert:

Section 6. Section 258.51, Florida Statutes, is created to read:

258.51 Natural areas and sanctuaries.—

(1) The Department of Natural Resources is authorized to establish a program to develop and manage a system of natural areas and sanctuaries throughout the state for the protection, maintenance, preservation and enhancement of essentially natural conditions, native ecosystems, scenic views, and aesthetic features of state-owned lands. This program shall include areas in or near urban areas where emphasis will be on public education and passive recreation.

(2) The department shall develop and implement a management plan for each natural area or sanctuary pursuant to s. 253.034.

(3) Lands and waters designated under other programs, including but not limited to, aquatic preserves, wilderness areas, recreational trails and environmentally endangered lands may be managed under this program provided that the management plans are consistent with the legislation under which such areas have been designated.

(4) Any person may dedicate lands to the Board of Trustees of the Internal Improvement Trust Fund for inclusion in this program.

(5) The department may consult or participate with local, state or federal entities to promote cooperation, to avoid duplicative programs and to seek advice in developing and implementing this section.

(6) In order to carry out the purposes of this section, the department may enter into contracts, apply for and accept grants-in-aid and seek and accept aid or contributions from any source in the form of money, property, services or other things of value.

(7) The department shall develop rules, pursuant to chapter 120, to carry out the provisions of this act.

(8) The Department of Environmental Regulation, the Department of Natural Resources, the Game and Fresh Water Fish Commission, the Trustees of the Internal Improvement Trust Fund, and the appropriate county government shall enter into a Memorandum of Understanding concerning each National Estuarine Sanctuary designed in Florida pursuant to Public Law 92-583, as amended. Each Memorandum of Understanding shall contain, at a minimum, a statement that the state and local governments shall take no action having a significant effect on the lands and waters within the sanctuary without first seeking the advice of the sanctuary management board.

Section 2. There is hereby created within the Division of Resource Management of the Department of Natural Resources one Environmental Specialist IV position, one Environmental Specialist III position, and one Secretary III position for the 1981-1982 fiscal year.

Section 3. There is hereby appropriated from the General Revenue Fund to the Department of Natural Resources the sum of \$79,000 for the 1981-1982 fiscal year, to carry out the purposes of this act.

Section 4. This act shall take effect July 1, 1981.

Renumber subsequent sections.

Senators Steinberg, Peterson and Renick offered the following amendment which was moved by Senator Steinberg and adopted:

Amendment 6—On page 14 between lines 4 and 5, insert: Section 7. Section 403.271, Florida Statutes, is amended to read:

403.271 Aquatic plants; permits; penalties.—

~~(1)~~ No person shall import into the state any aquatic plant or seeds thereof of a species not native to the state without having first obtained a permit from the Department of Natural Resources.

~~(1)(2)~~ No person shall knowingly possess for commercial use, transport or transfer aquatic plants, whether indigenous or a species not native to the state, except those plants permitted for importation by the Department of Agriculture and Consumer Services, between bodies of water within the state without having first obtained a permit from the Department of Natural Resources.

~~(2)(3)~~ No person shall place or cause to be placed in the waters of the state or to cultivate or cause to propagate in the waters of the state any aquatic plant without first having obtained a permit from the Department of Natural Resources.

~~(3)(4)~~ The Department of Natural Resources is authorized to issue such permits only after the following conditions have been met:

(a) The Department of Agriculture and Consumer Services and the Game and Fresh Water Fish Commission issue prior approval of such permit.

(b) An appropriate agency, such as an aquatic vegetation laboratory, issues a memorandum certifying that the importation, transportation, or cultivation of such species poses no danger to the waters, fish, reptiles, or ecology of the state.

~~(4)(5)~~ The Department of Natural Resources, the Department of Agriculture and Consumer Services, and the Game and Fresh Water Fish Commission shall conduct investigations of such species prior to issuance or denial of a permit to place or cause to be placed in the waters of the state or to cultivate or cause to propagate for importation, transport, or transfer of such species in the waters of the state. Such investigations and the issuance of such permits shall be subject to the criteria established by the Department of Natural Resources.

~~(5)(6)~~ The Department of Natural Resources shall publicize the provisions of this section on road signs throughout the state.

~~(6)(7)(a)~~ Any person violating the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) All law enforcement officers of the state and its agencies with power to make arrests for violations of state law shall enforce the provisions of this section.

Section 2. Subsection (26) is added to section 581.031, Florida Statutes, 1980 Supplement, to read:

581.031 Department; powers and duties.—The department shall have the following powers and duties:

~~(26)~~ To make and issue permits for the importation into the state of any aquatic plant or seeds thereof of a species not native to the state. The department shall prohibit the importation of any such aquatic plants or seeds which the department feels would be harmful to the state's ecological system.

Section 3. The Department of Agriculture and Consumer Services is directed to make rules required pursuant to section 2 of this act within 90 days from the effective date of this act.

Renumber subsequent sections.

Senator Steinberg moved the following amendment which was adopted:

Amendment 7—On page 14, between lines 4 and 5, insert:

Section 7.—Subsection (2) of section 20.25, Florida Statutes, is amended to read:

(2) The following shall be the divisions of the Department of Natural Resources:

- (a) Division of Administration.
- (b) Division of Marine Resources *and Resource Management*.
- (c) Division of Recreation and Parks.
- ~~(d) Division of Resource Management.~~
- (d) ~~(e)~~ Division of Law Enforcement.
- (e) ~~(f)~~ Division of State Lands, the director of which shall be appointed by the executive director of the department, subject to confirmation by the Governor and Cabinet sitting as the head of the department.

Renumber subsequent section.

Senators Peterson and Trask offered the following amendment which was moved by Senator Trask and adopted:

Amendment 8—On page 1, line 25, insert:

Section 1. Subsection (2) of section 378.101, Florida Statutes, is amended to read:

378.101 Florida Institute of Phosphate Research.—

(2) The work of the Florida Institute of Phosphate Research shall be directed by a three member board of directors which shall be composed of one member from the faculty of a university within the state university system, one member from the phosphate mining or processing industry and one member from the general public. The board of directors shall be appointed by ~~and serving at the pleasure of~~ the Governor to serve staggered three year terms or until a successor is appointed; provided, of those members first appointed following the effective date of this act, one member shall be appointed for a term of one year; one member shall be appointed for a term of two years; and one member shall be appointed for a term of three years. A member chosen to fill a vacancy otherwise than by expiration of term shall be appointed for the unexpired term of the member whom such appointee is to succeed. A member of the board of directors shall be eligible for reappointment. A vacancy in the board of directors shall not impair the right of the remaining members to exercise the powers of the board of directors. The Governor shall make these appointments on the basis of ability to set priorities for the phosphate research and otherwise give direction to a professional, efficient, and broad phosphate research effort. In setting such priorities, emphasis shall be given to applied research which tends to solve real problems of the industry in which the public has a substantial interest. The policies and decisions of the board shall be implemented through an executive director chosen by the board on the basis of professional competence, both scientific and administrative.

Renumber subsequent sections.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 9—On page 14, between lines 4 and 5 insert: Section 7. For every acre of land at San Felasco Hammock State Preserve which is used or affected by City of Gainesville electrical transmission line installations, the Board of Trustees of the Internal Improvement Trust Fund is authorized to acquire by the exercise of the power of eminent domain, in accordance with Chapter 73, Florida Statutes, an equal amount of acreage of the following described parcel of environmentally endangered lands in Alachua County, and any or all rights, title and interest in such land or water areas to wit:

All of Section 7, Township 9 South, Range 19 East, Alachua County, Florida; less and except:

The west one-quarter (1/4) of the North three-quarters (3/4) of said Section 7; and

The South one-half (1/2) of the Southwest one-quarter (1/4) of said Section 7, less the east 733 feet thereof:

Portions of the above described land lie within the Fernandes Grant. In the exercise of eminent domain power granted by this section, the taking of property shall proceed from North to South in a contiguous manner beginning at the North property line. In lieu of monetary consideration for the land acquired under this section, the board may transfer to the owner of that land title to such land at San Felasco Hammock State Preserve as the owner of the land acquired and the Board of Trustees find mutually agreeable.

Renumber subsequent section.

Senator Vogt moved the following amendments which were adopted:

Amendment 10—In title on page 1, line 18, after the semicolon insert: adding s. 403.8055(6), Florida Statutes, 1980 Supplement, requiring specific reference to federal regulations where same are adopted as a rule by the Department of Environmental Regulation;

Amendment 11—In title on page 1, line 2, strike "state lands" and insert: protection of natural resources

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 12—In title insert: authorizing the Board of Trustees of the Internal Improvement Trust Fund to acquire certain environmentally endangered land in Alachua County;

Senator Vogt moved the following amendments which were adopted:

Amendment 13—In title on page 1, line 18, after the semicolon insert: repealing s. 403.086(1)(b), Florida Statutes, as amended, which provides that no sewage disposal facilities shall dispose of wastes into certain waters without providing advance waste treatment; requiring a study and report on point and non-point sources of pollution discharging into specified waters; providing an appropriation;

Amendment 14—In title on page 1, line 2, after the semicolon insert: creating s. 253.022, Florida Statutes; establishing the Land Acquisition Administrative Trust Fund and specifying purposes thereof; amending s. 253.025(2), Florida Statutes, 1980 Supplement; applying procedures to all acquisitions not made by exercise of the power of eminent domain; redesignating s. 253.025(5)(e), Florida Statutes, 1980 Supplement, and adding a new paragraph (e) to said subsection; providing for disclosure; amending s. 253.115(4), Florida Statutes, and adding subsection (5) to said section; revising notice and public hearing procedures;

Amendment 15—In title, on page 1, line 2, after the semicolon insert: amending s. 403.201(2), Florida Statutes, relating to variances granted by the Department of Environmental Regulation from the provisions of the Florida Air and Water Pollution Control Act, to provide special notice procedures; authorizing the department to dispense with the hearing in certain cases; amending s. 403.061(7), Florida Statutes, 1980 Supplement, providing that rules of the Department of Environmental Regulation shall not be more stringent than secondary waste treatment; providing exceptions; providing for point source monitoring programs; providing for more stringent standards under certain circumstances;

Amendment 16—In title on page 1, strike line 2, and insert: An act relating to natural resources; amending s. 208.001(2), Florida Statutes, 1980 Supplement; extending the suspension of the tax on the generation of hazardous waste; amending s. 403.091, Florida Statutes, 1980 Supplement; providing for inspection by the Department of Environmental Regulation of certain locations of hazardous waste; amending s. 403.72(1), Florida Statutes, 1980 Supplement; making discretionary with the department certain considerations in adopting rules; adding s. 403.725(7), Florida Statutes, 1980 Supplement; placing a limitation on the use of certain moneys in the Hazardous Waste Management Trust Fund; amending s. 403.727(4), Florida Stat-

utes, 1980 Supplement; providing defenses available to a person alleged to be in violation of the Florida Resource Recovery and Management Act; amending s.

Amendment 17—In title on page 1, line 21, after the semicolon insert: creating s. 258.51, Florida Statutes, directing the Department of Natural Resources to establish a program to develop and manage a system of natural areas and sanctuaries throughout the state; authorizing the dedication of land; authorizing the department to consult or participate with local, state and federal entities; authorizing the department to enter into contracts and accept aid to carry out the purposes of the act; requiring Memorandums of Understanding for National Estuarine Sanctuaries; providing contents; creating three positions within the Division of Resource Management of the Department of Natural Resources; providing an appropriation;

Senator Peterson moved the following amendment which was adopted:

Amendment 18—On page 1, line 2, strike "state lands;" after the word "to" insert: environmental regulation; amending s. 378.101(2), Florida Statutes, providing for the composition of the directors and for initial staggered terms for each of the three directors of the Florida Institute of Phosphate Research;

Senator Steinberg moved the following amendment which was adopted:

Amendment 19—In title on page 1, line 21, after the semicolon insert: providing divisions of the Department of Natural Resources;

On motion by Senator Vogt, by two-thirds vote CS for SB 915 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Beard	Hill	Neal	Stuart
Carlucci	Jenne	Peterson	Thomas
Childers, D.	Jennings	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gordon	Lewis	Scott	Winn
Grizzle	Margolis	Skinner	
Hair	McClain	Steinberg	
Henderson	McKnight	Stevens	

Nays—1

Johnston

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

CS for SB 589—A bill to be entitled An act relating to health and rehabilitative services; creating s. 400.322, Florida Statutes, authorizing such facilities to maintain emergency medication kits in which may be stored medicinal drugs to be administered under emergency conditions; amending s. 400.402(8), Florida Statutes, 1980 Supplement; modifying the definition of "personal services"; amending s. 400.427(2), Florida Statutes, 1980 Supplement; providing for development of procedures for implementation of bonding requirements; providing for a report to the Legislature; providing for rules; providing for legislative review; providing an effective date.

—was read the first time by title and SB 589 was laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for SB 589 was read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 1, line 15, after the word "review;" insert: declaring Phenylalanine restricted formula a prescription legend drug; providing dispensing procedure;

Amendment 2—On page 4 between lines 7 and 8 insert: Section 3. Phenylalanine; prescription legend drug, dispensing of.—

Phenylalanine restricted formula is hereby declared to be a prescription legend drug and shall be dispensed only upon the prescription of a practitioner authorized by law to prescribe medicinal drugs.

(Renumber subsequent sections.)

Pending further consideration of CS for SB 589 as amended, on motion by Senator Jenne, the rules were waived and by two-thirds vote HB 484 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Jenne—

HB 484—A bill to be entitled An act relating to long-term care facilities; creating s. 400.322, Florida Statutes, authorizing such facilities to maintain emergency medication kits in which may be stored medicinal drugs to be administered under emergency conditions; amending s. 400.427(2), Florida Statutes, 1980 Supplement, relating to property and personal affairs of residents to provide for development of procedures for implementation of bonding requirements; providing for a report to the Legislature; providing for rules; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; declaring phenylalanine restricted formula a prescription legend drug; providing dispensing procedure; providing an effective date.

—a companion measure, was substituted for CS for SB 589 and read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 484 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Beard	Hill	Neal	Stevens
Carlucci	Jenkins	Peterson	Stuart
Childers, D.	Jenne	Poole	Thomas
Dunn	Johnston	Rehm	Trask
Frank	Langley	Renick	Vogt
Gordon	Margolis	Scott	Ware
Grizzle	McClain	Skinner	Winn
Hair	McKnight	Steinberg	

Nays—None

CS for SB 589 was laid on the table.

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

CONSENT CALENDAR

On motion by Senator Neal the Senate reverted to consideration of—

By the Committee on Governmental Operations and Senator Neal—

CS for SB 1016—A bill to be entitled An act relating to state government; creating ss. 287.001, 287.0125, 287.058, Florida Statutes, and amending ss. 287.012(3), 287.032, 287.042(4), (5), (8), and (10), and 287.057, Florida Statutes, 1980 Supplement, expanding provisions relating to the procurement of contractual services by the Department of General Services; providing for representation of the state in legal matters by the Department of Legal Affairs; adding s. 112.313(7)(c), Florida Statutes; providing for ethical considerations in the procurement of contractual services; providing duties of the Division of Purchasing; establishing competitive bidding and sealed proposal procedures; providing for the content of contract documents; amending s. 216.023, Florida Statutes, to include requests for contractual services within provisions relating to agencies budgets; amending s. 20.19(13), Florida Statutes, 1980 Supplement; setting forth certain provisions relating to procurement of services to be provided individual clients; amending section 11 of chapter 80-374, Laws of Florida, relating to contractual services, to delay the effective date of the act; providing an effective date.

—which was read the first time by title and SB 1016 was laid on the table.

On motion by Senator Neal, by two-thirds vote CS for SB 1016 was read the second time by title.

Senator Neal moved the following amendments which were adopted:

Amendment 1—On page 4, strike lines 6-24 and insert: Section 4. Section 112.3135, Florida Statutes is created to read:

112.3135 Contractual Services.—

(1) For the purposes of this section, "contractual services" shall be defined as set forth in s. 287.012(3).

(2) For the purposes of this section, "agency" means any of the various state officers, departments, boards, commissions, and councils of the executive and judicial branches of state government.

(3) No agency employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in the procurement of contractual services shall become or be, while an agency employee, the employee of a person contracting with the agency by whom the employee is employed.

(4) No agency employee shall, after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice or investigation while an officer or employee.

(5) No agency employee shall, within 2 years of retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract which was within the agency employee's responsibility while an employee.

(6) The sum of money paid an agency employee during the first year after the cessation of the agency employee's responsibilities, by the agency with whom the employee was employed, for contractual services provided to the agency by the employee shall not exceed the annual salary received by the employee on the date of cessation of the agency employee's responsibilities. The provisions of this part may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings to the state.

(7) No agency employee acting in his official capacity shall directly or indirectly procure contractual services for his own agency from any business entity of which a relative as defined in s. 116.111(1)(c) is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest.

(8) Violation of any provision of this section shall be punishable in accordance with s. 112.317.

Amendment 2—On page 4, between lines 24 and 25, insert: Section 5. Paragraph (c) is added to subsection (7) of section 112.213, Florida Statutes, to read:

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

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(c) Employment after retirement or termination.—No person who has been a public officer or an employee of an agency shall:

1. After retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the officer or employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice or investigation while an officer or employee.

2. Within two years after retirement or termination, have or hold a contractual relationship which concerns his former

specific area of responsibility unless the individual is contracting to represent the agency.

3. During the first year after retirement or termination, receive, from the agency or entity with whom the individual was employed, payment in excess of one and one-half times the annual salary received by the individual on the date of his retirement or termination. The provisions of this part may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings to the state.

4. For the purposes of this section, "contractual services" shall be defined as set forth in s. 287.012(3).

Renumber.

Amendment 3—In title on page 1, line 11 after the semicolon, insert: creating s. 112.3135, Florida Statutes; providing standards and restrictions for procurement of contractual services;

Amendment 4—In title on page 1, strike lines 12-18, and insert: Florida Statutes; restricting employment after retirement or termination; amending s. 216.023,

On motion by Senator Neal, by two-thirds vote CS for SB 1016 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

Beard	Jenkins	McKnight	Steinberg
Childers, D.	Jenne	Neal	Stevens
Dunn	Jennings	Peterson	Stuart
Frank	Johnston	Poole	Tobiassen
Grizzle	Langley	Rehm	Trask
Hair	Lewis	Renick	Vogt
Henderson	Maxwell	Scott	Ware
Hill	McClain	Skinner	Winn

Nays—None

On motion by Senator Dunn, the rules were waived and the Senate reverted to:

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 146, HB 1164, HB 599, HB 1171 and HB 1195.

Allen Morris, Clerk

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 82, SB 382, SB 528, CS for SB 895, SB 937, SB 167, SB 393, SB 544, SB 970, SB 1093, SB 224, CS for SB 489, SB 824, SB 983, SB 1099, SB 262, SB 1124, SB 292, and SB 462.

Allen Morris, Clerk

The bills contained in the above message were ordered enrolled.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments 1 and 2 and passed SB 521, as amended.

Allen Morris, Clerk

The bill contained in the above message was ordered engrossed and then enrolled.

ENROLLING REPORTS

CS for CS for SB 108 and CS for SB 620 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 4, 1981.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 3 was corrected and approved.

On motion by Senator Dunn, the Senate adjourned at 5:00 p.m. to convene at 9:00 a.m., Friday, June 5.