



# Journal of the Senate

Number 26

Friday, June 5, 1981

## BILL ACTION SUMMARY

Friday, June 5, 1981

H 25	Substituted for SB 180	Passed	S 189	Passed as amended; Further action required
H 46	Substituted for SB 951	Passed	S 201	Refer to C/S HB 277
H 58	Refused to concur		S 214	Refer to HB 1120
H 147	Passed		S 230	Refer to HB 355
H 166	Passed		S 252	C/S Passed as amended
H 176	Substituted for C/S SB 512	Passed	S 265	Passed as further amended
H 277	Substituted for SB 201	Passed as amended	S 280	Passed as amended
H 285	Substituted for C/S SB 46 and SB 53	Passed	S 285	Passed as further amended
H 309	Substituted for C/S SB 409	Passed as amended	S 293	C/S Passed as amended
H 338	Passed as amended		S 303	Passed as amended
H 344	Substituted for C/S SB 664 and SB 666	Passed	S 306	C/S Passed as amended
H 355	Substituted for SB 230	Passed as amended	S 310	Refer to HB 1049
H 413	Substituted for SB 524	Passed as amended	S 335	Refer to C/S HB 687
H 439	Substituted for C/S SB 1089	Passed	S 337	Refer to HB 1003
H 458	Passed		S 347	Refer to C/S HB 747
H 490	Substituted for C/S SB 841	Passed	S 398	Refer to HB 1175
H 546	Passed		S 409	Refer to C/S HB 309
H 559	Substituted for C/S SB 944	Passed as amended	S 446	Refused to concur
H 602	Passed as amended		S 454	C/S Passed as amended
H 607	Passed		S 475	Refer to HB 721
H 637	Substituted for SB 940	Passed	S 479	Passed as further amended
H 660	Substituted for C/S SB 603	Passed	S 512	Refer to HB 176
H 665	Substituted for C/S SB 1034	Passed as amended	S 524	Refer to HB 413
H 687	Substituted for C/S SB 335	Passed	S 537	Passed as amended
H 701	Passed as amended		S 558	C/S Passed as amended; Further action required
H 707	Passed as further amended		S 564	Refer to HB 1152
H 721	Substituted for SB 475	Passed	S 568	C/S Passed as further amended
H 747	Substituted for C/S SB 347	Passed	S 603	Refer to HB 660
H 755	Passed as amended		S 606	C/S Passed as further amended
H 799	Substituted for C/S SB 919	Passed	S 632	Passed as further amended
H 807	Passed as amended		S 633	Passed as further amended; Further action required
H 869	Passed as amended		S 664	Refer to C/S HB 344
H 1000	Passed		S 666	Refer to C/S HB 344
H 1003	Substituted for C/S SB 337	Passed	S 683	Refer to HB 1214
H 1049	Substituted for SB 310	Passed	S 690	C/S Passed as further amended
H 1091	Substituted for C/S SB 129	Passed	S 700	Passed as further amended; Further action required
H 1095	Passed as further amended		S 703	Refer to HB 1157
H 1120	Substituted for C/S SB 214	Passed	S 720	Passed as amended
H 1131	Passed		S 759	Refused to concur
H 1145	Substituted for SB 1070	Passed	S 798	C/S Passed as further amended
H 1152	Substituted for SB 564	Passed	S 841	Refer to C/S HB 490
H 1175	Substituted for C/S SB 398	Passed as amended	S 915	Reconsidered C/S Passed as further amended
H 1185	Passed		S 919	Refer to HB 799
H 1214	Substituted for SB 683	Passed	S 929	Passed as amended
H 1221	Passed		S 940	Refer to C/S HB 637
H 1224	Passed		S 944	Refer to C/S HB 559
H 1230	Passed as further amended		S 951	Refer to HB 46
H 1233	Passed		S 1025	Passed as further amended; Further action required
S 19	Refused to concur; request House to recede		S 1034	Refer to C/S HB 665
S 30	Passed as further amended		S 1046	Passed as amended
S 38	Passed as further amended		S 1070	Refer to HB 1145
S 46	Refer to C/S HB 285		S 1089	Refer to HB 439
S 51	Passed as further amended		S 1121	Passed as further amended
S 53	Refer to C/S HB 285			
S 68	Refused to concur; request House to recede			
S 129	Refer to HB 1091			
S 180	Refer to HB 25			
S 182	C/S Passed as further amended			

The Senate met from 9 a.m. until 12 noon and from 2 p.m. until 2:40 p.m.

### INTRODUCTION AND REFERENCE OF BILLS

#### First Reading

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

### 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 755 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Nuckolls and Mann—

HB 755—A bill to be entitled An act relating to Lee County; amending chapter 63-1554, Laws of Florida, as amended, relating to fishing in Lee County; revising provisions prohibiting the use of nets within a one mile radius of the Matlacha Bridge to remove an exemption for hand held cast nets and to prohibit such fishing within the area encompassed by one square statute mile on either side of said bridge; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1242 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations—

HB 1242—A BILL TO BE ENTITLED AN ACT MAKING APPROPRIATIONS; PROVIDING MONEYS FOR THE ANNUAL PERIOD BEGINNING JULY 1, 1981 AND ENDING JUNE 30, 1982, EXCEPT AS OTHERWISE PROVIDED WITHIN, TO PAY SALARIES, OTHER EXPENSES, CAPITAL OUTLAY—BUILDINGS AND IMPROVEMENTS AND FOR OTHER SPECIFIED PURPOSES OF THE VARIOUS AGENCIES OF STATE GOVERNMENT; PROVIDING AN EFFECTIVE DATE.

—was referred to the Committee on Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1125, HB 171, HB 839 and HB 1110 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Community Affairs—

HB 1125—A bill to be entitled An act relating to financial matters; amending s. 215.65(1), Florida Statutes; providing that the working capital reserve of the Bond Fee Trust Fund shall never exceed expenditures of the previous fiscal year; providing for transfer of excess moneys to sinking fund accounts; amending s. 218.37, Florida Statutes; providing definitions; providing duties of the Division of Bond Finance of the Department of General Services with respect to general obligation bonds and revenue bonds of units of local government and the state; providing for rules; providing duties of the advisory council to the division; providing for repeal and review of the council in accordance with the Sundown Act; amending s. 218.38, Florida Statutes, 1980 Supplement, providing duties of units of local government with respect to information furnished the division regarding outstanding bonds and new bond issues; revising provisions relating to information filed with the division after delivery of bonds sold at public sale by competitive bid; exempting certain bonds from such provisions; requiring that certain information be filed with the division after delivery of certain bonds sold by negotiated bond sales; requiring the underwriter or financial consultant to file certain information with the unit of local government; requiring that information regarding both types of bond issues be maintained by the division and the unit of local government as a public record; providing for verification of information on bonded obligations by units of local government upon request of the division; providing procedures when the unit of local government fails to verify or provide required information; amending s. 218.385, Florida Statutes, 1980 Supplement; deleting certain specific requirements with respect to a resolution authorizing a negotiated sale; providing for certification of compliance upon delivery of bonds; requiring information regarding any finder to be furnished to the unit of local government by certain persons; specifying that failure to comply with said section shall not affect the validity of a bond issue; providing for application of certain sanctions; amending s. 218.386, Florida Statutes, 1980 Supplement; redefining "finder"; prohibiting payment of finders' fees by finan-

cial advisers unless disclosure is made; specifying that violation of the section shall not affect the validity of a bond issue; amending s. 170.09, Florida Statutes, 1980 Supplement; revising interest rate and number of yearly installments for payment of special assessments for municipal improvements; amending s. 170.17, Florida Statutes; revising specified denomination and interest rate for improvement bonds; amending s. 153.05(9), Florida Statutes; providing a cap on interest rates charged on special assessments for water and sewer improvements; amending s. 197.214, Florida Statutes; providing for the collection of special assessments levied by municipal service taxing units and service charges; adding a subsection to s. 200.069, Florida Statutes, 1980 Supplement, providing for notice of assessments or service charges by municipal service taxing units or special taxing districts; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

By Representative L. J. Smith—

HB 171—A bill to be entitled An act relating to pawnbrokers; amending s. 715.041(1), Florida Statutes, requiring pawnbrokers to comply with provisions of s. 812.051, Florida Statutes; requiring certain records prohibiting pawnbrokers from purchasing or accepting security with respect to certain loans; providing a penalty; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Brodie—

HB 839—A bill to be entitled An act relating to regulation of coastal construction; amending s. 253.124(1) and (8), Florida Statutes; providing that applications for filling land and for construction of coastal structures or restoration of lands shall be made to the board of county commissioners in certain charter counties where such charter county, or an agency thereof, has been designated as the authorized local pollution control program; providing an effective date.

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

By the Committee on Governmental Operations—

HB 1110—A bill to be entitled An act relating to nonpublic-sector buses; creating s. 316.700, Florida Statutes, authorizing the Department of Transportation to adopt rules relating to bus safety; adding a subsection to s. 316.515, Florida Statutes, relating to maximum width, and length of buses; amending s. 320.08(6)(b), Florida Statutes, deleting certain per passenger license taxes; creating s. 341.102, Florida Statutes, to preempt local regulation of nonpublic-sector buses; amending s. 627.7286, Florida Statutes, 1980 Supplement, requiring buses to carry additional insurance; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committee on Transportation.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 46 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Pajcic—

HB 46—A bill to be entitled An act relating to landlord and tenant law; amending s. 83.43(2), Florida Statutes, expanding the term "dwelling unit" to include structures furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place; amending s. 83.46, Florida Statutes, providing for the duration of a tenancy at such a dwelling place; amending s. 83.57, Florida Statutes, providing for the termination of such a tenancy; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 852, HB 722 and CS for CS for HB 964 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative R. C. Johnson—

HB 852—A bill to be entitled An act relating to equal accommodations for handicapped and otherwise physically disabled persons; amending s. 413.08(1)(a), (2) and (4), Florida Statutes, and adding subsections (6) and (7) thereto, including otherwise physically disabled persons within a list of certain handicapped persons who are entitled to full and equal accommodations at all public places; providing that no physical modifications to structures, vehicles, or facilities be required; providing for a private cause of action; providing that attorney's fees be awarded to the prevailing plaintiff; providing a definition of attorney's fees; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Representative D. L. Jones—

HB 722—A bill to be entitled An act relating to social and economic assistance; amending s. 409.212, Florida Statutes, providing for optional supplementation with respect to residents of adult congregate living facilities and adult foster homes whose benefits are terminated because of certain increases in social security benefits; prohibiting reductions in the optional supplementation standard because of certain income increases; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services, and Appropriations.

By the Committees on Appropriations and Health and Rehabilitative Services and Representative Gordon—

CS for CS for HB 964—A bill to be entitled An act relating to spouse abuse; amending s. 409.602(4) and (5), Florida Statutes, redefining the terms "spouse" and "victim"; amending s. 409.605(1)(a), Florida Statutes, providing for the use of spouse abuse centers by dependents of victims; adding paragraph (e) to s. 409.605(1), Florida Statutes, requiring spouse abuse centers to participate in the provision of orientation and training programs for certain professionals and paraprofessionals; amending s. 409.605(5), Florida Statutes, eliminating the funding cap for individual centers; providing for method of allocation; amending s. 741.30, Florida Statutes, authorizing persons to file complaints of spouse abuse with a law enforcement agency or the clerk of the circuit court; exempting spouse abuse victims from filing fees for petitioning the court for an order to restrain an abusive spouse; requiring additional information on the petition for an order to restrain an abusive spouse; requiring that the abusive spouse be served the restraining order within 24 hours from issuance without charge to the victims; providing for sanctions against an abusive spouse who violates a restraining order; providing for collection and disbursement of revenues for fines against an abusive spouse who violates a restraining order; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services and Judiciary-Civil.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 252, CS for CS for HB 455, CS for HB 978 and HB 1192 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Spaet and others—

HB 252—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 the 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 referred to the Committee on Health and Rehabilitative Services.

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

CS for CS for HB 455—A bill to be entitled An act relating to public assistance; adding a new section to chapter 409, Florida Statutes; providing legislative intent; providing for establishment of a statewide public assistance workfare project or program to be implemented only under certain circumstances; providing conditions related to registration of recipients of public assistance, criteria and procedures under which recipients are to be assigned to perform certain public work, operation of the workfare project or program, determination of hours in accordance with certain wage rates, and loss of eligibility for public assistance; providing for resolution of state/federal conflicts; providing for promulgation of rules; providing an appropriation; requiring the Department of Health and Rehabilitative Services to provide financial incentive for the establishment of a privately administered pilot project to provide employment for AFDC recipients; providing for application; providing criteria for approval of the project; providing for reimbursement of the project administrators for up to 75 percent of the costs incurred and documented, within certain limits; providing exclusions; providing effective and expiration dates.

—was referred to the Committees on Health and Rehabilitative Services and Appropriations.

By the Committee on Finance & Taxation and Representative Morgan—

CS for HB 978—A bill to be entitled An act relating to assessment of special classes of property; creating s. 193.505, Florida Statutes; providing that the owner of historically significant property may convey development rights to such property to the county governing body or covenant with such body that the property not be used for purposes inconsistent with historic preservation; providing procedures and requirements; providing for assessment of such property; providing for payment of deferred tax liability upon release from or expiration of the covenant; providing duties of property appraiser and tax collector; amending s. 193.501(6)(a) and (g) and (7), Florida Statutes, relating to assessment of outdoor recreational or park land; removing reference to historical sites; revising interest rate on deferred tax liability; requiring tax collector to report deferred tax liability collected under such section; repealing s. 193.507, Florida Statutes, relating to assessment of lands within areas of critical state concern; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Operations; and Finance, Taxation and Claims.

By the Committee on Health and Rehabilitative Services—

HB 1192—A bill to be entitled An act relating to the University of Miami/Jackson Memorial Burn Center; authorizing the Department of Health and Rehabilitative Services to make grants and reimbursements to the center; requiring conformity to certain standards; providing an appropriation; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services and Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1083 and CS for HB 33 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Commerce—

HB 1083—A bill to be entitled An act relating to The Retail Installment Sales Act; amending s. 520.31 (3) and (5), Florida Statutes; redefining "services" and "retail seller" or "seller" for purposes of said act; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representative A. E. Johnson—

CS for HB 33—A bill to be entitled An act relating to state, county, and municipal officers; amending s. 125.0105, Florida Statutes, authorizing the governing body of a county to increase the service fee for dishonored checks up to a specified amount, plus costs of collection and attorneys' fees; amending s. 166.251, Florida Statutes, authorizing the governing body of a municipality to increase the service charge for dishonored checks up to a specified amount, plus costs of collection and attorneys' fees; amending s. 215.34(2), Florida Statutes, increasing the service fee to be added by a state officer or agency for dishonored checks and providing that such service fee shall be in addition to costs of collection and attorneys' fees; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 782 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives T. McPherson and S. McPherson—

HB 782—A bill to be entitled An act relating to saltwater fishing; amending s. 370.15(5), Florida Statutes; providing that the shape or configuration of shrimp traps are not restricted so long as the trap meets certain specifications; providing that certain shrimp traps shall not be considered pound nets; providing that certain shrimp traps shall be considered a nuisance; adding subsections (19) and (20) to s. 370.01, Florida Statutes; defining "finfish" and "trap"; amending s. 370.1105, Florida Statutes, 1980 Supplement; prohibiting the taking of finfish from the territorial saltwaters of the state with traps; providing exceptions; prohibiting the taking of saltwater fish from said waters with any trap exceeding 15 cubic feet; prohibiting the possession or setting on or in such waters of such traps; providing for permits to transport such traps across such waters; providing a fee; providing a penalty; deleting language relating to seizure of equipment used in violation; providing an effective date.

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

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1117 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Criminal Justice and Representative L. J. Smith—

HB 1117—A bill to be entitled An act relating to driving under the influence of alcohol or controlled substances; amending s. 316.193(3), (5), Florida Statutes, 1980 Supplement; expanding alcohol education courses to provide substance abuse education; expanding alcohol treatment and evaluation to provide substance abuse evaluation and treatment; defining "substance abuse"; amending s. 322.261, Florida Statutes; providing that a person operating a motor vehicle within this state consents to a urine test for the purpose of detecting the presence of controlled substances; providing that a chemical breath and urine test may be administered if a person is arrested for any offense committed while in actual physical control of a motor vehicle; requiring the administration of a urine test in a reasonable manner at a detention facility; authorizing license suspension periods for refusal to submit to a chemical urine test; providing procedures for the suspension of the driving privilege for refusal to submit to such a tests or tests; providing

that a driver consents to a chemical blood test when the administration of a chemical breath or urine test is impractical or impossible; authorizing license suspension periods for refusal to submit to a chemical blood test; increasing the suspension periods for refusal to submit to a chemical breath test under certain circumstances; requiring substantial compliance with approved testing methods for test results to be valid; providing that a person may request a chemical test of his urine or blood; authorizing the withdrawal of blood by a certified paramedic; providing a certified paramedic immunity from liability as a result of the proper withdrawal of blood; providing that chemical, breath, and urine tests be administered at the direction of a law enforcement officer; providing that such tests shall be administered in accordance with rules of the Department of Health and Rehabilitative Services rather than the Department of Highway Safety and Motor Vehicles; creating s. 322.2615, Florida Statutes; requiring a person to submit to a chemical blood test under certain circumstances; authorizing the law enforcement officer to use reasonable force to require such person to submit to a blood test; requiring the administration of the blood test in a reasonable manner; authorizing certain persons to withdraw blood; providing for approved testing methods; requiring substantial compliance with approved methods; allowing criminal charges to be tried concurrently; amending s. 322.262, Florida Statutes; providing that test results shall be admissible into evidence; requiring substantial compliance of chemical test analyses with approved methods; providing that any person charged with driving a motor vehicle while under the influence of controlled substances shall be entitled to trial by jury; amending s. 322.28(1), (2) (a), (d), (e), Florida Statutes, 1980 Supplement; providing for the suspension or revocation of a driver's license or driving privilege upon conviction for the offense of driving a motor vehicle under the influence of controlled substances; providing for education of substance abusing drivers; providing that a temporary permit is valid until a hearing is held or a determination is made that no hearing shall be held; amending s. 316.066(4), Florida Statutes, 1980 Supplement; excluding chemical test results from the confidential privilege afforded by the subsection; amending s. 322.271(1)(a), Florida Statutes; excluding persons who refuse to consent to required chemical breath, urine, and blood tests from modification of a driver's license revocation or suspension; creating s. 322.2617, Florida Statutes, authorizing the Department of Health and Rehabilitative Services to develop methods and techniques for testing and to appoint a panel of experts to assist the department; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 358 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Myers and others—

HB 358—A bill to be entitled An act relating to transportation; adding a new paragraph (d) to s. 339.08(2), Florida Statutes, 1980 Supplement, authorizing the use of first gas tax revenues for certain purposes; amending s. 339.12(1), (3), (4), (5), (6), (7), and (9), Florida Statutes, authorizing municipalities to participate in road building and maintenance projects under certain circumstances; authorizing the Department of Transportation to reimburse counties and municipalities for the amount of certain bond proceeds used to construct state roads; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 395 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Allen—

HB 395—A bill to be entitled An act relating to district school boards; amending s. 230.201, Florida Statutes; declaring

legislative intent to remedy existing inequity in s. 112.061, Florida Statutes; providing for reimbursement of travel expenses of school board members for travel from the member's residence incurred for a public purpose; providing that mileage allowance, when authorized, shall be computed from member's residence and return; providing an effective date.

—was referred to the Committee on Education.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 162 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Kershaw—

HB 162—A bill to be entitled An act relating to horseracing; creating s. 550.245, Florida Statutes, providing for the prerace testing of animals used in racing; providing an effective date.

—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 as amended HB 980 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Brantley—

HB 980—A bill to be entitled An act relating to proceedings before the Florida Public Service Commission; adding subsection (7) to s. 367.081, Florida Statutes, 1980 Supplement; authorizing a customer of a utility to present evidence at a evidentiary hearing relating to utility rate requests; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committees on Commerce and Governmental Operations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 435, HB 721 and CS for HB 1048 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Agriculture and General Legislation—

HB 435—A bill to be entitled An act relating to quarter horse racing; amending s. 550.265(6)(b), Florida Statutes, 1980 Supplement, providing for deposit of registration fees; providing an effective date.

—was referred to the Committee on Appropriations.

By Representatives Crawford and Silver—

HB 721—A bill to be entitled An act relating to disinterested witnesses; providing for reimbursement of costs incurred by such witnesses in producing documents at certain legal proceedings; providing definitions; providing procedures for reimbursement; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Appropriations.

By the Committees on Appropriations and Insurance—

CS for HB 1048—A bill to be entitled An act relating to the Department of Labor and Employment Security; adding subsection (6) to s. 20.171, Florida Statutes, 1980 Supplement; requiring the Secretary of Labor and Employment Security or his designee to inspect for, and provide for the safe contain-

ment, or the removal and disposal, of unacceptable levels of asbestos from governmental buildings and from certain non-governmental buildings; providing for notice of hazardous exposures; requiring the Secretary of Labor and Employment Security to promulgate rules to carry out said duties; specifying buildings and other structures to which the act applies; establishing a trust fund; providing an appropriation; providing effective and expiration dates.

—was referred to the Committees on Governmental Operations and Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 919 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Ewing—

HB 919—A bill to be entitled An act relating to condominiums; amending s. 718.112(2)(j), Florida Statutes, 1980 Supplement, and adding a new paragraph (k) to said subsection; providing for the assessment by a condominium association of fees relating to the approval of certain transactions; providing for the continuation of certain rules after control of the condominium association is turned over to the unit owners; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

*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 570 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Tourism and Economic Development and Representative Meek and others—

CS for HB 570—A bill to be entitled An act relating to economic development; providing legislative intent; providing definitions; creating an Economic Development Financing Insurance Trust Fund; creating the Economic Development Financing Insurance Fund Board; providing for applications for financing insurance; providing for approval of applications; providing for uses of the insurance fund; providing effective and expiration dates.

—was referred to the Committee on Economic, Community and Consumer Affairs.

*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 924 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Governmental Operations and Representatives Sadowski and A. E. Johnson—

CS for HB 924—A bill to be entitled An act relating to indemnification for loss or damage of art and artifacts; creating ss. 265.51-265.56, 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; providing for review of applications for indemnification coverage; providing limits on indemnification; providing for claims; providing for payment of claims; requiring the Department of State to report to the Legislature; amending s. 215.32(2)(c), Florida Statutes, 1980 Supplement, authorizing the State Comptroller to pay certain claims from the Working Capital Trust Fund; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 386 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Grant—

HB 386—A bill to be entitled An act relating to retail installment sales; amending s. 520.03(3), Florida Statutes, 1980 Supplement, increasing license fees for retail installment sellers of motor vehicles; amending s. 520.05(1), Florida Statutes, increasing fees for investigation and examination of a motor vehicle sales finance company; amending s. 520.07(5), Florida Statutes, 1980 Supplement, removing the lower limit on the maximum allowable delinquency and collection charges on installments in default; amending s. 520.32(1), Florida Statutes, 1980 Supplement, increasing the license fee for conducting retail installment sales business; amending s. 520.37, Florida Statutes, removing the lower limit on the maximum allowable delinquency charges on installments in default; amending s. 520.55(1), Florida Statutes, increasing expense fees for the examination of a sales finance company; amending s. 520.65(4) and (5), Florida Statutes, 1980 Supplement, increasing license fees for home improvement finance agencies and home improvement contractors; increasing fees for additional offices; amending s. 520.85, Florida Statutes, removing the lower limit on the maximum allowable delinquency and collection charges on installments in default for home improvement contracts; amending s. 520.96(2), Florida Statutes, increasing fees for the examination of home improvement finance agencies; deleting provision relating to deposit of expenses; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 373 and HB 811 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Gordon and others—

HB 373—A bill to be entitled An act relating to landlord and tenant; creating s. 83.565, Florida Statutes, permitting the surviving spouse of a tenant, or the personal representative of his estate if there be no surviving spouse, to terminate a residential rental agreement upon the death of the tenant; requiring the landlord to return money prepaid by the deceased tenant; requiring the landlord to return the security deposit less any valid claim upon such termination; providing that all residential rental agreements entered into on or after October 1, 1981, shall be deemed to include the provisions of the act; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Representative Carlton—

HB 811—A bill to be entitled An act relating to community colleges; amending s. 240.359(3)(d), Florida Statutes, 1980 Supplement, deleting procedures for adjusting the community college program fund allocations for colleges in which actual enrollments are more than 8 percent less than assigned enrollments for any biennium, deleting references to enrollment of the elderly; providing an effective date.

—was referred to the Committees on Education and Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 753 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Nuckolls (by request)—

HB 753—A bill to be entitled An act relating to financial matters; amending s. 215.84(2)(b), Florida Statutes, 1980 Supplement, excluding installment sales and lease purchases, and including bonds, certificates or other obligations issued by counties within the definition of the term "bond" for the purpose of establishing maximum allowable interest rates; repealing s. 130.012, Florida Statutes, relating to the maximum rate of interest local governments may charge for bonds, certificates, or other obligations, and s. 287.062(2)(b), Florida Statutes, 1980 Supplement; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional 3/5 vote of the membership of the House HJR 158 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Ewing and others—

HJR 158—A joint resolution proposing an amendment to Section 3, Article III of the State Constitution, relating to the legislature, to allow the date for convening of a regular session to be fixed by law.

—was referred to the Committee on Rules and Calendar.

*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 977 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations and Representative Kiser and others—

CS for HB 977—A bill to be entitled An act relating to sponge fishing; adding a subsection to s. 253.03, Florida Statutes, 1980 Supplement, authorizing the Board of Trustees of the Internal Improvement Trust Fund to lease submerged lands for the purpose of sponge culture; amending s. 370.17(4), Florida Statutes; prohibiting the possession of small sponges; repealing ss. 370.17(2), (9), and (10) and 370.171, Florida Statutes, abolishing restrictions upon sponge diving; authorizing and directing the Board of Trustees of the Internal Improvement Trust Fund to acquire, by eminent domain, the sponge exchange in Tarpon Springs, together with the property on which it is located; directing the Department of State to operate the sponge exchange as a business, using the proceeds for the preservation and acquisition of the exchange; providing an effective date.

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

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1157 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Insurance—

HB 1157—A bill to be entitled An act relating to the Governor's Mansion; amending s. 272.185(1)(b), Florida Statutes, to provide for the purchase of insurance for the contents of the mansion; providing for inventory of certain state owned artifacts; providing for recommendations as to insurance on inventory items; providing for a report to the legislature; providing an effective date.

—was referred to the Committee on Governmental Operations.

*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 858 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Insurance and Representative W. R. Hodges—

CS for HB 858—A bill to be entitled An act relating to insurance; amending s. 627.4235(2), Florida Statutes, providing for coordination of benefits between group policies under certain circumstances; providing for repeal and review in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—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 as amended House Bills 1120 and 191 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Criminal Justice and Representative Reynolds—

HB 1120—A bill to be entitled An act relating to mentally disordered sex offenders; adding subsection (5) to s. 394.461, Florida Statutes, 1980 Supplement, authorizing the Department of Health and Rehabilitative Services to operate and continue to operate certain mentally disordered sex offender treatment programs at described locations; amending ss. 917.011(2), 917.012(2), 917.014(2), 917.016(2), 917.018, 917.019 and 945.12(6), Florida Statutes, delaying the repeal of provisions of law for the commitment of mentally disordered sex offenders into a treatment program operated by the Department of Health and Rehabilitative Services until July 1, 1983; creating s. 917.017, Florida Statutes, relating to the entry of mentally disordered sex offenders into the program; creating s. 917.021, requiring annual reports to the Legislature; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By Representative O'Malley—

HB 191—A bill to be entitled An act relating to automobile inspection and warranty associations; amending s. 634.041(13), Florida Statutes, 1980 Supplement, relating to required maintenance of unencumbered assets; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—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 CS for HB 491, HB 908, CS for HB 807 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Natural Resources and Representative J. W. Lewis—

CS for HB 491—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 referred to the Committee on Natural Resources and Conservation.

By Representative M. E. Hawkins—

HB 908—A bill to be entitled An act relating to the sales tax; amending s. 212.08(7)(c), Florida Statutes, including non-profit air search and rescue organizations within the definition of "charitable institutions" for purposes of a sales tax exemption; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

By the Committee on Tourism & Economic Development and Representative Crawford—

CS for HB 807—A bill to be entitled An act relating to the tax on sales, use, and other transactions; adding s. 212.08(5)(d), Florida Statutes, 1980 Supplement; providing a tax exemption for the purchase or lease of certain studio equipment used exclusively in permanent motion picture or television production activities; providing an exception; providing definitions; providing for promulgation of rules; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 824 and CS for HB 173 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Corrections, Probation & Parole and Representatives Girardeau and Gordon—

CS for HB 824—A bill to be entitled An act relating to corrections; requiring the Department of Corrections to file a report with the Legislature with respect to inmate access to potentially lethal materials; requiring the department to develop a plan to relocate the metal furniture factory at the Union Correctional Institution upon certain findings; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By the Committee on Finance & Taxation and Representative J. H. Smith—

CS for HB 173—A bill to be entitled An act relating to taxation; adding subsection (4) to s. 196.011, Florida Statutes, 1980 Supplement; providing for notification by the property appraiser to the Department of Revenue under certain circumstances; providing for review of exemptions by the property appraiser; creating s. 212.087, Florida Statutes; providing for notification by the Department of Revenue to the property appraiser under certain circumstances; providing for review of exemptions by the department; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1121 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Natural Resources—

HB 1121—A bill to be entitled An act relating to state lands; amending s. 253.023(2), Florida Statutes, 1980 Supplement,

removing the limitation on the balance of the Conservation and Recreation Lands Trust Fund; providing an effective date.

—was referred to the Committee on Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended House Bills 1209 and 15 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Tourism & Economic Development—

**HB 1209**—A bill to be entitled An act relating to a small business advocate; creating the position of small business advocate within the Governor's Office of Business Assistance; providing intent; providing duties thereof; requiring an annual report; providing an appropriation; repealing s. 288.39, Florida Statutes, 1980 Supplement, the Small Business Assistance Act; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Representative Davis and others—

**HB 15**—A bill to be entitled An act relating to comprehensive health education; amending s. 233.067(3) and (4)(b), Florida Statutes; adding parenting to the definition of comprehensive health education; specifying components for inclusion in the parenting education programs; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services, and Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 687 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committees on Governmental Operations and Tourism & Economic Development and Representative Crawford and others—

**CS for CS for HB 687**—A bill to be entitled An act relating to real estate; adding subsection (10) to s. 20.30, Florida Statutes, creating the Florida Real Estate Commission; amending s. 215.37(1), (2), and (3), Florida Statutes, and adding a new subsection (4) thereto, providing for fees collected by the commission; providing for the funding of the commission; adding subsection (5) to s. 455.201, Florida Statutes, exempting the commission from certain regulations; amending ss. 475.03, 475.05, 475.10, 475.125, 475.175, 475.181, 475.23, 475.24, 475.25, 475.28, 475.31(2), 475.37, 475.42(1)(g), (h) and (i), 475.452(2) and (3), 475.453(1), (2) and (3)(b), 475.455, 475.483(1)(b), 475.4835 and 475.486, Florida Statutes; amending ss. 475.01(1) and (5), 475.17(2), 475.451(1), (2) and (3), 475.4511(5), 475.482 and 475.484(1), (2) and (6), Florida Statutes, 1980 Supplement; changing the terms "board" and "department" to "commission" throughout chapter 475, Florida Statutes; amending s. 475.02(1) and (3), Florida Statutes, and adding subsections (4), (5), (6), (7), (8), (9) and (10) thereto, providing for the organization of the commission; amending s. 475.04, Florida Statutes, relating to the duty of the commission to educate members of the profession; creating s. 475.061, Florida Statutes, providing for the accountability and liability of commission members; creating s. 475.071, Florida Statutes, authorizing the commission to designate executive offices; creating s. 475.081, Florida Statutes, providing for the compensation of commission members; creating s. 475.091, Florida Statutes, authorizing the commission to employ certain persons; creating s. 475.121, Florida Statutes, providing for the payment of expenses of the commission; creating s. 475.1815, Florida Statutes, relating to denial of licensure; amending s. 475.182, Florida Statutes, 1980 Supplement, authorizing the commission to accept certain substitute educational courses for required continuing education courses; amending s. 475.183, Florida Statutes, providing substitute educational courses with respect to certain licensees; creating s. 475.261, Florida Statutes, relating to disciplinary proceedings;

creating s. 475.2615, Florida Statutes, providing injunctive relief; creating s. 475.263, Florida Statutes, relating to public inspection of records; repealing s. 20.30(4)(x), Florida Statutes, eliminating the Board of Real Estate within the Department of Professional Regulation; providing legislative intent; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was referred to the Committees on Governmental Operations, Commerce and Appropriations.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1004 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Corrections, Probation & Parole—

**HB 1004**—A bill to be entitled An act relating to corrections; adding a new subsection (2) to s. 947.172, Florida Statutes, relating to establishment of presumptive parole release dates, to require notification of, and to provide an opportunity to be heard to, the prospective parolee's prosecuting attorney and sentencing judge; amending s. 944.28, Florida Statutes, making uniform procedures relating to the forfeiture by inmates of gain-time earned and the right to earn gain-time in the future; deleting the requirement that a prisoner's gain-time must have been forfeited before forfeiture of his right to earn gain-time; reenacting s. 944.275(2)(d), Florida Statutes, to incorporate the amendment to s. 944.28 in a reference thereto; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

The Senate was called to order by Senator Stuart at 9:00 a.m. A quorum present—35:

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

Excused: Senators Gordon, Johnston, Hair, Jenne, Margolis, Tobiassen, 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, and Senator Barron to work with the conferees.

Prayer by Reverend Thomas L. Jones, Coordinator, Department of Chaplain Services, Jackson Memorial Hospital, Miami:

Our Father, we begin this significant final day of this Senate session by calling upon you in fervent prayer. We thank you for the hard work of this session. We offer it all to you—the good and the bad, the dreams, the schemes, the screams—believing that you will bring from it much good for the people of Florida. Good for all—whether we be from north Florida, south Florida, or somewhere in between, whether we be full of the good things of life or empty of pocketbook or spirit.

Bless the leadership and those they lead within this historic body. As they return to their homes, may your good grace go with them, with their families, and with the communities. We ask all this for Florida and for your kingdom. Amen.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for the morning of June 5, 1981: CS for SB 409, CS for SB 841, SB 929, SB 230, SB 398, SB 454, SB 603, SB 475, SB 683, SB 201, CS for SB 129, CS for SB 1034, CS for SB 512, SB 1070,

CS for SB 1089, HB 338, HB 602, HB 607, SB 524, CS for SB 347, CS for SB 529, SB 355

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

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for 1:00 p.m., Friday, June 5, 1981: CS for HB 637, House Messages for 15 minutes, HB 338, CS for SB 347, SB 335, CS for SB 944, SB 180, CS for HB 701, SB 310, HB 147, SB 564, CS for SB 214, CS for HB 546, CS for SB 337, CS for SB 1019, SB 951, CS for Senate Bills 664 and 666, CS for SB 973, HB 1047, HB 1092, HB 1093, HB 1201, CS for SB 238, CS for SB 148, CS for SB 529, SB 935, HB 299, CS for SB 919, CS for Senate Bills 46 and 53

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

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Friday, June 5, 1981: HB 291, HB 458, HB 755, HB 869, HB 1000, HB 1185, HB 1221, HB 1224, HB 1233

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

**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 receded from House Amendment 1 and passed SB 1107.

*Allen Morris, Clerk*

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 421, 649, 869, 150, 406, 612, 881, 643, 800, 974, CS for SB 17, CS for SB 327, CS for SB 654, CS for SB 314 and CS for SB 448.

*Allen Morris, Clerk*

The bills contained in the above messages 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 and passed as amended House Bills 1115, 662, 689, 157, 1076, 341, 1075, CS for HB 1068, CS for HB 861 and CS for HB 216.

*Allen Morris, Clerk*

*The Honorable W. D. Childers, President*

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

SB 30—A bill to be entitled An act relating to alcoholism; amending s. 396.102(1), (2), Florida Statutes; authorizing the head of a treatment resource or his designee and certain peace officers to petition a court for commitment of a person as an alcoholic; requiring the court to issue a summons to the person whose commitment is sought; amending s. 396.105, Florida Statutes; authorizing certain peace officers to petition a court for commitment of a person as an habitual abuser; making it a criminal offense for a person to leave an alcohol treatment program in certain situations; providing a penalty; authorizing the court to suspend penalty; making it a criminal offense to be found intoxicated in a public place within 6 months after completion of a treatment program; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 3, lines 24-31 and, on page 4, lines 1-8, strike all of said lines.

Amendment 2—On page 1 in the title, lines 12-19, strike “making it a criminal offense for a person to leave an alcohol treatment program in certain situations; providing a penalty; authorizing the court to suspend penalty; making it a criminal offense to be found intoxicated in a public place within 6 months after completion of a treatment program; providing a penalty;”

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

SB 30 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Frank	Johnston	Rehm	Vogt
Hair	Kirkpatrick	Renick	Ware
Henderson	Langley	Steinberg	Winn
Hill	Margolis	Stevens	

Nays—1

Dunn

Vote after roll call:

Yea—McClain

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 passed with amendments—

SB 19—A bill to be entitled An act relating to the Administrative Procedure Act; adding s. 120.52(14)(f), Florida Statutes; excluding certain law enforcement policies and procedures from the definition of “rule”; amending s. 120.60(6), Florida Statutes, revising the notice requirements with respect to the revocation, suspension, annulment or withdrawal of any license subject to the act; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 3, line 11, strike all of Section 3. and insert: Section 3. Section 120.525, Florida Statutes, is created to read:

120.525 Legislative overview; rules.—

Every proposed rule shall be referred to the appropriate committee in each house of the Legislature for review and comment as to compliance with the legislative intent in enacting the statutes under which the agency proposes the rule. In the absence of direction by the presiding officer of each house, each committee shall adopt a procedure for carrying out the review function envisioned by this section; however, nothing herein shall require that such procedures involve a meeting of the committee. If the appropriate committee determines that the proposed rule conflicts with the legislative intent in enacting the statute under which the agency proposed the rule and the agency refuses to modify, amend, withdraw or appeal the rule, the appropriate committee shall file with the Department of State a copy of its comments. The Department of State shall publish this notice in the Florida Administrative Weekly and shall publish, as a note to the rule in the Florida Administrative Code, a summary of the appropriate committee's comments and a reference to the issue of the Florida Administrative Weekly in which the full text thereof appears.

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

Amendment 2—On page 1 in the title, line 10, strike “providing an effective date.” and insert: creating s. 120.525, Florida Statutes, providing that the Legislature, through the appropriate committee in each house, shall review and comment on every proposed rule as to compliance with the legislative intent in enacting the statute under which the agency proposes the rule; providing an effective date.

On motions by Senator Dunn, the Senate refused to concur in the House amendments and the House was requested to recede. The vote was:

Yeas—26

Anderson	Hill	McKnight	Tobiassen
Beard	Jenkins	Neal	Trask
Carlucci	Jenne	Peterson	Vogt
Childers, D.	Jennings	Rehm	Ware
Dunn	Johnston	Steinberg	Winn
Frank	Kirkpatrick	Stevens	
Hair	Langley	Stuart	

Nays—None

Vote after roll call:

Yea—McClain

The action of the Senate was certified to the House.

*The Honorable W. D. Childers, President*

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

SB 38—A bill to be entitled An act relating to driver licenses; adding s. 322.20(7), Florida Statutes; authorizing the department to furnish lists of information from driver license records in the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles; providing for fees for furnishing information; providing exceptions; authorizing the adoption of rules; amending s. 322.142(3), Florida Statutes; increasing the fee for a color photographic driver's license; prohibiting certain acts by entities excepted from payment of fees; authorizing the department to charge any noncomplying entity for future information; providing effective dates.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1, lines 13-23, strike everything after the enacting clause and insert:

Section 1. A new subsection (5) is added to s. 320.03, Florida Statutes, to read:

320.03 License plates; duties of tax collectors.—

(5) A fee of 50 cents shall be charged in addition to the fees required under s. 320.08 on all license registrations sold to cover the costs of the Florida Real Time Vehicle Information System. The fees collected hereunder shall be deposited to the FRVIS Trust Fund as created by the department and shall be used to fund that system.

Section 2. Subsection (7) is added to section 322.20, Florida Statutes, to read:

322.20 Records of the department.—

(7) The department may, upon application, furnish to any person, from the records of the Division of Driver Licenses, a list of the names, addresses, and birth dates of the licensed drivers of the entire state or any portion thereof by age group. Each person who requests such information shall pay a fee, set by the department, of one cent per name listed; except that the department shall furnish such information, without charge, to any state agency or to any state attorney, sheriff, or chief of police. Such state agency, state attorney or law enforcement agency may not sell, give away or allow the copying of such information. Noncompliance with this prohibition shall authorize the department to charge the noncomplying state agency,

state attorney or law enforcement agency the appropriate fee for any subsequent lists requested. The department may adopt rules necessary to implement this subsection.

Section 3. This act shall take effect October 1, 1981.

Amendment 2—On page 1 in the title, lines 1-9, strike the entire title and insert: A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 320.03, Florida Statutes, adding a 50 cent fee to the cost of all license plates sold in the state; creating a trust fund for the deposit of such fee; providing such fees shall be used to fund the Florida Real Time Vehicle Information System; adding s. 322.20(7), Florida Statutes; authorizing the department to furnish lists of information from such records; providing for fees for furnishing information; providing exceptions; prohibiting certain acts by entities excepted from payment of fees; authorizing the department to charge any noncomplying entity for future information; authorizing the adoption of rules; providing an effective date.

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

SB 38 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

Vote after roll call:

Yea—Lewis, McClain

Yea to Nay—Carlucci

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 passed with amendments—

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

CS for SB 182—A bill to be entitled An act relating to health care; requiring the Department of Health and Rehabilitative Services to establish within at least one local health unit a pilot program for a geriatric outpatient clinic; requiring one pilot program to be in Pasco County; providing legislative intent; providing definitions; requiring evaluation; requiring a report to the President of the Senate and the Speaker of the House of Representatives; providing severability; creating s. 458.316, Florida Statutes; providing for the issuance and renewal of a public health certificate under certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1, lines 19-31, and page 2, lines 1-4, strike all of said language and insert: Section 1. Legislative intent.—It is the intent of the Legislature to encourage the development of programs for community-based care for the elderly as an alternative to institutionalization. The Legislature finds and declares that the availability of preventive health services is one alternative, the development of which would fill an unmet need, and reduce the incidence of unnecessary or premature institutionalization of elderly persons. The purpose of this act is to encourage the development of geriatric preventive health services in coordination with the private sector and other local health resources.

The Legislature intends that existing and available space in local health units or community space made available to the local health unit for this purpose at no charge be used for geriatric preventive health services in order that the cost of such programs be kept low.

**Amendment 2**—On page 2, lines 8-12, strike all of said language and insert: (2) "Geriatric preventive health services" means the provision of preventive health services to geriatric patients, which may be rendered by a registered nurse, an advanced registered nurse practitioner, a certified geriatric nurse practitioner, a physician's assistant, or by other personnel approved by the local health unit director.

**Amendment 3**—On page 2, line 21, strike "outpatients clinics" and insert: preventive health services

**Amendment 4**—On page 3, lines 1-3, strike Additional services, as appropriate, may be incorporated into a program to the extent that resources are available.

**Amendment 5**—On page 3, line 22, strike outpatient clinics and insert: preventive health services

**Amendment 6**—On page 3, lines 24, 26 & 27, strike clinics and insert: services

**Amendment 7**—On page 4, lines 6-7, strike entire paragraph (a) and renumber subsequent sections

**Amendment 8**—On page 4, line 24, strike outpatient clinics and insert: preventive health services

**Amendment 9**—On page 3, line 7, strike , pursuant to section 455.06, Florida Statutes,

**Amendment 10**—On page 1 in the title, lines 5 & 6, strike a geriatric outpatient clinic and insert: preventive health services

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

CS for SB 182 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Beard	Jenkins	Margolis	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Frank	Johnston	Peterson	Trask
Grizzle	Kirkpatrick	Rehm	Vogt
Henderson	Langley	Renick	Ware
Hill	Lewis	Scott	Winn

Nays—None

Vote after roll call:

Yea—Hair, McClain

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 passed with amendments—

SB 265—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(6), (7), Florida Statutes, 1980 Supplement; limiting terms on the statewide Human Rights Advocacy Committee; providing guidelines for selection, appointment, length of terms, and replacement of members of statewide and district committees; requiring separate and distinct appropriations for committees; prohibiting certain uses of appropriations; requiring the development of bylaws; requiring the department

to maintain financial records and to adopt rules; limiting the number of district committees; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Subsections (3), (4), and (7) of section 400.304, Florida Statutes, 1980 Supplement, are amended to read:

400.304 Establishment of a State Nursing Home and Long-Term Care Facility Ombudsman Committee; duties; membership.—

(3) The state ombudsman committee shall be composed of 12 members appointed by the Governor, to include the following: One physician who includes elderly patients in his practice; one registered nurse; one nursing home administrator; one licensed pharmacist; one dietitian; two representatives who are, or who represent, nursing home residents; one representative who is, or who represents, adult congregate living facility residents; one representative who is, or who represents, adult foster home residents; one owner or operator of an adult congregate living facility; one attorney; and one professional social worker. *In no case shall an employee of the Department of Health and Rehabilitative Services serve as a member or as an ex officio member of the committee.* The Governor shall elicit nominations from related professional organizations. Except for the nursing home administrator, the adult congregate living facility owner or operator, the registered nurse, and the licensed pharmacist, each member of the state ombudsman committee shall certify to having no association with a nursing home or long-term care facility for reward or profit.

(4) All members shall serve for 2-year terms. A member may be reappointed thereafter. Any vacancy which occurs shall be filled by the Governor. *If an appointment is not made within 120 days after a vacancy occurs, the vacancy shall be filled by a majority vote of the committee.* The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

(7) Members shall receive no compensation but shall be reimbursed for per diem and travel expenses as provided for in s. 112.061. *The department shall make a separate and distinct request for an appropriation for all expenses for the committee. Such request may be combined into a specific appropriation for committee expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts. If a legislative appropriation for such expenses is made, the department shall reimburse expenses for individual advisory councils and committees in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.292 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for advisory council and committee expenses.*

Section 2. Subsections (3), (4), and (7) of section 400.307, Florida Statutes, 1980 Supplement, are amended to read:

400.307 District nursing home and long-term care facility ombudsman committees; duties; membership.—

(3) Each district ombudsman committee shall be composed of 15 members appointed by the Governor from the district, to include the following: One physician licensed pursuant to chapter 458 or chapter 459 whose practice includes a substantial number of geriatric patients; one registered nurse; one nursing home administrator; one owner or operator of an adult congregate living facility; one licensed pharmacist; one dietitian; five nursing home residents or representative consumer advocates for nursing home residents; two long-term care facility residents or representative consumer advocates for long-term care facility residents; one attorney; and one professional social worker. *In no case shall an employee of the Department of Health and Rehabilitative Services serve as a member or as an ex officio member of a committee. The Governor shall elicit nominations from related professional organizations.* Except for the nursing home administrator, adult congregate living facility owner or operator, pharmacist, and nurse, each member of the committee shall certify to having no association with a nursing home or long-term care facility for reward or profit.

(4) All members shall serve 2-year terms. A member may be reappointed thereafter. Upon expiration of a term and in case of any other vacancy, the committee shall appoint a replacement by majority vote of the committee, subject to the approval of the Governor. If no action is taken by the Governor to approve or disapprove the replacement of a member within 30 days after the committee has notified the Governor of the appointment, then the appointment of the replacement shall be considered approved. Any vacancy which occurs shall be filled by the Governor. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

(7) A member of a district ombudsman committee shall receive no compensation but shall be reimbursed for travel expenses both within and outside the county of residence in accordance with the provisions of s. 112.061. The department shall make a separate and distinct request for an appropriation for all expenses for each committee which shall indicate the proposed distribution of such expenses among districts. Such requests may be combined into a specific appropriation for committee expenses or included in a specific appropriation with other expenses in the governor's recommended budget or in the appropriations acts. If a legislative appropriation for such expenses is made, the department shall reimburse expenses for individual advisory councils and committees in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.292 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for advisory council and committee expenses.

Section 3. Notwithstanding the provisions of the Sundown Act, sections 400.304 and 400.307, Florida Statutes, 1980 Supplement, shall not stand repealed on October 1, 1981, as scheduled by such act, but sections 400.304 and 400.307, Florida Statutes, 1980 Supplement, as amended, are revived and readopted.

Section 4. Notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended, sections 400.301, 400.311, 400.314, 400.317, and 400.321, Florida Statutes, 1980 Supplement, shall not stand repealed on July 1, 1982, as scheduled by such act, but sections 400.301, 400.311, 400.314, 400.317, and 400.321, Florida Statutes, 1980 Supplement, are revived and readopted.

Section 5. Sections 400.304 and 400.307, Florida Statutes, are repealed on October 1, 1987, and shall be reviewed by the Legislature pursuant to the Sundown Act.

Section 6. Sections 400.301, 400.311, 400.314, 400.317, and 400.321, Florida Statutes, are repealed on July 1, 1987, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976, as amended.

Section 7. Subsections (6) and (7) of section 20.19, Florida Statutes, 1980 Supplement, are amended to read:

20.19 Department of Health and Rehabilitative Services.— There is created a Department of Health and Rehabilitative Services.

(6) STATEWIDE HUMAN RIGHTS ADVOCACY COMMITTEE.—

(a) There is hereby created within the department a statewide Human Rights Advocacy Committee consisting of eight citizens who broadly represent the interests of the public and the clients of the department, to be appointed by the Governor. The members shall be representative of four groups of citizens as follows: Two elected public officials, including one county commissioner; two representatives of agencies or civic groups which are not designated as "federal" or "state"; two representatives from the health and rehabilitative services consumer groups which are currently receiving, or have received, services from the department within the past 2 years; and two residents of the state who do not represent any of the foregoing groups or the department.

(b) At least one member of the Human Rights Advocacy Committee shall have served as a member of a district human rights advocacy committee within the 2 years prior to his appointment.

(c)(b) All members of the Human Rights Advocacy Committee shall serve terms of 2 4 years, except that at the time of the initial appointment four two members shall be ap-

pointed for terms of 1 year and four, two members shall be appointed for terms of 2 years, two members shall be appointed for terms of 2 years, and two members shall be appointed for terms of 4 years.

(d)1.(e) The Governor shall fill each vacancy on the Human Rights Advocacy Committee for the balance of the unexpired term. Priority consideration shall be given to the appointment of an individual whose primary interest, experience, or expertise lies with a major departmental client group not represented on the committee at the time of the appointment.

2. If any appointment is not made within 120 days after a vacancy occurs on the committee, the vacancy shall be filled by a majority vote of the statewide committee.

(e)1.(d) Members of the Human Rights Advocacy Committee shall receive no compensation, but shall be reimbursed for per diem and travel expenses by the department in accordance with the provisions of s. 112.061.

2. The department shall make a separate and distinct request for an appropriation for all expenses for the Human Rights Advocacy Committee. Such request may be combined into a specific appropriation for committee expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts. If a legislative appropriation for such expenses is made, the department shall reimburse expenses for individual advisory councils and committees in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.292 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for advisory council and committee expenses.

(f)(e) The members of the Human Rights Advocacy Committee shall elect a chairperson. The term of the chairperson shall be for 1 year, and no chairperson shall serve as chairperson for more than two consecutive terms. In no case shall a person who is employed by the department, or who operates or is employed in a program or facility which is funded or regulated by the department, be elected as a member of the committee.

(g)(f) The responsibilities of the committee shall include, but not be limited to:

1. Serving as a third-party mechanism for protecting the constitutional and human rights of any client within a program or facility operated, funded, or regulated by the department.

2. Receiving, investigating, and resolving reports of abuse or deprivation of constitutional and human rights referred to the Human Rights Advocacy Committee by a district human rights advocacy committee. For the purposes of such investigation, the committee shall have access to all client files and reports when such clients are receiving services in facilities operated directly by the Department of Health and Rehabilitative Services. In all other cases the Human Rights Advocacy Committee shall have standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons that the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of human or constitutional rights or the abuse of a client. Upon completion of a general investigation of practices and procedures of the department, the committee may report its findings to the department. All information obtained through examination of such reports shall remain confidential. Client files, records, and reports, or copies thereof, shall not be removed from the department or agency facilities. All matters before the committee concerning abuse or deprivation of rights of an individual client or group of clients of the department subject to the protections of this section shall be closed to the public and exempt from the provisions of s. 119.07(1). All other matters before the committee shall be open to the public and subject to chapter 119. Any person who knowingly and willfully discloses any such confidential information shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This section shall not be interpreted to allow committee access to confidential adoption records in accordance with the provisions of ss. 39.11, 63.022, and 63.162.

3. Reviewing existing programs or services and new or revised programs of the department and making recommendations as to how the rights of clients are affected.

4. Submitting an annual report to the Legislature, no later than November 30 of each calendar year, concerning activities, recommendations, and complaints reviewed or developed by the committee during the year.

5. Conducting meetings at least six times a year at the call of the chairperson and at other times at the call of the Governor or by written request of four members of the committee.

6. Developing bylaws to be used policies and procedures to carry out the purposes of this subsection, which bylaws are developed in consultation with the secretary and include at least the following:

- a. The committee's responsibilities;
- b. The committee's organization and operation, including procedures for replacing a member;
- c. Procedures for receiving and investigating reports of abuse of constitutional or human rights;
- d. Relationship of the committee to the district human rights advocacy committees;
- e. Relationship of the committee to the department secretary, including the way in which reports of findings and recommendations related to reported abuse are given to the department;
- f. Provision for cooperation with the State Nursing Home and Long-Term Care Facility Ombudsman Committee; and
- g. including Procedures for appeal. An appeal to the state committee is made by a district human rights advocacy committee when a valid complaint is not resolved at the district level. The statewide committee may appeal an unresolved complaint to the secretary. If, after exhausting all remedies, the statewide committee is not satisfied that the complaint can be resolved within the department, the appeal may be referred to the Governor.

7. Reviewing and approving on an annual basis all district committee bylaws to assure their consistency with statute.

(h) The department shall:

1. Maintain complete records of expenses related to the statewide and district human rights advocacy committees distinct from the expenses of any other committee or departmental program; and
2. Adopt rules which are consistent with law, amended to reflect any statutory changes, which rules address at least the following:
  - a. Procedures by which department district staff refer reports of abuse to district human rights advocacy committees;
  - b. Procedures by which client information is made available to committee members according to s. 20.19(6)(h)2. and s. 20.19(7)(g)2.; and
  - c. Procedures by which committee members are reimbursed for authorized expenses.

(7) DISTRICT HUMAN RIGHTS ADVOCACY COMMITTEES.—At least one district human rights advocacy committee is created in each district.

(a) The number and areas of responsibility of the district human rights advocacy committees, not to exceed three in any district, shall be determined by the majority vote of district committee members. Provided, however, that district II may have four committees, except that any existing human rights advocacy committee created by administrative agreement or legislative mandate may continue functioning if the committee so determines.

(b)1. Each district human rights advocacy committee shall have no fewer than 7 and no more than 11 members who shall include at least two consumers, two providers, and two representatives of professional organizations.

2. Priority consideration shall be given to the appointment of at least one medical or osteopathic physician as de-

finied in chapters 458 and 459. Priority consideration shall also be given to the appointment of an individual whose primary interest, experience, or expertise lies with a major departmental client group not represented on the committee at the time of the appointment.

3. In no case shall a person who is employed by the department be selected as a member of a committee.

(c)1. With respect to existing committees, each member shall serve a term of 2 years. Upon expiration of a term and in the case of any other vacancy, the district committee shall appoint a replacement by majority vote of the committee, subject to approval of the Governor. A member may serve no more than two terms.

2.a. With respect to all district committees created after July 1, 1978, the Governor shall appoint the first four members of the committee, and those four members shall select the remaining seven members. If any of the first four members are not appointed within 120 days of a request being submitted to the Governor, those members shall be appointed by a majority vote of the district committee.

b. Members shall serve for no more than two terms of 2 years, except that at the time of initial appointment, terms shall be staggered so that six members serve for terms of 1 year and five members serve for terms of 2 years. Vacancies shall be filled as provided in subparagraph 1.

3. If no action is taken by the Governor to approve or disapprove a replacement of a member pursuant to this paragraph within 30 days after the district committee has notified the Governor of the appointment, then the appointment of said replacement shall be considered approved.

4. The provisions of s. 20.19(7)(c), as amended in chapter 79-287, Laws of Florida, to the contrary notwithstanding, members currently, as of October 1, 1979, serving upon existing district human rights advocacy committees shall be permitted to complete the terms to which they were appointed.

(d) Each committee shall elect a chairperson for a term of 1 year. No person shall serve as chairperson for more than two consecutive terms, and in no case shall a person who is employed by the department, or who operates or is employed in a program or facility which is funded by the department, be elected as chairperson.

(e) In the event that a committee member fails to attend two-thirds of the regular committee meetings during the course of a year, it shall be the responsibility of the committee to replace such member. In addition, each committee shall have provisions in its bylaws for defining misfeasance and malfeasance of duty.

(f)1. A member of a district committee shall receive no compensation but shall receive per diem and shall be reimbursed for travel expenses as provided in s. 112.061. The department is authorized to provide reimbursement to a member for long-distance telephone calls if such calls were necessary to an investigation of an abuse or deprivation of human rights.

2. The department shall make a separate and distinct request for an appropriation for all expenses for each district human rights advocacy committee which shall indicate the proposed distribution of such expenses among districts. Such requests may be combined into a specific appropriation for committee expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts. If a legislative appropriation for such expenses is made, the department shall reimburse expenses for individual advisory councils and committees in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.292 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for advisory council and committee expenses.

(g) Each district human rights advocacy committee shall comply with appeal procedures established by the statewide Human Rights Advocacy Committee. The duties, actions, and procedures of both new and existing district or regional human rights advocacy committees shall conform to the provisions of this act. The duties of each district human rights advocacy committee shall include, but are not limited to:

1. Serving as a third-party mechanism for protecting the constitutional and human rights of any client within a program or facility operated, funded, or regulated by the department.

2. Receiving, investigating, and resolving reports of abuse or deprivation of constitutional and human rights within the committee's area of jurisdiction. For the purposes of such investigation, the committee shall have access to all client files and reports when such clients are receiving services in facilities operated directly by the Department of Health and Rehabilitative Services. In all other cases the Human Rights Advocacy Committee shall have standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons that the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of human or constitutional rights or the abuse of a client. Upon completion of a general investigation of practices and procedures of the department, the committee may make a report of its findings to the department. All information obtained through an examination of such reports shall remain confidential. Client files, records, and reports, or copies thereof, shall not be removed from the department or agency facilities. All matters before a district human rights advocacy committee concerning abuse or deprivation of rights of an individual client or group of clients of the department subject to the protections of this section shall be closed to the public and exempt from the provisions of s. 119.07(1). All other matters before the committee shall be open to the public and subject to chapter 119. Any person who knowingly and willfully discloses any such confidential information shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This section shall not be interpreted to allow committee access to confidential adoption records in accordance with the provisions of ss. 63.162, 63.022, and 39.11.

3. Reviewing, and making recommendation with respect to, the involvement by departmental clients as subjects for research projects, prior to implementation, insofar as their human rights are affected.

4. Reviewing existing programs or services and new or revised programs of the department and making recommendations as to how the rights of clients are affected.

5. Appealing to the state committee any complaint unresolved at the district level.

6. Submitting an annual report by September 30 to the statewide Human Rights Advocacy Committee concerning activities, recommendations, and complaints reviewed or developed by the committee during the year.

7. Conducting meetings at least six times a year at the call of the chairperson and at other times at the call of the Governor or by written request of four members of the committee.

8. *Developing bylaws to be used to carry out the purposes of this subsection, which bylaws are developed in consultation with the district administrator, consistent with law, and amended to reflect any statutory changes. The bylaws shall address at least the following:*

- a. *The committee's responsibilities;*
- b. *The committee's organization and operation, including procedures for replacing a member;*
- c. *Procedures for receiving and investigating reports of abuse of constitutional or human rights;*
- d. *Relationship of the committee to the statewide Human Rights Advocacy Committee;*
- e. *Relationship of the committee to the district, including the way in which reports of findings and recommendations related to reported abuse are given to the department;*
- f. *Provision for cooperation with the district nursing home and long-term care facility ombudsman committee; and*
- g. *Procedures for appeal in accordance with procedures developed by the statewide Human Rights Advocacy Committee.*

Section 8. Notwithstanding the provisions of the Sundown Act, subsections 20.19(6) and (7), Florida Statutes, shall not

stand repealed on October 1, 1981, as scheduled by such act, but said subsections, as amended by this act, are hereby revived and readopted.

Section 9. Subsections 20.19(6) and (7), Florida Statutes, are repealed on October 1, 1987, and shall be reviewed by the Legislature pursuant to the Sundown Act.

Section 10. Contingent upon necessary appropriations, all powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the State-wide Human Rights Advocacy Committee, the district human rights advocacy committees, the State Nursing Home and Long-Term Care Facility Ombudsman Committee, and the district nursing home and long-term care facility ombudsman committees are hereby transferred to the Department of Administration, effective July 1, 1982; provided that the Department of Health and Rehabilitative Services shall continue to physically house the committees and shall furnish to them such office space, utility service, equipment and supplies as they may require to operate in accordance with their statutory authority.

Section 11. This act shall take effect July 1, 1981 or upon becoming a law, whichever occurs later.

**Amendment 2**—On page 1 in the title, lines 2-16, strike the title and insert: An act relating to the Department of Health and Rehabilitative Services; amending ss. 400.304(3), (4), (7), 400.307(3), (4), (7), Florida Statutes, 1980 Supplement, relating to state and district nursing home and long-term care facility ombudsman committees; prohibiting certain agency employees from membership; providing an appointment procedure; providing for separate appropriation requests; amending s. 20.19 (6), (7), Florida Statutes, 1980 Supplement; limiting terms on the statewide Human Rights Advocacy Committee; providing guidelines for selection, appointment, length of terms, and replacement of members of statewide and district committees; requiring separate and distinct appropriations for committees; prohibiting certain uses of appropriations; requiring the development of bylaws; requiring the department to maintain financial records and to adopt rules; limiting the number of district committees; reviving and readopting ss. 20.10(6) and (7), 400.-304, 400.307, Florida Statutes, 1980 Supplement, as amended, notwithstanding the provisions of the Sundown Act; reviving and readopting ss. 400.301, 400.311, 400.314, 400.317, and 400.321, Florida Statutes, 1980 Supplement, notwithstanding the provisions of the Regulatory Reform Act of 1976, as amended; providing for legislative review; providing for transfer to the Department of Administration; providing an effective date.

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

SB 265 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Anderson	Henderson	Langley	Steinberg
Beard	Hill	Lewis	Stevens
Carlucci	Jenkins	Margolis	Stuart
Childers, D.	Jenne	Neal	Trask
Frank	Jennings	Peterson	Vogt
Grizzle	Johnston	Renick	Ware
Hair	Kirkpatrick	Scott	Win

Nays—1

McKnight

Vote after roll call:

Yea—McClain

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 passed with amendments—

SB 68—A bill to be entitled An act relating to motor vehicles; amending s. 320.10, Florida Statutes; exempting from the annual license tax for the operation of motor vehicles or

mobile homes, any such motor vehicle or mobile home owned and operated by any member of the United States Armed Forces who is not a resident of Florida and who is stationed in the State in compliance with military or naval orders; providing for issuance of license plates, revalidation stickers, or mobile home stickers for such motor vehicles or mobile homes and prescribing the fee therefor; conforming certain language to the definition of "motor vehicle"; amending s. 371.63, Florida Statutes; exempting boats from the definition of a motor vehicle and from being taxed and certified as motor vehicles; providing a retroactive effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 23, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 320.0805, Florida Statutes, is amended to read:

320.0805 Personalized prestige license plates.—

(1) The department shall issue personalized prestige license plates to owners of automobiles for private use, trucks weighing not more than 5,000 pounds, vans, recreational vehicles as specified in s. 320.08(9)(c) or (d), or motorcycles, which vehicles are not used for hire or commercial use, upon requests received from such owners who submit applications and fees.

Section 2. Section 320.10, Florida Statutes, is amended to read:

320.10 Exemptions.—

(1) The provisions of ss. 320.08 and 320.09 shall not apply to:

(a) Any motor vehicle, mobile home, trailer, or semitrailer owned by, and operated exclusively for the personal use of, any member of the United States Armed Force who is not a resident of Florida and who is stationed in the state while in compliance with military or naval orders;

(b) Any motor vehicle, trailer, or semitrailer owned or exclusively operated by the Federal Government;

(c) Any local transit system motor bus, either privately or publicly owned;

(d) Any motor truck, trailer, or semitrailer owned or exclusively operated by this state or any county or any municipality of this state, including public school authorities owning vehicles used in transporting school children to and from school in the state and churches owning vehicles used in transporting passengers without compensation solely for church and Sunday school purposes in the state;

(e) Any motor truck, trailer, or semitrailer owned and operated exclusively by the Boy Scouts of America or any subsidiary organization thereof;

(f) Motor vehicles or station wagons owned and operated exclusively for the benefits of Boys' Clubs, the National Audubon Society, the National Children's Cardiac Hospital, Humane Societies, the Civil Air Patrol, the American Legion, the Children's Bible Mission, Girl Scouts of America, the Salvation Army, the Red Cross of America or any of its official vehicles operated by local chapters, the United Service Organization, the Young Men's Christian Association, Camp Fire Girls' Council, the Young Women's Christian Association, the Twenty-Niners, Inc., the Children's Home Society of Florida, and the Goodwill Industries, while used exclusively for carrying out the purposes of said organizations and motor vehicles owned and operated by the Seventh-day Adventist Church for exclusive use as community service vans;

(g) Mobile blood bank units when operated as a nonprofit service by organizations;

(h) Mobile X-ray units or trucks or buses used exclusively for public health purposes; and

(i) School buses owned and operated by a nonprofit educational or religious corporation.

(2) All such vehicles or mobile homes, except those owned or exclusively operated by the Federal Government, shall be

furnished a license plate revalidation sticker, or mobile home sticker, upon the proper application to the department and upon the payment of \$3 to cover the cost of same; for vehicles or mobile homes exempt under subsection (1)(a), there shall be issued a license plate, revalidation sticker, or mobile home sticker prescribed by s. 320.06, and for vehicles exempt under subsection (1)(c)-(g), and there shall be issued therefor a license plate under series "X." Vehicles exempt under this provision must be equipped with proper plates showing such exempt status.

Section 3. Section 371.63, Florida Statutes, is amended to read:

371.63 Legislative declaration.—All boats registered as provided herein, except live-aboard vessels assessed as tangible personal property, are hereby declared to be motor vehicles and shall be taxed and certified as motor vehicles; however, Nothing in this chapter section shall be construed to prohibit any municipality that expends money for the patrol, regulation, and maintenance of any lakes, rivers, or waters in such municipality from regulating such boats resident in such municipalities and charging a license fee therefor. All moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters of such municipality.

Section 4. This act shall take effect upon becoming a law and shall operate retroactively to December 1, 1980.

**Amendment 2**—On page 1 in the title, strike all of lines 1-19 and insert: A bill to be entitled An act relating to motor vehicles; amending s. 320.0805(1), Florida Statutes, to include personalized prestige license plates for vans; amending s. 320.10, Florida Statutes; exempting from the annual license tax for the operation of motor vehicles any motor vehicle, mobile home, trailer, or semitrailer owned and operated by any member of the United States Armed Forces who is not a resident of Florida and who is stationed in the state in compliance with military or naval orders; providing for issuance of license plates, revalidation stickers, or mobile home stickers for such motor vehicles or mobile homes, and prescribing the fee therefor; removing certain exemptions from such tax; amending s. 371.63, Florida Statutes, exempting boats from the definition of a motor vehicle and from being taxed and certified as motor vehicles; providing for retroactive operation; providing an effective date.

On motions by Senator Beard, the Senate refused to concur in the House amendments and the House was requested to recede. The vote was:

Yeas—26

Anderson	Henderson	McKnight	Stuart
Beard	Hill	Neal	Trask
Carlucci	Jenne	Peterson	Vogt
Childers, D.	Jennings	Renick	Ware
Frank	Kirkpatrick	Scott	Winn
Grizzle	Langley	Steinberg	
Hair	Lewis	Stevens	

Nays—None

Vote after roll call:

Yea—McClain

The action of the Senate was certified to the House.

*The Honorable W. D. Childers, President*

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

SB 285—A bill to be entitled An act relating to artificial fishing reefs; requiring the Department of Natural Resources to establish a program to provide grants to coastal local governments for constructing artificial fishing reefs; authorizing the department to adopt rules to carry out the program and to provide criteria for allocating available funds; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 2, line 6, after the period insert: Section 3. There shall be a moratorium on roller net troller fishing except shrimp within the state waters until such time as the Department of Natural Resources has adequate data on file to determine the effect of such fishing on the natural and permitted artificial reefs within state waters, at which time the department may take action pursuant to chapter 120 to lift the moratorium. The department shall work in conjunction with the federal government to determine the environment impact of roller net fishing on reefs.

(Renumber subsequent sections.)

**Amendment 2**—In title on page 1, line 9, after the semicolon insert: providing a moratorium on roller net trawler fishing;

**Amendment 3**—On page 1 in House Amendment 1, line 4, strike "troller" and insert: trawler

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

SB 285 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Anderson	Jenkins	McKnight	Stevens
Beard	Jenne	Neal	Stuart
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Grizzle	Kirkpatrick	Rehm	Ware
Hair	Langley	Renick	Winn
Henderson	Lewis	Scott	
Hill	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—McClain

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 passed with amendments—

**CS for CS for SB 306**—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.112(2)(a), Florida Statutes, 1980 Supplement, to provide for the appointment of a receiver when an association fails to fill sufficient number of vacancies on a board of administration; amending s. 718.123(1), Florida Statutes, relating to common elements, common areas, and recreational facilities; amending s. 718.202(1) and (6), Florida Statutes, 1980 Supplement, providing that the Division of Florida Land Sales and Condominiums may approve assurances in lieu of certain escrow requirements; providing for additional requirements for the establishment of a reservation program; amending s. 718.301(2) and (4)(c), Florida Statutes, providing notice to the division of the first unit owner elected to the board of administration; providing for a financial review; amending s. 718.401(6)(a), (b) and (d) and (8)(a), Florida Statutes, 1980 Supplement, limiting the prohibition of certain escalation clauses tied to consumer price indexes; amending s. 718.501, Florida Statutes, providing that the division may conduct investigations pursuant to chapter 498, Florida Statutes; deleting provisions allowing the division to investigate and intervene in disputes arising from the internal affairs and management of condominium associations; limiting the authority of the condominium advisory board; amending s. 718.502(2), Florida Statutes, adding certain requirements for approval of reservation programs; adding subsection (6) to s. 719.104, Florida Statutes, to provide for the appointment of a receiver when an association fails to fill sufficient number of vacancies on a board of administration; providing powers of an association; amending s. 719.106(1)(1), Florida Statutes, relating to the vote required to adopt budgets having no or inadequate reserves; amending s. 719.109(1), Florida Statutes, relating to common elements, common areas, and recreational facilities; amending s. 719.202(1) and (6), Florida Statutes, providing that the division may approve assurances in lieu of certain escrow requirements; providing for

additional requirements for the establishment of a reservation program; amending s. 719.301(2) and (4)(c), Florida Statutes, providing notice to the division of the first unit owner elected to the board of administration; providing for a financial review; amending s. 719.401(6)(a), (b) and (d) and (8), Florida Statutes, 1980 Supplement, limiting the prohibition of certain escalation clauses tied to consumer price indexes; amending s. 719.501(1), (3), Florida Statutes, providing that the division may conduct investigations pursuant to chapter 498, Florida Statutes; deleting provisions allowing the division to investigate and intervene in disputes arising from the internal affairs and management of cooperative associations; amending s. 719.502(2), Florida Statutes, adding certain requirements for approval of reservation programs; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 34, line 4, strike the entire Section 16 and insert: Section 16. No resident of any condominium dwelling unit whether tenant or owner, shall be denied access to any available franchised or licensed cable television service, nor shall such resident or cable television service be required to pay any thing of value in order to obtain or provide such service except those charges normally paid for like services by residents of or providers of such services to single family homes within the same franchised or licensed area, and except for installation charges as such charges may be agreed to between such residents and providers of such services.

Section 17. This act shall take effect upon becoming a law.

**Amendment 2**—On page 3, line 7, strike all after the semicolon (;) and insert: prohibiting the denial of access to cable television service to any resident of any condominium dwelling unit; providing an effective date.

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

CS for CS for SB 306 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—McClain

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 passed with amendments—

**CS for CS for SB 252**—A bill to be entitled An act relating to the solicitation of contributions; revising part II of chapter 496, Florida Statutes; regulating the solicitation of contributions by persons or groups which hold themselves out to be solicited by the use of a name which implies affiliation with or organized for the benefit of certain law enforcement officers, correctional officers, firefighters, or emergency medical service employees; prescribing powers and duties of the Department of State; requiring registration with the department by such persons and groups and by professional solicitors; requiring certain statements to be filed with and approved by the department prior to soliciting contributions; specifying application and registration fees; requiring a bond from professional solicitors; providing exemptions from registration requirements; requiring certain records to be maintained and open for inspection; prohibiting certain conduct and requiring certain conduct in

the solicitation of contributions; providing criminal penalties; providing for suspension or revocation of registration; authorizing the Department of Legal Affairs to seek imposition of civil penalties and other remedies when contributions are unlawfully solicited; providing for the disposition of civil penalties, court costs, and attorneys' fees recovered; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

**Amendment 1**—On pages 2-31, strike everything after the enacting clause and insert:

Section 1. Section 496.20, Florida Statutes, is amended to read:

496.20 Short title.—This part shall be known and may be cited as the "Law Enforcement and Emergency Service Solicitation of Funds Act."

Section 2. Section 492.21, Florida Statutes, is amended to read:

496.21 Definitions.—As used in this part:

(1) "Sponsor ~~Organization~~" means a group or person which is or holds itself out to be soliciting contributions from the public by the use of any name which implies that the group or person is in any way affiliated with or organized for the benefit of emergency service employees or of any law enforcement officers ~~person, body, agency, or association after October 1, 1978. The term includes a chapter, branch, or area, office, or similar affiliate, or agent of a sponsor or any person soliciting contributions within the state by the use of any name of any law enforcement person, body, agency, or association which has its principal place of business outside the state, if such chapter, branch or area office, similar affiliate, or agent solicits or holds itself out to be soliciting contributions in this state shall be an "organization" for the purposes of this part.~~

(2) "Contributions" means the promise or grant of any money or property of any kind or value.

(3) "Emergency service employee" means any employee who is a firefighter, as defined in s. 633.30, or ambulance driver, emergency medical technician, or paramedic, as defined in s. 401.23.

(4) ~~(3)~~ "Law enforcement officer" means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof, and:

(a) Who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state; or

(b) Whose responsibility includes supervision, protection, care, custody, or control of inmates within a correctional institution.

the words "police," "policemen," "policeman," "sheriff," "deputy sheriff," or any combination of words used to indicate that a person, body, agency, or association is affiliated in any way with a person, body, agency, or association of law enforcement personnel.

(5) ~~(4)~~ "Person" means any individual, organization, trust, foundation, group, association, partnership, corporation, society, or any combination of them.

(6) ~~(5)~~ "Professional solicitor" means any person who, for a financial or other consideration, solicits contributions for, or on behalf of, a sponsor ~~an organization~~, whether such solicitation is performed personally or through his agents, servants, or employees or through agents, servants, or employees specially employed by or for a sponsor ~~an organization~~, who are engaged in the solicitation of contributions under the direction of such person; or a person who plans, conducts, manages, carries on, or advises a sponsor ~~an organization~~ in connection with the solicitation of contributions; however, no agent, servant, or employee of a professional solicitor shall be deemed to be a professional solicitor nor shall an attorney, accountant, or banker who, in the conduct of his profession, advises as sponsor or advises a person to make a contribution to a sponsor be

deemed, as a result of such advice, to be a professional solicitor. A bona fide salaried officer or employee of a sponsor ~~an organization~~ maintaining a permanent establishment within the state shall not be deemed a professional solicitor. However, any bona fide salaried officer or employee of a sponsor ~~an organization~~ that also engages in the solicitation of contributions in any manner for one or more other sponsors ~~than one organization, charitable organization, or combination thereof~~ shall be deemed a professional solicitor, if the total financial or other consideration received by such officer or employee in any year from all such other sponsors is more than \$1,500. "Professional solicitor" does not include a bona fide salaried officer or employee of an ~~charitable~~ organization established and operated by a Florida nonprofit law enforcement organization for the purpose of providing homes and care for needy and underprivileged children. No attorney, investment counselor, or banker who advises any person to make a contribution to ~~an organization~~ shall be deemed, as a result of such advice, to be a professional solicitor.

(7) ~~(6)~~ "Gross contributions" means the grants and written pledges of money or property received directly from contributors or nonaffiliated organizations. "Cost of fundraising" means all legitimate and reasonable expenses incurred in soliciting contributions, including, but not limited to, costs of goods sold or services purchased and expenses incurred for employee salaries, printed materials, office space, phones, and advertising, and for the services of a professional solicitor. "Gross contributions" and "cost of fundraising" shall be determined in accordance with a uniform system of accounting which shall be prescribed or approved by the Department of State.

(8) "Department" means the Department of State.

Section 3. Section 496.22, Florida Statutes, is amended to read:

496.22 Powers and duties of the Department of State.—

(1) The Department of State is hereby vested with the power, jurisdiction, and authority to issue, deny, suspend, and revoke certificates of registration to sponsors ~~organizations~~ which obtain contributions solicited from the public for any law enforcement related activities and to professional solicitors who, for financial or other consideration, solicit contributions for, or on behalf of, an organization. The department shall adopt have the power, jurisdiction, and authority to promulgate reasonable rules pursuant to chapter 120 and to prescribe forms necessary to administer this part for registration ~~or other purposes not in conflict with the Constitution and laws of the United States or of this state, and may amend same at its pleasure and may make recommendations to the appropriate authority prosecuting attorney~~ for enforcement of this part.

(2) In addition to the authority granted The department by this part, it may commence and maintain in a court of competent jurisdiction all proper and necessary actions and proceedings to enjoin and abate any act prohibited by this part or to enforce any requirement imposed by this part.

(3) The department shall make such individual investigations of each applicant ~~all applicants~~ for a certificate ~~certificates~~ of registration as it may deem necessary.

(4) For purposes of enforcing the provisions of this part and in making investigations under this part, relating to any violation thereof, and for the purposes of investigating practices and business methods thereof, the department shall have the power to subpoena and bring before it any person in the state and may require the production of any papers it deems necessary and administer oaths and take depositions of any such person so subpoenaed. Failure or refusal of any person duly subpoenaed sponsor or professional solicitor, or any duly subpoenaed officer, employee, or agent of any such sponsor or professional solicitor, to be examined or to answer any legal or pertinent questions as to any such sponsor or professional solicitor ~~organization~~ under investigation is shall be grounds for revocation of the a certificate of registration of the sponsor or professional solicitor or refusal to issue such certificate as the case may be. The testimony of witnesses in any such proceeding shall be under oath before the department or its agent, and willful false swearing in such proceedings shall be punishable as perjury.

Section 4. Section 496.23, Florida Statutes, is amended to read:

496.23 Registration of *sponsor organization*.—

(1) ~~Each sponsor~~ Every organization which intends to solicit contributions within this state, or have funds solicited on its behalf, and which uses oral, printed, or visual words or any combination of the words "law enforcement," "police," "policemen," "policeman," "sheriff," or "deputy sheriff," or in any manner uses words to indicate that a person, body, agency, or association is affiliated in any way with a person, body, agency, or association of law enforcement personnel, shall, prior to any solicitation, file a registration statement with the department upon forms prescribed by it. The registration statement shall contain the following information:

(a) The name of the *sponsor organization* and the purpose for which it was organized.

(b) The principal mailing address and street address of the *sponsor organization* and the mailing address and street address of any offices in this state, and, if the organization does not maintain an office, the name, mailing address, and street address of the person having custody of its financial records.

(c) The names and mailing and street addresses of any subsidiary or subordinate chapters, branches, or affiliates in this state.

(d) The place where and the date when the *sponsor organization* was legally established, the form in which it is organized of its organization, and a reference to any determination of its tax exempt status, if any, under the United States Internal Revenue Code.

(e) The names and mailing and street addresses of the officers, directors, trustees, and the principal salaried executive staff officer.

(f) 1.a. A copy of A financial statement on forms approved by the department and audited by an independent certified public accountant which covers complete disclosure of all the fiscal activities of the sponsor relating to the solicitation of funds organization during the preceding year. Such report shall also specifically identify the amount of funds raised and all costs of fundraising and expenses incidental thereto, all publicity costs, and costs of allocation or disbursement of funds raised or:

b. A review of the financial statements performed in accordance with standards recognized by the State Board of Accountancy.

2. In lieu of the information required by subparagraph 1., any sponsor organization that does not actually raise or receive gross contributions from the public in excess of \$25,000 \$10,000 in gross receipts during the sponsor's organization's fiscal year may submit the information on forms approved by the department in a statement signed by an authorized officer, verified under oath, and attested to by the chief fiscal officer of the sponsor organization. Such statement shall be in lieu of an audit by an independent certified public accountant.

(g) Whether the *sponsor organization* intends to solicit contributions from the public directly or have such done on its behalf by others, and, if it intends to use a professional solicitor, the name of such solicitor.

(h) Whether the *sponsor organization* is authorized by any other governmental authority to solicit contributions and whether it is or has ever been enjoined by any court from soliciting contributions.

(i) The general purpose or purposes for which the contributions to be solicited shall be used.

(j) The name or names under which it intends to solicit contributions.

(k) The names of the individuals or officers of the *sponsor organization* who will have final responsibility for the custody of the contributions.

(l) The names of the individuals or officers of the *sponsor organization* responsible for the final distribution of the contributions.

(2) Except as otherwise provided in this part herein, the registration forms and any other documents prescribed by the department shall be signed by an authorized officer and by the chief fiscal officer of the *sponsor organization*, and such forms and documents shall be verified under oath and shall be accompanied by a registration fee of \$50.

(3) Each sponsor, prior to soliciting contributions, shall submit to the department for approval a disclosure statement to be given to each person from whom contributions are solicited. The statement shall disclose the estimated costs of fundraising to be incurred by the sponsor, including the estimated percentage of gross contributions to be paid to a professional solicitor, the general purpose or purposes for which contributions are to be used after paying the costs of fundraising, the purposes of the sponsor, and the capacity in which it represents emergency service employees or law enforcement officers. The statement shall also inform persons solicited that the sponsor is not a charitable organization and that they are under no legal obligation to contribute. The department shall approve the use of the disclosure statement if it contains the information required by this section and all estimates appear to be accurate based upon the past performance of the sponsor and professional solicitor or based upon the registration statement, contract with the professional solicitor, financial statement, and other information on file with the department. No person acting on behalf of a sponsor may solicit contributions until the disclosure statement has been approved. Each application for a certificate of registration shall be approved or denied within 45 days after receipt of the original application or receipt of timely requested additional information or correction of errors or omissions. The sponsor shall ensure that the disclosure statement is included with all correspondence and printed materials used to solicit or collect contributions and that each person who solicits contributions on behalf of the sponsor is furnished a copy of the disclosure statement. Each person who solicits a contribution on behalf of a sponsor by telephone shall inform the person from whom a contribution is solicited that the sponsor is not a charitable organization. Each person who solicits or collects a contribution in person shall, at the time he solicits or collects the contribution, furnish a written copy of the disclosure statement to the person from whom the contribution is solicited.

(4) (3) Each sponsor shall It shall be the duty of every organization to furnish identification to persons who solicit contributions from the public on behalf of the sponsor organization, including, but not limited to, those persons soliciting on behalf of an exempt organization or nonexempt organization and all professional solicitors. The solicitor shall be required to have and produce or display, on request demand, such identification indicating that said solicitor has been duly authorized by the organization for which he is soliciting. Such identification shall include, but not be limited to, the name of the holder of the identification and the name and number of the certificate of the sponsor organization.

Section 5. Section 496.235, Florida Statutes, is created to read:

496.235 Initial application fee.—In addition to any other fee required by this part, each applicant shall submit with an initial application for a certificate of registration under this part an application fee of \$25.

Section 6. Section 496.24, Florida Statutes, is amended to read:

496.24 Registration of professional solicitors.—

(1) No person shall act as a professional solicitor for a sponsor an organization subject to the provisions of this part unless he has first registered with the department and received a certificate of registration. Application for registration shall be in writing under oath or affirmation in the form prescribed by the department and contain the principal mailing address and street address of the place where the solicitor's financial records are kept and shall contain such other information as the department may require. No person who has been convicted within the past 5 years for a violation of any provision part of this chapter, part and no person convicted of a felony in this or any other state, shall be eligible for a certificate of registration or shall serve as an employee, member, officer, or agent of any professional solicitor until his civil rights have been restored.

(2) ~~Each~~ Every person shall, before being employed within this state by a professional solicitor for the purpose of making, supervising, or participating in any solicitation, make application to the department for a certificate of registration as an employee. However, no such application is required for employees making only telephone solicitations if such solicitations are made under the direct supervision of a professional solicitor who has a current certificate of registration or an employee who holds a current certificate of registration as an employee. Such application shall be in the same manner and shall require the same qualifications as set forth in subsection (1). The annual fee for an employee certificate of registration shall be \$10. If the department declines to issue the certificate of registration to such employee, the employment of such person shall be terminated.

(3) The applicant shall, at the time of making application, file with and have approved by the department, a bond in which the applicant shall be the principal obligor in the sum of ~~\$50,000~~ ~~\$10,000~~ with one or more sureties, satisfactory to the department, whose liability in the aggregate as such sureties will at least equal the said sum and maintain said bond in effect so long as a certificate of registration is in effect. *Such bond may be secured by cash, or its equivalent, such as certificates of deposit, pursuant to rule promulgated by the department.* The bond shall be payable to the State of Florida for the use of the department and any person who prevails in ~~may~~ have a cause of action against the obligor of said bonds for any losses resulting from malfeasance, nonfeasance, or misfeasance in the conduct of solicitation activities. An individual, partnership, or corporation, which is a professional solicitor, may file a consolidated bond on behalf of all its members, officers, and employees.

(4) The annual registration fee for every person who is a professional solicitor in this state shall be ~~\$1,500~~ ~~\$500~~. The annual registration shall expire *1 year after issuance at midnight on December 31 of each year.*

Section 7. Section 496.25, Florida Statutes, is amended to read:

496.25 ~~Exemptions~~ ~~Certain persons and organizations exempt~~ from registration.—

(1) The following ~~are groups or organizations~~ shall be exempt from the registration provisions of this part:

(a) ~~(1)~~ ~~A person soliciting~~ ~~Persons requesting~~ contributions for the relief of any individual specified by name at the time of the solicitation, ~~if when~~ all of the contributions collected, without any deductions, ~~whatsoever~~ are turned over to the named beneficiary ~~or promptly dedicated to the use of the named beneficiary for his use.~~

(b) ~~(2)~~ ~~A sponsor~~ ~~Organizations~~ which ~~does do~~ not intend to solicit and receive and ~~does do~~ not actually ~~raise or~~ receive gross contributions from the public in excess of ~~\$4,000~~ ~~\$2,000~~ during a calendar year ~~or do not receive contributions from more than 10 persons during a calendar year, if all of its their~~ functions, including fundraising activities, are carried on by persons who are unpaid for their services and if no part of the sponsor's ~~organizations'~~ assets or income inures to the personal benefit of or is paid to any officer or member of the sponsor. Nevertheless, if the gross contributions received raised from the public, ~~whether all of such are or are not received by the sponsor any organization during the any calendar year, exceeds \$4,000 shall be in excess of \$2,000, the sponsor organization shall, within 30 days after the date it has shall have received gross total contributions in excess of \$4,000 \$2,000, register with and report to the department as required by this part.~~

(c) ~~(3)~~ ~~An organization~~ ~~Organizations~~ which ~~solicits solicit~~ only within the membership of the organization by members thereof; however, the term "membership" ~~does shall~~ not include those persons who are granted a membership upon making a contribution as the result of solicitation.

(d) ~~Any volunteer firefighter organization or any group of firefighters which uses only volunteer labor in a solicitation and which does not use the services of a professional solicitor and all of the funds collected are disbursed to or for the use of the fire service.~~

(e) ~~Any nonprofit community club, civic club, garden club, women's club, or other similar civic group with no capital stock~~

~~or salaried employee, officer, member, or agent, provided the organization does not use the services of a professional solicitor, all of the funds collected, less reasonable expenses, are disbursed pursuant to the directions of the membership or the board of directors of the organization, and none of the funds collected are paid to a nonexempt sponsor.~~

(2) ~~The Secretary of State may grant an exemption from this part to any organization which is registered under and complies with the requirements of part 1 of this chapter and which complies substantially with the disclosure requirements of this part.~~

(3) ~~A person who is exempt may not solicit contributions until he has applied for and received from the department a letter of exemption. The department shall not assess an application fee or registration fee against any exempt sponsor. Each letter of exemption granted by the department shall be valid for a period not to exceed 1 year.~~

(4) ~~Any nonprofit community club, civic club, garden club, women's club, or other similar civic group organized and in existence for more than 2 years, with no capital stock or salaried executive employees, officers, members, or agents, which has at least 25 members with annual dues collected of not less than \$5 per member, and in which all of the funds collected, less reasonable expenses, are disbursed pursuant to the directions of the membership or the board of directors and with the membership being furnished at least one written report each year by the directors as to its charitable activities.~~

(5) ~~Political committees, committees of continuous existence, and persons, as defined in s. 106.011, that are subject to provisions of chapter 106 shall be exempt from the provisions of this part.~~

Section 8. Section 496.26, Florida Statutes, is amended to read:

496.26 Manner of filing registration statement; fees.—

(1) Each chapter, branch, or affiliate of a parent organization or independent member agency of a federated fundraising organization may separately report the information required by s. 496.23, or report the information to its parent organization or to the federated fundraising organization with which it is affiliated, which shall then transmit such information as to its affiliates, branches, and chapters, or independent agency members to the department along with its own statement.

(2) ~~Each sponsor~~ ~~Every organization~~ shall pay an annual registration fee of ~~\$300~~ ~~\$50~~ unless otherwise exempt by this part. A parent organization filing the registration statements of one or more of its chapters, branches, or affiliates along with its own statement, and a federated fundraising organization filing the statements of one or more of its independent member agencies along with its own statement shall pay a single registration fee of ~~\$300~~ ~~\$50~~ for itself and for such chapters, branches and affiliates, or independent member agencies whose statements are filed by it at the same time as its own statement. However, when an independent member agency of a federated fundraising organization solicits or receives contributions from any source other than the federal fundraising organization or a government agency, such independent member agency shall be required to register independently and pay its own filing fee, unless otherwise exempt by this part.

(3) Each sponsor organization shall file all information required by this part with the department within 6 months after the close of its fiscal year. The last day of the sixth month following the month in which the fiscal year of the sponsor organization ends shall be the anniversary date of the sponsor organization. All certificates of registration shall expire each year on the anniversary date of the sponsor organization. Each annual registration application shall be received by the department on or before the anniversary date.

(4) Any sponsor which fails ~~organization failing~~ to renew its certificate of registration or its exemption by the time of the expiration thereof shall be automatically suspended from the right to operate under the provisions of this part until the certificate of registration or exemption is renewed. Any renewal ~~All renewals~~ of a certificate of registration shall be made in the same manner and upon payment of the same fee as for an original certificate of registration.

(5) All registration fees received by the department pursuant to this section or s. 496.24 shall be deposited in the Solicitations Trust Fund to be used to pay the costs incurred in administering and enforcing the provisions of this part.

Section 9. Section 496.27, Florida Statutes, is amended to read:

496.27 Hearing on denial of registration.—The department shall examine each application, and if it finds it to be in conformity with the requirements of this part and all relevant rules, it shall issue a certificate of approval of the registration. Any applicant who is denied a certificate of approval of registration may, within 20 days from the date of notification of such denial, request, in writing, a hearing pursuant to chapter 120 before the department, which hearing shall be held within 20 days from the date of the request, unless the applicant requests a longer period in writing.

Section 10. Section 496.28, Florida Statutes, is amended to read:

496.28 Information filed to become public records.—Registration statements and applications, reports, and all other documents and information required to be filed under this part or by the department shall become public records in the office of the department and shall be open to the general public for inspection at such times and under such conditions as the department may prescribe. In addition, the department shall within 10 days after approval and renewal send to the clerk of the circuit court in each county a list of registrants under this part which list shall be filed but not recorded.

Section 11. Section 496.29, Florida Statutes, is amended to read:

496.29 Records to be kept by organizations.—Each sponsor and each professional solicitor Every organization subject to the provisions of this part shall, in accordance with the rules prescribed by the department and in such form as will enable it accurately to provide the information required by this part, keep accurate true fiscal records as to its activities in this state as may be covered by this part, including, but not limited to, records of all income and expenses, within the purview of this part, as to its activities in Florida as may be covered by this part in such form as will enable it accurately to provide the information required by this part. Upon demand, such records shall be made available to the department or an appropriate authority prosecuting attorney for inspection. Such records shall be retained for a period of at least 3 years after the end of the period of registration to which they relate.

Section 12. Section 496.30, Florida Statutes, is amended to read:

496.30 Reciprocal agreements.—The department may enter into reciprocal agreements with the appropriate authority of any other state for the purpose of exchanging information with respect to sponsors organizations. Pursuant to such agreements, the department may accept information filed by a sponsor an organization with the appropriate authority of another state in lieu of the information required to be filed in accordance with the provisions of this part if such information is substantially similar to the information required under this part. The department shall also grant exemption from the requirement for the filing of an annual registration statement to sponsors organizations organized under the laws of another state having their principal place of business outside the state whose funds are derived principally from sources outside the state and which have been granted exemption from the filing of registration statements by the state under whose laws they are organized if such state has a statute similar in substance to the provisions of this part.

Section 13. Section 496.31, Florida Statutes, is amended to read:

496.31 Prohibited acts; required acts; criminal penalties.—

(1) A sponsor, professional solicitor, or other person, who is required to register under this part and who is not registered or who fails to file with the department any application, statement, report or other information required to be filed, may not solicit contributions.

(2) It is unlawful for any person to file with the department any application, statement, report, or other information which is required to be filed and which he knows to contain a false or misleading statement.

(3)(1) No sponsor, and no person soliciting contributions on behalf of a sponsor, organization subject to the provisions of this part shall use or exploit the fact of registration in a manner which would so as to lead a reasonable person the public to believe that such registration in any manner constitutes an endorsement or approval by the state; provided that the use of the following statement in connection with solicitations by or on behalf of a sponsor registered under this part shall not be deemed a prohibited exploitation: "Registered with the Florida Department of State as required by law. Registration does not imply endorsement of a public solicitation for contribution."

(4)(2) No person shall, in connection with the solicitation of contributions for or on behalf of a sponsor the sale of goods or services of a person other than a charitable organization registered under this chapter, misrepresent to or mislead another person anyone by any manner, means, practice, or device which would lead a reasonable person whatsoever to believe that the sponsor person on whose behalf such solicitation or sale is being conducted is a charitable organization or that the proceeds or any part of the proceeds of such solicitation or sale will be used for charitable purposes, if such is not the fact.

(5)(2) No person shall in connection with the solicitation of contributions for or on behalf of a sponsor misrepresent to or mislead another person the sale of goods or services represent to or lead anyone by any manner, means, practice, or device which would lead a reasonable person whatsoever to believe that any other person sponsors or endorses such solicitation of contributions or sale of goods or services or approves of the purposes of a sponsor an organization connected therewith when such person has not given written consent to the use of his name for these purposes. Any member of the board of directors or trustees of a sponsor an organization or another person who has agreed either to serve or to participate in any voluntary capacity in the campaign shall be deemed thereby to have given his consent to the use of his name in said campaign.

(6)(4) No person shall make any representation that he is soliciting contributions for or on behalf of a sponsor an organization or shall use or display any emblem, device, or printed matter belonging to or associated with a sponsor an organization for the purpose of soliciting or inducing contributions from the public without first being authorized in writing to do so by the sponsor organization.

(7) No sponsor or person acting on behalf of a sponsor shall employ in any solicitation of contributions any device, scheme, or artifice to defraud or to obtain a contribution by means of any false pretense, misrepresentation, or false promise.

(8) It is unlawful for any person, in the solicitation of a contribution, to represent to another person that the donation of a contribution or display of any sticker, emblem, or insignia offered to contributors will entitle such other person to any special treatment by emergency service employees or law enforcement officers in the performance of their official duties.

(9) No sponsor shall use the words "charity" or "charitable" as a part of its name.

(10)(5) No professional solicitor or his agent, servant, or employee shall solicit in the name of or on behalf of a sponsor an organization unless:

(a) The professional Such solicitor has first obtained written authorization of two officers of such sponsor organization on a form approved by the department, a copy of which authorization shall be filed with the department. Such written authorization shall bear the signature of the solicitor and shall expressly state on its face the period for which it is valid, which shall not exceed 1 year from the date issued.

(b) The professional Such solicitor or his agent, servant, or employee carries evidence of such authorization with him when making solicitation and exhibits the same on request to persons solicited or police officers or other law enforcement officials or agents of the department or, if such solicitations are made by telephone, such solicitor has, in his application for a certificate of registration pursuant to s. 496.23, ex-

pressly stated his intention to make telephone solicitations and has attached to the application the proposed text of any such telephone solicitations and all such solicitations are made substantially in accordance with the proposed text.

(c) Prior to beginning any solicitation, such professional solicitor has filed with the department a true copy of any written agreement or contract which may have been entered into between a sponsor an organization and the professional solicitor. If the agreement or contract is not in writing, a written statement of the agreement setting forth the terms and conditions of the agreement, including the professional solicitor's compensation, shall be filed with the department prior to beginning any solicitation. Within 5 calendar days 24 hours after any change, modification, or termination of any agreement, notice of such change, modification, or termination shall be filed with the department along with a true copy of any written change or modification or a statement in writing setting forth the terms and conditions of any change or modification not in writing.

(d) Prior to beginning any solicitation, the professional solicitor has filed with the department a copy of a valid certificate of registration showing that he is registered as a dealer with the Department of Revenue for purposes of chapter 212.

(6) No person shall use the words "charity" or "charitable" as a part of its name.

(11)(7) An A professional solicitor or his agent, servant, or employee of a professional solicitor shall not solicit any person for a contribution without identifying himself as such agent, servant, or employee a professional solicitor to the person so solicited.

(12) No person may solicit contributions for the use or benefit of a sponsor under this part while wearing the uniform of an emergency service employee or law enforcement officer. However, this prohibition shall not apply to any ambulance emergency medical technician, or paramedic who is not employed by a public entity.

(13) No emergency service employee or law enforcement officer may solicit contributions for the use and benefit of a sponsor under this part while on duty. However, this prohibition shall not apply to any ambulance, emergency medical technician, or paramedic who is not employed by a public entity.

(14) In addition to any other penalty which may be imposed pursuant to this part, any person who willfully and knowingly violates any provision of subsection (1), (2), (4), (5), (6), (7), (8), or (9) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for the first offense and, for the second or any subsequent offense, is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this section, any person who, on or after October 1, 1981, pleads guilty to, or is found guilty of, a violation of any provision of subsection (1), (2), (4), (5), (6), (7), (8), or (9) shall be considered to have been convicted of the offense, notwithstanding the fact that the sentence was suspended or adjudication of guilt was withheld. Any person who willfully and knowingly violates any provision of subsection (3), (10), (11), (12), or (13) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) A professional solicitor's total fee shall not be in excess of 25 percent of the gross contributions which he solicits. All fundraising costs shall be included in such gross contributions.

(10) Any organization registered and certified pursuant to this part shall not expend in excess of 25 percent of its gross contributions for fundraising costs.

(10) No organization shall, in the connection with the solicitation of contributions or the sale of goods, magazines, newspaper advertising, or any other service, use the name of a city or county unless properly authorized to do so by an appropriate resolution adopted within 1 year of the proposed activities by the appropriate governmental body to adopt such resolutions and such resolution is filed with its application pursuant to s. 496.23.

(11) The organization, in every form of solicitation, whether it be oral, printed, or visual, shall disclose that it is not a charitable organization as defined by law.

Section 14. Section 496.32, Florida Statutes, is amended to read:

496.32 Nonresidents Nonresident organizations; designation of Department Secretary of State as agent for service of process; notice of such service to organization.—

(1) Sponsors Organizations as defined by this part or professional solicitors which have their principal place of business without the state, or which are organized under and by virtue of the laws of a foreign state, and which solicit contributions from people in this state shall be subject to the provisions of this part and shall be deemed to have irrevocably appointed the Department Secretary of State as their agent upon whom may be served any summons, subpoena, subpoena duces tecum, or other process directed to such sponsor organization or professional solicitor or any partner, principal officer, or director thereof in any action or proceeding brought under the provisions of this part.

(2) Service of such process upon the Department Secretary of State shall be made by personally delivering to and leaving with the department him a copy thereof at the Capitol in Tallahassee. Such service shall be sufficient service provided that notice of such service and a copy of such process are forthwith sent to such sponsor organization or professional solicitor by registered or certified mail with return receipt requested at its office, as set forth in the registration statement form required to be filed with the department pursuant to this part or, in default of the filing of such statement forms, at the last address known.

Section 15. Section 496.33, Florida Statutes, is amended to read:

496.33 Enforcement and penalties.—

(1) No organization or professional solicitor which fails to file any registration application, statement, report, or other information required to be filed with the department under this part as a prerequisite to registration shall engage in any of the activities permitted duly registered persons or organizations under the provisions of this part. No organization or professional solicitor shall engage in solicitation as defined herein without a current registration certificate or letter of exemption.

(1)(2) The department, upon its own motion or upon complaint of any person, may, if it has reasonable ground to suspect a violation, investigate any person, organization, or professional solicitor to determine whether such person, or organization, or professional solicitor, or any agent, servant, or employee thereof, has violated the provisions of this part or has filed any application or other information required under this part which contains false or misleading statements.

(2) If the department finds that any application or other information contains false or misleading statements, or that a registrant under this part, or an agent, servant, or employee thereof, has violated a provision of this part the provisions hereof, it may move to suspend or revoke the certificate of cancel such registration after notifying the said registrant by registered or certified mail, return receipt requested, and affording an opportunity for hearing.

(2) The department shall revoke or suspend the certificate of registration of any sponsor organization or professional solicitor who knowingly makes making a false or misleading statement in any registration application, statement, report, or other information required to be filed by the department or this part to be filed or to be furnished to persons from whom contributions are solicited and shall revoke or suspend the certificate of registration of any sponsor against whom any civil penalty is imposed pursuant to s. 496.335 shall be revoked or suspended.

(3) In addition to initiating proceedings for the suspension or revocation of a certificate of registration, if the department has reason to believe that a crime may have been committed, it shall refer the matter to the appropriate state attorney, and, if the department has reason to believe that contributions may have been unlawfully solicited, it shall refer the matter to the Department of Legal Affairs.

(4) The department, within 15 days after deciding what action to take under this section with respect to any complaint, shall notify the complainant in writing of its decision.

(5)(4) All proceedings under this part shall be conducted in accordance with the Administrative Procedure Act and all adjudications shall be subject to review and appeal as provided therein.

(5) In addition to the foregoing, any person who willfully and knowingly violates any provision of this part, or who willfully and knowingly gives false or incorrect information to the department in filing statements or reports required by this part, whether such report or statement is verified or not, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for the first offense and, for the second and any subsequent offense, shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) In the event the department or any prosecuting attorney shall have probable cause to believe that:

(a) Any organization or professional solicitor is operating in violation of the provisions of this part or has knowingly and willfully made any false statement, report, or other information required to be filed by this part,

(b) Any organization or professional solicitor has failed to file a registration statement or other information required by this part,

(c) There is employed or is about to be employed in any solicitation or collection of contributions for an organization any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise,

(d) The officers or representatives of any organization or professional solicitor have refused or failed after notice to produce any records of such organization or

(e) The funds raised by solicitation activities are not devoted or will not be devoted to the stated purposes of the registration certificate,

an action shall be brought by the department or any prosecuting attorney against such organization or professional solicitor and its officers, or any other person who has violated this part or who has participated or is about to participate in any solicitation or collection by employing any device, scheme, artifice, false representation, or promise, to defraud or obtain money or other property, to enjoin such organization or other person from continuing such violation, solicitation, or collection, or engaging therein, or doing any acts in furtherance thereof and for such other relief as the court deems appropriate.

(7) The department or its designee may appear before any court of competent jurisdiction empowered to issue warrants of arrest in criminal cases and request the issuance of a warrant; and upon presentation of probable cause, said court shall issue a warrant directed to any sheriff, deputy sheriff, or police officer.

Section 16. Section 496.335, Florida Statutes, is created to read:

496.335 Contributions unlawfully solicited; remedies.—

(1) Contributions are unlawfully solicited if:

(a) Solicited by a sponsor, professional solicitor, or other person who is covered by this part and who has failed to comply with any material requirement of this part;

(b) There has been employed in the solicitation of contributions by or on behalf of a sponsor any device, scheme, or artifice to defraud or to obtain contributions by means of any false pretense, misrepresentation, or false promise; or

(c) The contributions solicited by or on behalf of a sponsor are not devoted to the purposes stated in the registration statement filed with the Department of State or in accordance with the representations made to persons solicited.

(2)(a) If, after investigating any matter referred to it by the Department of State pursuant to s. 496.33, the Department of Legal Affairs finds that contributions have been unlawfully solicited, it may bring an action against the violator, or against the sponsor or professional solicitor for whom the violator is acting, or both, to impose a civil penalty and for damages and such other relief as the court deems appropriate. If the court finds that any person has unlawfully solicited contributions, it may impose a civil penalty against such person, or against the sponsor or professional solicitor for whom such person is acting, or both, in an amount not to exceed \$10,000.

(b) The Department of Legal Affairs may bring an action to obtain a declaratory judgment that an act or practice constitutes the unlawful solicitation of contributions.

(c) The Department of Legal Affairs may bring an action on behalf of one or more persons to recover contributions unlawfully solicited and for damages.

(3) Upon motion by the Department of Legal Affairs or any interested party in an action brought under subsection (2), the court may make appropriate orders, including appointment of a master or receiver or sequestration of assets, to reimburse persons from whom contributions have been unlawfully solicited, to carry out the distribution of solicited contributions in accordance with the purposes stated in the registration statement filed with the Department of State or in accordance with the representations made to persons solicited, or to grant other appropriate relief.

(4) The Department of Legal Affairs may conduct any investigation necessary to bringing an action under this section and, in furtherance thereof, may subpoena any person and require the production of papers, administer oaths, and take depositions.

(5) Any civil penalty, court costs, and attorneys' fees recovered under this section shall be deposited in the Solicitations Trust Fund.

Section 17. This act shall take effect October 1, 1981.

Amendment 2.—On pages 1 and 2 in the title, strike the entire title and insert: A bill to be entitled An act relating to the solicitation of contributions; revising part II of chapter 496, Florida Statutes; regulating the solicitation of contributions by persons or groups which hold themselves out to be soliciting by the use of a name which implies affiliation with or organized for the benefit of certain law enforcement officers, correctional officers, firefighters, or emergency medical service employees; prescribing powers and duties of the Department of State; requiring registration with the department by such persons and groups and by professional solicitors; requiring certain statements to be filed with and approved by the department prior to soliciting contributions; specifying application and registration fees; requiring a bond from professional solicitors; providing exemptions from registration requirements; requiring certain records to be maintained and open for inspection; prohibiting certain conduct and requiring certain conduct in the solicitation of contributions; providing criminal penalties; providing for suspension or revocation of registration; authorizing the Department of Legal Affairs to seek imposition of civil penalties and other remedies when contributions are unlawfully solicited; providing for the disposition of civil penalties, court costs, and attorneys' fees recovered; providing an effective date.

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

CS for CS for SB 252 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—McClain

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 passed with amendments—

CS for SB 446—A bill to be entitled An act relating to workers' compensation; creating s. 440.385, Florida Statutes; establishing the Florida Self-Insurers Guaranty Association, Incorporated; requiring certain individual self-insurers to become members of the association; providing for withdrawal upon termination of the self-insurance privilege; providing for a board of directors and providing for organization, operation, powers, and duties thereof; providing for creation of an insolvency fund; providing for a plan of operation; providing powers and duties of the Department of Labor and Employment Security; providing the effect of paid claims; providing for exchange of information to detect and prevent employer insolvencies; providing for examination and regulation of the association by the department; providing certain immunity; providing for a stay of proceedings; providing a statute of limitations; amending s. 440.38(1)(b), Florida Statutes, 1980 Supplement, to conform; adding s. 440.09(5), Florida Statutes; specifying a circumstance under which an employee shall be deemed to be within the course of employment; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 14, line 29, after the period insert: a new Section 4 and renumber subsequent sections.

Section 4, Chapter 440, Florida Statutes, is repealed on July 1, 1984, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Amendment 2—On page 1, line 26, after the semi-colon (;) insert: providing for review and repeal in accordance with the Regulatory Reform Act of 1976;

On motions by Senator Scott, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

*The Honorable W. D. Childers, President*

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

SB 632—A bill to be entitled An act relating to state lands; amending s. 253.023, Florida Statutes, 1980 Supplement; providing for priority in acquiring certain lands; providing for reversion of unobligated funds to General Revenue; granting rulemaking authority to the Board of Trustees of the Internal Improvement Trust Fund to further define categories of land for acquisition by the state; amending s. 259.03(2), Florida Statutes; deleting descriptions of types of environmentally endangered lands; amending s. 259.035, Florida Statutes; providing for membership on a committee which selects certain lands for acquisition by the state; amending s. 259.04(1)(c), Florida Statutes; requiring the committee to establish a list of acquisition projects by a certain time; requiring the board of trustees to approve the list in a certain priority with a certain time after receiving it; providing for acquisition of land in the priority approved; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 3, lines 5-8, strike "If the moneys credited to the fund at any time during the fiscal year are not obligated by the end of the subsequent fiscal year, the excess shall be transferred to the General Revenue Fund."

Amendment 2—In title on page 1, lines 5-6, strike "providing for reversion of unobligated funds to General Revenue" and insert: removing the limitation on the balance of the Conservation and Recreation Lands Trust Fund

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

SB 632 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Hair, Renick

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 passed with amendments—

By the Committee on Health and Rehabilitative Services and Senators D. Childers and Thomas—

CS for SB 690—A bill to be entitled An act relating to health and rehabilitative services; amending s. 402.22(1)(d), (2)-(5), (7), Florida Statutes, 1980 Supplement; providing that educational programs for students in residential care facilities of the Department of Health and Rehabilitative Services may be provided by a community college; providing for funding; providing for funding of the program provided for the Okeechobee School for Boys by the Indian River Community College; renumbering s. 240.359(4), Florida Statutes, 1980 Supplement, and adding a new subsection (4) to said section; prescribing a funding formula for programs at community colleges; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On pages 1-6, strike everything after the enacting clause and insert:

Section 1. Subsection (5) of section 402.22, Florida Statutes, 1980 Supplement, is amended to read:

402.22 Education program for students who reside in residential care facilities operated by the Department of Health and Rehabilitative Services.—

(5) Students committed to the Department of Health and Rehabilitative Services and placed in youth services residential and day programs, with the exception of students committed to the Florida School for Boys at Okeechobee, shall be assigned to the educational alternatives or other basic or special programs, as appropriate, provided by the district school board in the county in which the youth services facility is located. ~~The school board of Okeechobee County shall generate, by weighted FTE multiplied by the base student allocation, the funding necessary for~~ The students committed to the Florida School for Boys at Okeechobee shall be assigned to and to participate in the educational programs provided by the Indian River Community College. ~~and by intergovernmental agreement. Funding for such programs provided by Indian River Community College for such students shall be calculated pursuant to s. 236.081(1), (2), and (5). The Department of Education shall allocate to the Indian River Community College funds from the Florida Education Finance Program appropriation for providing education services for eligible students in the amount~~

that would have been provided the Okeechobee School District. Such funds shall be transferred to the Indian River Community College.

Section 2. Notwithstanding the provisions of s. 230.23(4)(n), the educational programs at Arthur Dozier School for Boys and the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public educational agencies. The annual state allocation to any such agency shall be computed pursuant to s. 236.081(1), (2), and (5) and allocated in the amount that would have been provided the Jackson County school district.

Section 3. This act shall take effect July 1, 1981.

Amendment 2—On page 1, in the title lines 2-16, strike all of said lines and insert: An act relating to educational programs in health and rehabilitative services residential institutions; amending s. 402.22(5), Florida Statutes, providing for funding of the program for the Okeechobee School for Boys by the Indian River Community College; 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.

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

CS for SB 690 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Hair

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 passed with amendments—

SB 759—A bill to be entitled An act relating to local government financial matters; adding s. 11.45(1)(f), Florida Statutes, 1980 Supplement, and amending paragraph (a) of subsection (3) thereof; providing that each unit of local government required to have an annual audit performed shall also require the preparation of a management letter to accompany the audit; adding s. 218.32(5), (6), Florida Statutes, 1980 Supplement; requiring that such audits and letters and responses thereto be forwarded to the Department of Community Affairs for review; providing duties of the department with respect thereto; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

House Amendment 1—On page 7, lines 7-30 and on page 8, lines 1-6, strike all of said lines and renumber subsequent section.

House Amendment 2—On page 6, strike all of line 15 and insert: 4. Any financial audit report required to be performed under

House Amendment 3—In title on page 1, lines 10-14, strike all of said lines and in title on page 1, line 15, strike "thereto;"

and insert: requiring the Auditor General to review the audit reports;

On motions by Senator Dunn, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

*The Honorable W. D. Childers, President*

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

SB 1025—A bill to be entitled An act relating to employment services for public assistance recipients; creating s. 409.029, Florida Statutes; providing state policy; designating the Department of Health and Rehabilitative Services as the single state agency responsible for certain employment related activities; requiring the accomplishment of certain priorities; specifying certain other activities toward the fulfillment of the act; requiring annual and 5-year state plans to be submitted by the department to the presiding officer of each house of the Legislature; requiring state agencies to use such plans; continuing the Task Force on Employment and Training of Public Assistance Recipients; providing for activities of the Task Force; directing that certain funds provided to or by the state be used to implement the policy; prohibiting the department from creating or supporting duplicative programs; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1, line 27, strike everything after the enacting clause and insert:

Section 1. Section 409.027, Florida Statutes, is created to read:

409.027 Short title.—This act shall be known and may be cited as the "Public Assistance Productivity Act."

(1) The Legislature finds that it is in the best interest of the citizens of this state that public assistance recipients become productive members of society. Furthermore, the Legislature finds that insufficient priority has been placed on efforts to assure that public assistance recipients are provided an opportunity to become economically self-supporting or productive. The Legislature further finds that current federal, state, and local programs designed to provide opportunities for economic self-support or productivity to public assistance recipients are not well integrated and coordinated, resulting in the waste of tax dollars and human resources. Therefore, it is the policy of this state that public assistance recipients shall be provided an opportunity to become economically self-supporting or productive members of society through a planned, integrated, and coordinated system of employment-related services which shall include, but not be limited to, training, education, placement, and supportive services, the primary goal of which is the placement of public assistance recipients in unsubsidized jobs.

(2) The Department of Health and Rehabilitative Services is designated as the single state agency responsible for the planning, integration, and coordination of employment-related services for public assistance recipients.

(a) The department shall develop an annual state plan and submit the plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than March 1 of each year. All appropriate state agencies shall participate and fully cooperate in the development of the annual state plan. Appropriate state agencies shall include, but not be limited to, the Departments of Commerce, Labor and Employment Security, and Community Affairs. Furthermore, appropriate local agencies shall be provided the opportunity to participate in the development of the plan. Appropriate local agencies shall include, but not be limited to, community action agencies and CETA prime sponsors. The annual state plan shall:

1. Set forth the components of an integrated and coordinated system of employment-related services at the state and local level;

2. Set forth priorities for the allocation of existing resources which will effect an integrated and coordinated system of employment-related services; and

3. Identify barriers to the accomplishment of the goal provided for in this act, and recommend strategies and implement an action plan to overcome those barriers.

(b) To further the accomplishment of the goal of this act, the department shall:

1. Redirect its policies, manuals, and personnel functions;
2. Foster, through the implementation of cooperative activities, the participation of state and local government agencies as well as private businesses;
3. Utilize public assistance resources to create jobs for public assistance recipients;
4. Utilize public assistance resources to provide incentives to private businesses to train and place public assistance recipients in jobs;
5. Pursue with the Federal Government the utilization of federal funds to finance, on a pilot or permanent basis, employment-related services;
6. Expeditiously refer employable applicants for public assistance to the employment services' local office for job placement;
7. Expeditiously sanction those nonexempt recipients who refuse without good cause to participate in employment-related services;

8. Where feasible, colocate employment-related and public assistance services at the local level;

9. Expeditiously refer nonexempt recipients to available workfare projects when they are not participating in employment-related programs.

(3) Funds provided to this state or by this state for employment-related services, including public assistance funds, shall, to the extent feasible under federal law, be allocated to assist public assistance recipients to become economically self-supporting or productive. Said funds shall be allocated, in a manner consistent with the following prioritized activities, for:

- (a) Public assistance avoidance activities designed to place an applicant for public assistance in a job prior to that person receiving an assistance grant;
- (b) Activities designed to expeditiously place public assistance recipients in unsubsidized jobs;
- (c) Activities designed to create unsubsidized jobs for public assistance recipients; and
- (d) Activities designed to prepare public assistance recipients for placement in unsubsidized jobs.

(4) The department shall not create or provide support for the operation of new employment, training, or placement programs when such programs would duplicate existing programs at the state or local level.

**Section 2. Florida Employment Project for AFDC Recipients.**—The Department of Health and Rehabilitative Services shall provide for the establishment of a demonstration pilot project, modeled after the National Women's Employment and Education Model Program conducted in San Antonio, Texas, for the purpose of determining the advisability of establishing such programs throughout the state to reduce welfare costs to the state and to provide viable work opportunities to AFDC recipients in this state. Such project shall be established in accordance with the following criteria:

(1) During the period from July 1, 1981, to January 1, 1982, the department shall accept and review applications submitted by private agencies or individuals desiring to conduct a pilot project as described in this section, which applications shall evidence a readiness and ability on the part of the applicants to fully implement such a project by July 1, 1982, and to conduct same in a fiscally responsible manner from said date until July 1, 1984, at which time the project shall be terminated.

(2) Applications submitted shall be evaluated in accordance with the following criteria:

(a) Existing community resources, whenever available, shall be used to support the project.

(b) Wherever feasible, private employees shall be utilized to train project participants on-the-job at no cost to the project and volunteers shall be used to the maximum extent possible in carrying out the project.

(c) Applications shall evidence the commitment of local employers and business organizations not only to support but to be actively involved in the project.

(d) Provision shall be made for screening potential participants prior to their acceptance into the project to assess their potential for success, and services shall be provided only to those eligible persons determined to have reasonable to high probability for success in the project. Participation shall be voluntary. Eligibility for AFDC assistance shall not be conditioned upon participation in the project.

(e) Applications shall evidence the ability of the project to meet the following needs of AFDC recipients selected for participation in the project:

1. Adequate provision should be made for child care.
2. Provision should be made for effectively dealing with potential transportation problems of participants.
3. Adequate skills training should be provided which will give participants a reasonable opportunity for success on the job.
4. Counseling should be provided participants so that they would be adequately informed concerning available jobs and so that they would be adequately prepared to deal with potential and actual problems encountered in on-the-job situations.

5. Consideration should be given to the economic needs of the AFDC recipient, and, where feasible, reasonable effort should be made to place participants in nontraditional occupations, such as construction work, if such placement would yield the higher income necessary to meet such economic needs.

(f) The administrative structure for providing the services described in paragraph (e) should be as simple as possible.

(3) Upon approval of an application submitted in accordance with the provisions of this section, the department:

- (a) Shall seek funding for the project from federal and state financial assistance programs which presently exist or which may be hereafter created.
- (b) May accept gifts and grants in order to carry out the project.

(c) Shall contract, pursuant to s. 286.28, Florida Statutes, for the necessary insurance coverage to protect volunteers from personal liability while acting within the scope of their volunteer assignments under the project.

(d) Shall adopt minimal rules governing the operation of the pilot project, which may include, within the limits specified herein, guidelines for intake and enrollment of participants into the project.

(e) Shall contract with the selected applicant for the provision of all of the services required under the project, on the following basis:

1. The entity contracting with the department to conduct a pilot project as provided herein shall provide at least 25 percent of the funding necessary for the support of the operation of the project. Contributions in kind, whether of materials, commodities, transportation, office space, other types of facilities, or personal services, may be valued and counted as part or all of such required local funding.

2. The department shall reimburse, on a quarterly basis, the entity contracting with the department to conduct the pilot project for up to 75 percent of costs incurred and documented by the entity, exclusive of any federal participation funds received therefor, except that the total amount of such reimbursement shall not exceed \$300,000 over the 2-year period of the project.

3. A minimum of 250 participants shall be served by the project per year.

4. The project shall be fully implemented and in operation effective July 1, 1982.

5. Average cost per participant in the project shall not exceed \$800.

(4) On or before January 1 of 1983, 1984, and 1985, the Department of Health and Rehabilitative Services shall submit to the President of the Senate and to the Speaker of the House of Representatives a report summarizing and evaluating the progress of the project. Each report shall provide information necessary for an accurate analysis of the costs and benefits associated with the establishment and operation of the project. The final report submitted on or before January 1, 1985, shall indicate whether or not at least 80 percent of the participants in the project were placed in employment at a wage level which enabled them to be independent of Aid to Families with Dependent Children for at least 12 months. If such criteria has been met or exceeded, as part of the final report, the department shall submit to the Legislature for its consideration appropriate proposed legislation for the continuation of the project, for the establishment of additional projects, or for the establishment of a statewide program, as it deems appropriate.

Section 3. Section 1 of this act shall take effect July 1, 1981; section 2 of this act shall take effect July 1, 1981, and shall expire and be void and inoperative on January 1, 1985.

**Amendment 2**—On page 1 in the title, strike all of lines 1-23 and insert: A bill to be entitled An act relating to employment services for public assistance recipients; creating s. 409.027, Florida Statutes; providing state policy that public assistance recipients shall be provided an opportunity to become economically self-supporting or productive members of society; providing that the primary goal of employment-related services for public assistance recipients is the placement of public assistance recipients in unsubsidized jobs; designating the Department of Health and Rehabilitative Services as the single state agency responsible for the planning, integration, and coordination of employment-related services for public assistance recipients; requiring the development of an annual state plan; requiring the department to carry out other activities to facilitate accomplishment of the purpose of the act; providing for the allocation of funds for employment-related services, consistent with a list of prioritized activities; prohibiting the department from creating or supporting duplicative employment programs or services; requiring the Department of Health and Rehabilitative Services to provide financial incentive for the establishment of a privately administered pilot project to provide employment for AFDC recipients; providing for application; providing criteria for approval of the project; providing for reimbursement of the project administrators for up to 75 percent of the costs incurred and documented, within certain limits; providing exclusions; providing effective and expiration dates.

Senator D. Childers moved the following amendments to House Amendment 1 which were adopted:

**Amendment 1**—On page 3 between lines 6 and 7 insert a new subsection (a) and renumber subsequent subsections: (a) With the cooperation of other agencies appropriate and necessary for the accomplishment of the goal of this section, the department shall, to the fullest extent possible and using a balanced priority approach, implement all policies and programs which will accomplish the following priorities:

1. Achieve public assistance avoidance through activities designed to place an applicant for public assistance in a job prior to that person receiving an assistance grant;
2. Structure job-related programs to stop the temporary but repeating cycle of public assistance dependency; and
3. Strengthen efforts to discover productive alternatives for those recipients who remain on public assistance for long periods of time.

**Amendment 2**—On page 3, line 10, insert after the period: In addition, a 5-year plan shall be developed and submitted with the annual plan by January 1, 1982.

**Amendment 3**—On page 3; line 10; strike "March 1" and insert: January 1

**Amendment 4**—On page 3, lines 15-17, strike "appropriate local agencies shall be provided the opportunity to participate in the development of the plan." and insert: the department shall cooperate with all appropriate local agencies in the development of the plans as well as provide such agencies the opportunity for review and comment on the plans before they are submitted to the Governor and Legislature.

**Amendment 5**—On page 3, between lines 28 and 29, insert: 4. Include in the annual plan a report section which shall state in full detail the efforts during the preceding year to accomplish the activities in paragraph (c) of subsection (2), their status, and the status of any action plans presented in the previous year's annual state plan.

**Amendment 6**—On page 4, line 29 after the period, through line 31 and on page 5, lines 1-9, strike all language and insert: priorities given in paragraph (a) of subsection (2)

**Amendment 7**—On page 8, line 16, after the word "reimbursement" insert: for all participants placed

**Amendment 8**—On page 8, line 17, insert after the period: Twenty five percent of the state's reimbursement for each participant shall be held until the participant has been in unsubsidized employment for six months.

**Amendment 9**—On page 8, line 18, strike "be served" and insert: each be placed in and remain for at least six months in unsubsidized employment.

Senator D. Childers moved the following amendment to House Amendment 2 which was adopted:

**Amendment 1**—On page 1, line 18, strike "state plan" and insert after the word "annual": and 5-year state plans

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

SB 1025 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33.

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

Nays—None

Vote after roll call:

Yea—Hair

*The Honorable W. D. Childers, President*

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

**SB 1046**—A bill to be entitled An act for the relief for the Town of Hillsboro Beach; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 26, strike all of said line and insert: act or HB 68 are found and declared to be true.

**Amendment 2**—On page 1, line 26, after the period, insert: Section 2. The sum of \$8,285.13 is appropriated out of funds in

the State Treasury to the credit of the Department of Corrections not otherwise appropriated to be paid to Jerry D. Coker as relief for losses sustained.

Section 3. The Comptroller is directed to draw his warrant in favor of Jerry D. Coker in the sum of \$8,285.13 upon funds in the State Treasury to the credit of the Department of Corrections and the State Treasurer is directed to pay the same out of such funds in the State Treasury not otherwise appropriated.

(Renumber subsequent sections.)

Amendment 3—In the title on page 1, line 3 after the semicolon, insert: providing for an appropriation to compensate him for losses incurred due to the negligence of the Department of Corrections;

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

SB 1046 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

The President presiding

Senator Stuart presiding

*The Honorable W. D. Childers, President*

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

By the Committee on Economic, Community and Consumer Affairs and Senator Ware—

CS for SB 293—A bill to be entitled An act relating to contracting; amending the introductory paragraph of s. 489.105(3), Florida Statutes, 1980 Supplement, adding paragraph (n) to said subsection, and amending subsection (11) of said section; defining "underground utility contractor"; providing for the inclusion of underground utility contractors among Division II contractors supervised by the Construction Industry Licensing Board; redefining specialty contractor to conform to changes made by this act; amending s. 489.107(2), (5), (6), Florida Statutes, 1980 Supplement; increasing regular and alternate membership of the board to provide for representation of underground utility contractors; increasing the number required for a quorum of the board; amending s. 489.113(3), Florida Statutes, 1980 Supplement; providing an exception to the requirement that general contractors subcontract certain work relating to sewer and water mains; repealing s. 489.113(6), Florida Statutes, as amended, relating to the board's authority to designate those types of specialty contractors which may be certified; providing for conditional repeal of this act; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 2, line 1, strike all of Section 1. and insert:

Section 1. The introductory paragraph of subsection (3) of section 489.105, Florida Statutes, 1980 Supplement, is amended, paragraph (m) of said subsection is amended, paragraph (n) is added to said subsection, and subsection (11) of said section is amended to read:

489.105 Definitions.—As used in this act:

(3) "Contractor" means the person who is qualified for and responsible for the entire project contracted for and means, except as exempted in this act, the person who, for compensation, undertakes to, submits a bid to, or does himself or by others construct, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(n)(~~m~~):

(m) "Plumbing contractor" means any person whose services are unlimited in the plumbing trade and who has the experience, knowledge, and skill necessary for the installation, maintenance, extension, and alteration of all piping fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building, structure, or conveyance, including the practice and materials used in the installation, maintenance, extension, or alteration of the storm water or sewerage and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal. *Notwithstanding any other provision of this act a plumbing contractor shall not be required to register pursuant to this act.*

(n) "Underground utility contractor" means any person whose services are limited to the construction, installation and repair of public or private main sanitary sewer collection systems, main water distribution systems, building storm sewers, including sewer laterals and water service pipes which are essential to the main lines; however, an underground utility contractor is not authorized to install any piping that is an integral part of a fire protection system, as defined in s. 633.021(12), beginning at the point where the piping is used exclusively for such system.

(11) "Specialty contractor" means any contractor who does not fall within the categories established in paragraphs (a)-(n)(~~4~~) of subsection (3).

Amendment 2—On page 5, strike line 13, and insert:

Section 3. Subsection (1) of section 489.109, Florida Statutes, 1979, is amended to read:

489.109. Fees.—

(1) The board, by rule, shall establish reasonable fees to be paid for applications, examination, certification and renewal, registration and renewal, and recordmaking and recordkeeping. Effective October 1, 1979, the fees shall be established as follows:

(a) With respect to an applicant for a certificate, the initial application and examination fee shall not exceed \$250, and the biennial renewal fee shall not exceed \$100; and

(b) With respect to an applicant for registration, the initial application fee shall not exceed \$50, and the annual biennial renewal fee shall not exceed \$50. *All initial registration fees paid on or after July 1 of the second year during the biennial registration period shall be prorated on an annual basis. Any plumbing contractor registration fees paid during the fiscal year 80-81 shall be refunded from the Construction Industry Licensing Trust Fund.* The fees required by the board on June 30, 1979, shall remain in effect through September 30, 1979. The board, by rule, may also establish penalty fees for late renewal not to exceed \$20 for certification and \$10 registration. The board shall establish fees which are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this act and the provisions of law with respect to the regulation of the construction industry.

(Renumber remaining sections.)

**Amendment 3**—On page 6, line 13, strike all of lines 13-15 and renumber subsequent sections

**Amendment 4 to House Amendment 2**—On page 1, line 12, strike: "*annual biennial*" and insert: *biennial*

**Amendment 5**—On page 1 in the title, line 6, strike after the semicolon (;) "*defining*" and insert: providing for the removal of registration requirements for plumbing contractors; providing for the prorated refund of plumbing contractors license fees; defining

**Amendment 7 to House Amendment 2**—Section (3)(b) On page 1, strike "Any plumbing contractor registration fees paid during the fiscal year 80-81 shall be refunded from the Construction Industry Licensing Trust Fund." and insert: Notwithstanding s. 215.26, Florida Statutes, or other applicable law the Department of Professional Regulation shall grant refunds amounting to \$25 to each plumbing contractor who became licensed in accordance with Florida laws Chapter 489, Florida Statutes, during the licensing period expiring June 30, 1981.

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

CS for SB 293 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

Anderson	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Dunn	Jenne	Neal	Tobiassen
Frank	Jennings	Renick	Vogt
Grizzle	Lewis	Scott	Ware
Hair	Margolis	Skinner	Winn
Henderson	Maxwell	Steinberg	

Nays—1

Johnston

Vote after roll call:

Yea—Peterson

The bill was ordered engrossed and then enrolled.

On motion by Senator Neal, the rules were waived and by two-thirds vote CS for HB 637 in House Messages was placed at the end of the calendar.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed CS for HB 58, as amended, and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Education, Higher and Representatives Burned and Crotty—

**CS for HB 58**—A bill to be entitled An act relating to education; amending s. 240.402, Florida Statutes, 1980 Supplement, to replace the Florida Academic Scholars' Fund with the Florida Legislative Scholars' Fund; providing that certain students who meet certain requirements are eligible for a stipend for educational expenses; providing for administration of the fund by the Department of Education; providing for appropriations to the fund; providing an effective date.

**House Amendment 1 to Senate Amendment 1**—On pages 1-6 strike the entire amendment and insert:

Section 1. Section 240.402, Florida Statutes, 1980 Supplement, is amended to read:

*(Substantial rewording of section. See s. 240.402, F.S., 1980 Supp., for present text.)*

240.402 Florida Legislative Scholars' Fund.—

(1) There is hereby created a Florida Legislative Scholars' Fund to award scholarships to each Florida student who:

(a) Has obtained a high school grade point average of 3.8 or above on a 4.0 scale, or its equivalent, and is in the upper 2 percent of the graduating class of an accredited high school;

(b) Has been a bona fide resident of this state for the 2 years prior to graduation from high school; and

(c) Attends, on a full-time basis, any public college or university in this state or any independent college or university in this state which is accredited by a member of the Council on Postsecondary Accreditation and whose credits are transferable without qualification to state universities.

(2) Each undergraduate student who meets such requirements is eligible for a stipend for tuition and registration fees, not to exceed \$1000 per academic year to be paid on a prorated basis at the beginning of each semester or term.

(3) Recipients of legislative scholarships shall maintain the equivalent of a 3.2 cumulative grade average on a 4.0 scale on at least 12 hours per quarter, trimester, or semester in order to be eligible for a continuation of the award. No student may receive a Florida Legislative Scholars' Fund award for more than the equivalent of 8 semesters or 12 quarters.

(4) The Department of Education shall administer this fund under policies and rules, including rules for the phasing in of the program, established by the department.

Section 2. Funds appropriated by the Legislature from the general revenue fund shall be deposited in the Florida Legislative Scholars' Fund, as created herein, for the purpose of funding this act.

Section 3. This act shall take effect July 1, 1981.

**House Amendment 1 to Senate Amendment 2**—On page 1, strike the entire Senate amendment and insert: A bill to be entitled An act relating to education; amending s. 240.402, Florida Statutes, 1980 Supplement, to replace the Florida Academic Scholars' Fund with the Florida Legislative Scholars' Fund; providing that certain students who meet certain requirements are eligible for a stipend for educational expenses; providing for administration of the fund by the Department of Education; providing for appropriations to the fund; providing an effective date.

On motions by Senator Frank, the Senate refused to concur in House Amendments 1 and 2 and the House was requested to recede. The action of the Senate was certified to the House.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed CS for CS for HB 1095, as amended, and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committees on Appropriations and Juvenile Justice and Representative Lehman and others—

**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 jurisdiction 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.

#### House Amendment 1 to Senate Amendment 1—

Strike the entire amendment and insert:

Section 1. Subsections (8) and (34) of section 39.01, Florida Statutes, 1980 Supplement, are amended, and subsection (37) is added to said section to read:

#### 39.01 Definitions.—When used in this chapter:

(8) "Child who has committed a delinquent act" means a child who, pursuant to the provisions of this chapter, is found by a court to have committed a felony, a misdemeanor, contempt of court, or a violation of a local penal ordinance, ~~other than a juvenile traffic offense~~, and whose case has not been prosecuted as an adult case.

(34) "Violation of law" means a violation of any law of the United States or of the state which is a misdemeanor or a felony. "Violation of law" also means or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(37) "Halfway house" means a community based residential program for 12 or more committed delinquents that is operated by the department.

Section 2. Subsections (1) and (2) of section 39.02, Florida Statutes, 1980 Supplement, are amended to read:

#### 39.02 Jurisdiction.—

(1) The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law. ~~The circuit court shall have jurisdiction in cases involving offenses described in s. 39.01(21)(a)-(d) juvenile traffic offenses only if the court having jurisdiction over traffic offenses waives jurisdiction and certifies the case to the circuit court. In such case, a petition of delinquency, which may include or consist of the uniform traffic complaint, shall be filed in the circuit court, and the case shall be heard de novo as a delinquency proceeding.~~

(2) During the prosecution of any violation of law, ~~except for a juvenile traffic offense~~, against any person who has been presumed to be an adult, if it is shown that the person was a child at the time the offense was committed, then the court shall forthwith transfer the case, together with the physical custody of the child and all physical evidence, papers, documents, and testimony, original and duplicate, connected therewith, to the appropriate court for proceeding under this chapter. The circuit court is exclusively authorized to assume jurisdiction over any delinquent child arrested and charged with

violating a federal law or a law of the District of Columbia, who is found or living or domiciled in a county in which the circuit court is established, when the child is surrendered to the circuit court as provided in 18 U.S.C. s. 5001.

Section 3. Paragraph (c) of subsection (1) and subsection (2) of section 39.03, Florida Statutes, 1980 Supplement, are amended to read:

#### 39.03 Taking a child into custody; detention.—

(1) A child may be taken into custody:

(c) By an authorized agent of the department when he has reasonable grounds to believe a child in a community control program has violated in a material way a condition or term of the program imposed by the court or otherwise required by law. Any child taken into custody for a violation of the terms of conditions of the community control program shall not be detained longer than ~~24~~ 48 hours, excluding ~~Saturdays, Sundays,~~ and legal holidays, without an order by the court directing such detention.

(2) Unless otherwise ordered by the court, if the child is not detained or released to a crisis home pursuant to s. 39.032(2), the person taking the child into custody shall release the child to a parent, a responsible adult relative, a responsible agent of an approved crisis home, or an adult approved by the court upon agreement of the person to whom the child is released to inform the person releasing the child or to inform the department of the child's subsequent change of address and to produce the child in court at such time as the court may direct. If a child does not appear as directed by the court, the court may issue an order to have the child taken into custody. When a child is released to an adult who is not a parent or responsible adult relative of the child, the adult may be selected by the department from a list of persons previously approved by the court as authorized agents of the department to receive children for temporary placement. Unless otherwise accomplished pursuant to subsection (4), the person taking the child into custody ~~and detaining the child~~ shall, within 3 days, make a written report to the appropriate intake officer, stating the facts by reason of which the child was taken into custody. The report shall:

(a) Identify the child, his parents, and the person to whom he was released.

(b) Contain sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law or delinquent act.

Section 4. Subsection (4) of section 39.031, Florida Statutes, 1980 Supplement, is amended to read:

#### 39.031 Fingerprinting and photographing.—

(4) Nothing contained in this section shall prohibit the fingerprinting or photographing of child traffic violators. All records of ~~such juvenile~~ traffic violations shall be kept in the full name of the violator and shall be open to inspection and publication in the same manner as adult traffic violations. Nothing contained in this section shall apply to photographing of children by the department.

Section 5. Section 39.032, Florida Statutes, 1980 Supplement, is amended to read:

*(Substantial rewording of section. See s. 39.032, F.S., 1980 Supp., for present text.)*

#### 39.032 Detention.—

(1) The intake officer shall receive custody of the child from the law enforcement agency and shall review the facts in the law enforcement report or complaint and make such further inquiry as may be necessary to determine whether detention care is required. During the period of time from the taking of the child into custody by the department to the date of the detention hearing, the initial decision as to detention or the release from custody of the child shall be made jointly by the intake officer and the law enforcement agency that took custody of the child. If the intake officer and the law enforcement agency disagree as to whether the criteria for detention are met or as to whether secure detention should be required, the department shall contact the state attorney, who shall decide, on a case by case basis, whether the child shall be

detained, and whether the child shall be placed in secure or nonsecure detention. If the intake officer, the law enforcement agency, or both determine that a child who meets the criteria in subsection (2) should be released, the intake officer shall contact the state attorney, who may authorize release. If detention care is not authorized, the child may be released by the intake officer in accordance with s. 39.03(2). Under no circumstances shall the intake officer or the state attorney authorize the detention of any child in a jail or other facility intended or used for the detention of adults.

(2) Subject to the provisions of subsection (1), a child taken into custody shall be placed or detained in detention care prior to disposition by the court if:

(a) The child is taken into custody for the alleged commission of an act, which, if committed by an adult, would be a felony;

(b) The child is alleged to be an escapee or absconder from detention care, probation, parole, furlough, a community control program, a delinquency commitment program, or the custody of a law enforcement agency in this or any other state;

(c) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony or misdemeanor in such jurisdiction;

(d) The child is taken into custody for the alleged commission of an act which, if committed by an adult, would be a violation of law and requests protection in circumstances that appear to present an immediate threat to his personal safety and there are no crisis or shelter homes available in which to place the child. Said child shall be released upon the child's request;

(e) The child is alleged to have committed an offense which, if committed by an adult, would be a crime of violence; or

(f) The child is taken into custody for the alleged commission of an act which, if committed by an adult, would be a violation of law, and any of the following applies:

1. The child is already detained or has been released and is awaiting a hearing on another case;
2. There are reasonable grounds to believe that the child will fail to appear at any hearing;
3. The child has previously been found to have committed a delinquent act involving a crime of violence;
4. The child has previously been found to have committed a delinquent act which is defined by state law as a felony;
5. The child has previously been found to have committed a delinquent act involving property;
6. The child is presently in a community control program or committed to the department; or
7. There are reasonable grounds to believe that the child may physically harm or has threatened to physically harm witnesses, victims, other persons, or property.

A child who is detained under this subsection or subsection (3) shall be given a detention hearing within 24 hours of his being taken into custody, excluding Sundays and legal holidays, to determine the existence of probable cause to believe that the child has committed such delinquent act or violation of law and the need for continued detention. The circuit court, or the county court if previously designated by order of the chief judge of the circuit court, shall hold the detention hearing.

(3) Notwithstanding the criteria in subsection (2), a child may be placed or detained in a secure or nonsecure detention facility if the child is alleged or found to be in contempt of court.

(4) Except in emergency situations, a child shall not be placed or transported in any police car or other similar vehicle which at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.

(5) The court may order the delivery of a child to a jail or other facility intended or used for the detention of adults:

(a) When the child has been transferred or indicted for criminal prosecution as an adult pursuant to this chapter; or

(b) When the court determines, upon the recommendation of the superintendent of the detention home, that the child is beyond the control of the detention home staff.

The receiving facility shall contain a separate section for juvenile offenders and shall have an adequate staff to supervise and monitor the child's activities at all times. Nothing in this paragraph shall prohibit the placing of two or more children in the same cell. Under no circumstances shall a child be placed in the same cell as an adult.

(6)(a) No child shall be held in a secure detention facility or shelter care longer than 24 hours, excluding Sundays and legal holidays, unless the court orders detention care or shelter care in accordance with the provisions of subsection (2) or subsection (3). The decision as to the release of the child from a secure detention facility or from shelter care shall be made by the court. The order shall be a final order and shall be reviewable by appeal pursuant to s. 39.14 and the Florida Appellate Rules.

(b) No child shall be held in detention care or a crisis home under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

(c) No child shall be held in detention care or a crisis home for more than 15 days following the entry of an order of adjudication unless an order of disposition pursuant to s. 39.11 has been entered by the court or unless a continuance, which shall not exceed 15 days, has been granted for good cause. The detention home superintendent shall request that the court order the release of any child held beyond 15 days without a grant of continuance.

(d) The time limits in paragraphs (b) and (c) shall not include periods of delay resulting from a continuance granted by the court for good cause shown on motion of the child or his counsel or the state, or upon motion of the court.

Section 6. Subsection (2) of section 39.04, Florida Statutes, 1980 Supplement, is amended to read:

#### 39.04 Intake.—

(2) The intake officer shall make a preliminary determination as to whether the report or complaint is complete, consulting with the state attorney or assistant state attorney as may be necessary. In any case where the intake officer or the state attorney finds that the report or complaint is incomplete, the intake officer or state attorney shall return the report or complaint, without delay, to the person or agency originating the report or complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and request, and the agency shall promptly thereafter furnish, additional information in order to complete the report or complaint.

(a) If the intake officer determines that the report or complaint is complete, he may, in the case of a child who is alleged to have committed a delinquent act or violation of law, recommend that the state attorney file a petition of delinquency or an information or seek an indictment by the grand jury. *However, the recommendations shall not be a prerequisite for any action taken by the state attorney.*

(b) If the intake officer determines that the report or complaint is complete, but that in his judgment the interest of the child and the public will be best served by providing the child care, a diversionary or mediation program, community service work, or other treatment voluntarily accepted by the child and his parents or legal custodian, the intake officer, with the approval of the state attorney, may refer the child for such care, diversionary or mediation program, community service work, or other treatment. *The victim, if any, and the law enforcement agency which investigated the offense shall be notified immediately by the state attorney of the action taken pursuant to this paragraph.* Whenever a child volunteers to participate in any work program under the provisions of this chapter or volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, such child shall be considered an employee of the state for the purposes of chapter 440. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all re-

muneration received from the employer shall be considered a gratuity, and the child shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of his future wage-earning capacity.

(c) If the intake officer determines that the report or complaint is complete and in his judgment the interest of the child and the public will be best served, he may recommend that a delinquency petition not be filed. If such a recommendation is made, the intake officer shall advise in writing the complainant, the victim, if any, and the law enforcement agency having investigative jurisdiction of the offense of the recommendation and the reasons therefor; and that person or agency may submit, within 10 days from the receipt of such notice, the complaint to the state attorney for special review. The state attorney, upon receiving a request for special review, shall consider the facts presented by the complainant or agency and by the intake officer who made the recommendation that no petition or information be filed, before such attorney makes a final decision as to whether a petition or information should or should not be filed.

(d) In all cases in which the child is alleged to have committed a delinquent act and is not detained, the intake officer shall submit a written report to the state attorney, including the original report or complaint or a copy thereof, within 20 days from the date the child is taken into custody or the report or complaint is made to the intake office, whichever date shall last occur. In cases in which the child is in detention, the intake office report shall be submitted within 24 hours of the detention. The intake office report shall recommend that a petition or information be filed or that no petition or information be filed, and it shall set forth reasons for such recommendation.

(e) The state attorney shall in all such cases, after receiving and considering the recommendation of the intake officer, have the right to take action, regardless of the action or lack of action of the intake officer, and shall determine the action which is in the best interest of the public and the child. The state attorney may:

1. File a petition for dependency;
2. File a petition for delinquency;
3. File a petition for delinquency with a motion to transfer and certify the child pursuant to s. 39.02(5) and s. 39.09(2) for prosecution as an adult;
4. With respect to any child who at the time of commission of the alleged offense was 16 or 17 years of age, file an information when in his judgment and discretion the public interest requires that adult sanctions be considered or imposed. Upon motion of a ~~the~~ child charged with a misdemeanor, the case shall be transferred for adjudicatory proceedings as a child pursuant to s. 39.09(1) if it is shown by the child that he had not previously been found to have committed two delinquent acts, one of which involved an offense classified under Florida law as a felony;
5. Refer the case to a grand jury;
6. Refer the child to a diversionary, pretrial intervention, or mediation program or to some other treatment or care program if such program commitment is voluntarily accepted by the child or his parents or legal guardians; or
7. Dismiss the case.

(f) In cases in which a delinquency complaint is filed by a law enforcement agency and the state attorney determines not to file a petition, the state attorney shall advise the clerk of the circuit court in writing that no petition will be filed on the complaint.

Section 7. Subsection (6) and paragraph (a) of subsection (7) of section 39.05, Florida Statutes, 1980 Supplement, are amended to read:

#### 39.05 Petition.—

(6) On motions by or in behalf of a child, a petition alleging delinquency shall be dismissed with prejudice if it was

not filed within 45 days from the date the child was taken into custody. The court may grant an extension of time, not to exceed an additional 15 days, upon such motion by the state attorney for good cause shown when, in the opinion of the court, such additional time is justified because of exceptional circumstances.

(7)(a) If a petition has been filed alleging that a child has committed a delinquent act, the adjudicatory hearing on the petition shall be commenced within 90 days of the earlier of the following dates:

1. The date the child was taken into custody.
2. The date the petition was filed.

However, if the child is transferred pursuant to s. 39.02(1) by a court having jurisdiction over traffic offenses, the adjudicatory hearing shall be commenced within 90 days of the date the petition of delinquency was filed.

Section 8. Subsection (6) of section 39.06, Florida Statutes, is amended to read:

#### 39.06 Process and service.—

(6) It shall not be necessary to the validity of a proceeding covered by this chapter that the parents or legal custodians be present if the their identity or residence of the parents or custodians of the child is unknown after a diligent search and inquiry have been made, if the parents or custodians they are residents of a state other than Florida, or if the parents or custodians they evade service or ignore a summons, but in this event the person who made the search and inquiry shall file in the case a certificate of those facts, and the court shall appoint a guardian ad litem for the child, if appropriate.

Section 9. Paragraphs (b), (e), and (f) of subsection (3) of section 39.09, Florida Statutes, 1980 Supplement, are amended to read:

#### 39.09 Hearings.—

(3) DISPOSITION HEARING FOR DELINQUENCY CASES.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(b) The court shall consider the child's entire predispositional report and review the records of earlier judicial proceedings prior to making a final disposition of the case. The court may, by order, require additional evaluations and studies to be performed by the department, by the county school system, or by any other social, psychological, or psychiatric agencies of the state. The court shall order included in the predispositional report the educational needs assessment completed pursuant to s. 39.08(2).

(e) If the court determines that the child should be adjudicated as having committed a delinquent act and that he should be committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding on reasons for the decision to adjudicate and to commit the child to the department. If the court decides to commit a child to the department, the department shall furnish the court in order of the department's preference a list of not less than 3 options for programs in which the child may be placed. The court shall rank the options presented by the department in order of the court's preference. The court's recommendation shall be reviewed by the department and shall be given primary consideration. The recommendation of the court shall be followed if the commitment resource is available. The court may also require that the child be placed in a community control program following the child's discharge from commitment. Community-based sanctions may be imposed by the court at the disposition hearing or at any time prior to the child's discharge from commitment.

(f) If the court determines not to adjudicate and commit to the department, then the court shall determine what community-based sanctions it will impose in a community control program for the child. Community-based sanctions may include, but are not limited to, rehabilitative restitution, curfew, revocation or suspension of the driver's license of the child,

community service, an appropriate educational program to be determined by the district school board taking into account the provisions of ss. 230.23(4)(m), 230.2315(4), and 236.083, the deprivation from the child of nonessential activities or privileges, or other appropriate restraints of the child's liberty.

Section 10. Subsection (2) of section 39.10, Florida Statutes, 1980 Supplement, is amended to read:

#### 39.10 Adjudication.—

(2) If the court finds that the child named in the petition has committed a delinquent act, it may, in its discretion, enter an order stating the facts upon which its finding is based but withholding adjudication of a delinquent act and placing the child in a community control program under the supervision of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. The court may, as a condition of the program, impose a curfew, require restitution or public service, or revoke or suspend the driver's license of the child, *require school attendance, or require that the child work faithfully at suitable employment insofar as may be possible.* If the court later finds that the child has not complied with the rules, restrictions, or conditions of the community-based program, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of delinquency, enter an adjudication and shall thereafter have full authority under this chapter to deal with the child as adjudicated.

Section 11. Paragraphs (a) and (h) of subsection (1) and subsection (3) of section 39.11, Florida Statutes, 1980 Supplement, are amended to read:

#### 39.11 Powers of disposition.—

(1) When any child shall be adjudicated by the court to have committed a delinquent act, the court having jurisdiction of the child shall have the power, by order in which is stated the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing, to:

(a) Place the child in a community control program under the supervision of an authorized agent of the department or any other person or agency specifically authorized and appointed by the court, either in the child's own home or, if the prospective custodian is willing, in the home of a relative of the child or in some other suitable place under such reasonable conditions as the court may direct. A community control program is as defined in s. 39.01(10) and shall include a penalty such as restitution, curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and a rehabilitative program.

1. Community control programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs shall include, but shall not be limited to, structured or restricted activities designed to encourage acceptable and functional social behavior, restitution in money or in kind, *school attendance, or public service.* The sanction imposed by order of the court shall be commensurate with the seriousness of the offense. When supervision or a program of public service is ordered by the court, the duration of such supervision or program shall not be longer than the sentence that could be imposed if the child were committed for the offense. When restitution is ordered by the court, the amount of restitution shall not be greater than an amount the child and his parents could reasonably be expected to pay or make. A child who participates in any work program under the provisions of this chapter shall be considered an employee of the state for purposes of liability, unless otherwise provided by law.

2. There *may* shall be established in each judicial circuit a community control program advisory council which shall periodically, at least quarterly, advise the court of the diversion programs and dispositional alternatives for children available within that circuit. The presiding judge of the circuit shall appoint no fewer than seven members to constitute the council. The council shall include as ex officio members the state attorney, the superintendents of schools within the circuit, and an intake officer of the department, or their designees.

If the conditions of the community control program are violated, the agent supervising the community control program as it relates to the child involved or the state attorney may bring the child before the court on a petition alleging a

violation of the program. If the child denies that he has violated the conditions of his program, the court shall give him an opportunity to be heard in person or through counsel, or both. Upon his admission or after such hearing, if the court finds that the conditions of the community control program have been violated, the court shall enter an order revoking, modifying, or continuing the program. In all cases after a revocation, the court shall enter a new disposition order and shall have full power at that time to make any disposition it could have made at the original disposition hearing. Notwithstanding the provisions of s. 743.07, the term of any order placing a child in a community control program shall be until his 19th birthday unless he is sooner released by the court, on the motion of an interested party or on its own motion.

(h) As part of the community control program to be implemented by the department, order the child or parent to make restitution for the damage or loss caused by his offense in a reasonable amount or manner to be determined by the court. The court may require the clerk of the circuit court to be the receiving and dispensing agent. In such case, the court shall order the child or parent to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. *The liability of a parent under this paragraph shall not exceed \$2,500 for any one criminal episode. A finding by the court, after a hearing, that the parent has made diligent good faith efforts to prevent the child from engaging in delinquent acts shall absolve the parent of liability for restitution under this paragraph.*

(3) Any commitment of a delinquent child to the department shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department *with the concurrence of the court.* Notwithstanding the provisions of s. 743.07, no child shall be held under a commitment from a court pursuant to this section after becoming 19 years of age. The department shall give the court which committed the child to the department reasonable notice, in writing *of its desire to discharge prior to discharging the child from a commitment to the department.* The court which committed the child may thereafter *accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted resume personal jurisdiction of the child and make such orders for the after-care supervision of the child as will be in the best interest of the child and for the protection of society. Under no circumstances shall the court have the authority over the discharge of a child from commitment provided in this subsection unless the court, in its commitment order, states that it shall retain such authority.*

Section 12. Section 39.112, Florida Statutes, is amended to read:

39.112 Escapes from a juvenile facility.—An escape from any *halfway house, training school, or secure detention facility* maintained for the treatment, rehabilitation, or detention of children who are alleged or found to have committed delinquent acts or violations of law constitutes escape within the intent and meaning of s. 944.40 and is a felony in the third degree.

Section 13. Section 39.12, Florida Statutes, 1980 Supplement, is amended to read:

#### 39.12 Oaths; records; confidential information.—

(1) Authorized agents of the department shall each have power to administer oaths and affirmations.

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter. The court shall preserve the records pertaining to a child charged with committing a delinquent act until he reaches 19 years of age, or until 5 years after the last entry was made, or until 3 years after the death of the child, whichever date is first ~~last~~ reached, and may then destroy them, except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as this can be reasonably accomplished. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and writs which may be filed therein.

(3) The clerk shall keep all official records required by this statute separate from other records of the circuit court, except those records pertaining to any and all motor vehicle violations, including those listed in s. 29.01(21), which shall be forwarded to the Department of Highway Safety and Motor Vehicles. All official records required by this act shall not be open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents or legal custodians of the child and their attorneys, law enforcement agencies, the department and its designees, the Parole and Probation Commission, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(4) Except as provided in subsection (7), all information obtained pursuant to this chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department, the Parole and Probation Commission, the Department of Corrections, or any law enforcement agent shall be confidential and shall not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, the Department of Corrections, the Parole and Probation Commission, law enforcement, and others entitled under this chapter to receive that information, except upon order of the court.

(5) All orders of the court entered pursuant to this chapter shall be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.

(6) No court record of proceedings under this chapter shall be admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders transferring a child for trial as an adult shall be admissible in evidence in the court in which he is tried, but shall create no presumption as to the guilt of the child; nor shall the same be read to, or commented upon in the presence of, the jury in any trial.

(b) Orders binding an adult over for trial on a criminal charge, made by the judge as a committing magistrate, shall be admissible in evidence in the court to which the adult is bound over.

(c) Records of proceedings under this chapter forming a part of the record on appeal shall be used in the appellate court in the manner hereinafter provided.

(d) Records necessary therefor shall be admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury.

(7) The provisions of this chapter shall not be construed to prohibit the publication of the name and address of a child who is alleged to have committed a violation of law. Any other provisions of this chapter to the contrary notwithstanding, a law enforcement agency may release for publication the name and address of a child taken into custody if the child is 16 years of age or older and has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony or of any child 16 years of age or older who has been found by a court to have committed at least three or more violations of law which, if committed by an adult, would be misdemeanors.

Section 14. Section 316.635, Florida Statutes, is amended to read:

316.635 Courts having jurisdiction over traffic violations offenses; powers relating to custody and detention.—

(1) The court having jurisdiction over traffic violations shall have original jurisdiction in the case of any minor who is alleged to have committed any violation of law or a violation of any county or municipal ordinance, pertaining to the operation of a motor vehicle; however, traffic offenses that are punishable by law as a felony shall be under the jurisdiction of the circuit court.

(2) If a minor is arrested for the commission of a criminal traffic offense and transportation is necessary, the minor shall not be placed in any police car or other vehicle which at the same time contains an adult under arrest, except upon special order of the circuit court. However, if the minor is alleged to have participated in the same offense or transaction with an adult, such minor may be transported in the same vehicle with the adult.

(3) If a minor is taken into custody for a criminal traffic offense or violation of chapter 322 and the minor does not demand to be taken before a magistrate, the arresting officer or booking officer shall immediately notify or cause to be notified the minor's parents, guardian, or responsible adult relative of the action taken. After making every reasonable effort to give notice, the arresting officer or booking officer may:

(a) Issue a notice to appear pursuant to chapter 901 and release the minor to a parent, guardian, responsible adult relative, or other responsible adult;

(b) Issue a notice to appear pursuant to chapter 901 and release the minor pursuant to s. 903.06;

(c) Issue a notice to appear pursuant to chapter 901 and deliver the minor to an appropriate substance abuse treatment or rehabilitation facility or refer the minor to an appropriate medical facility as provided in s. 901.29. If the child cannot be delivered to an appropriate substance abuse treatment or rehabilitation facility or medical facility, the arresting officer may deliver the child to an appropriate intake office of the Department of Health and Rehabilitative Services, which shall take custody of the child and make any appropriate referrals.

(d) If the violation constitutes a felony and the minor cannot be released pursuant to s. 903.03, transport and deliver the minor to an appropriate Department of Health and Rehabilitative Services intake office. Upon delivery of the minor to the intake office, the department shall assume custody and proceed pursuant to chapter 39.

If action is not taken pursuant to paragraphs (a)-(d), the minor shall be treated as a dependent child pursuant to chapter 39. When the minor is treated as a dependent child, the Department of Health and Rehabilitative Services shall make every reasonable effort to contact the parents, guardian, or responsible adult relative to take custody of the minor. The child shall not under any circumstances be placed in any police or other vehicle which at the same time contains an adult under arrest, or in a jail, police station, or other place of detention, except upon general or special order of the circuit judge. However, when the child is involved in the same offense or transaction with adults, then such child may be transported in the same vehicle with the adults so involved.

Section 15. Subsection (4) of section 316.655, Florida Statutes, is amended to read:

316.655 Penalties.—

(4) Any person convicted of a violation of s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, or s. 316.1935 shall be punished as specifically provided in such sections. If the court finds that a minor committed any such offense, the court may impose one or more of the following sanctions in lieu of the sanctions provided under such sections:

(a) The court may reprimand or counsel the minor and his parents or guardians.

(b) The court may suspend or revoke the child's privilege to drive under stated conditions and limitations for a period not to exceed that authorized for a like suspension or revocation, of an adult's license for a like offense.

(c) The court may require the child to attend a traffic school conducted by a public authority for a reasonable period.

(d) The court may order the child to remit to the general fund of the local governmental body a sum not exceeding the maximum fine applicable to an adult for a like offense.

(e) The court may order the child to participate in public service or a community work project for a minimum number of hours. A child who participates in such a work program shall be considered an employee of the state for purposes of chapter 440.

(f) *The court may impose a curfew or other such restriction to the liberty of the child for a period not to exceed 6 months.*

*However, under no circumstances shall a minor be placed in the same cell as an adult. The receiving facility shall have adequate staff to supervise and monitor the minor's activities at all times. Nothing in this paragraph shall prohibit the placing of two or more minors in the same cell.*

Section 16. Subsection (1) of section 959.15, Florida Statutes, 1980 Supplement, is amended to read:

959.15 Detention of furloughed person or escapee on authority of the department.—

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has committed an act for which he could be adjudicated delinquent, violated his furlough agreement in a material respect, or escaped from a facility of the department, such agent may take such person into his active custody. The superintendent, warden, or jailer of any state, county or municipal facility is authorized to take such child into custody for the purpose of assuring that the child is delivered to the appropriate intake office or appropriate facility of the department. However, no child shall be held in detention longer than ~~24~~ 48 hours, excluding ~~Saturdays~~, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing, finding that detention is required based on the criteria in s. 39.032(2). The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

Section 17. Subsection (21) of section 39.01, Florida Statutes, paragraph (f) of subsection (1) of section 39.11, Florida Statutes, and section 316.630, Florida Statutes, as amended by chapters 78-414 and 80-290, Laws of Florida, are hereby repealed.

Section 18. Subsections (1) and (2) of section 39.08, Florida Statutes, 1980 Supplement, are amended to read:

39.08 Medical, psychiatric, ~~and~~ psychological, ~~and~~ educational examination and treatment.—

(1) After a petition for delinquency has been filed, the court may order the child named in the petition to be examined by a physician willing to do so. The court may also order the child to be evaluated by a psychiatrist or a psychologist, *a district school board educational needs assessment team* or, if a developmental disability is suspected or alleged, by the developmental disabilities diagnostic and evaluation team of the department. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedures established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable.

(2) After a child has been adjudicated to have committed a delinquent act, or before such adjudication with the consent of any parent or legal custodian of the child, the court may order the child to be treated by a physician willing to do so. The court may also order the child to receive mental health or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, then the procedures and criteria established in s. 394.467 or chapter 393 shall be used, whichever is applicable. *After a child has been adjudicated delinquent and if an educational needs assessment by the district school board or the department has been previously conducted, the court shall order the report of such needs assessment included in the child's court record in lieu of a new assessment. For purposes of this section, educational needs assessment shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education as defined in s. 230.2315(2).*

Section 19. There is hereby appropriated to the Department of Health and Rehabilitative Services from the General Revenue Fund: \$785,786 and 52 positions to expand Nonsecure Detention statewide; \$273,746 and 26 positions to improve staffing for secure detention; \$960,361 and 17 positions for the statewide expansion of the Juvenile Alternative Services Program; and \$4,200,000 for construction of a new 107-bed secure detention in Dade County.

Section 20. There is hereby appropriated \$495,000 for construction of fence and other security measures at Dozier Training School for Boys in Marianna.

Section 21. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 22. This act shall take effect July 1, 1981, except for sections 2, 14, 15, and 17, which shall take effect October 1, 1981.

#### House Amendment 1 to Senate Amendment 2—

Strike the entire amendment and insert: A bill to be entitled An act relating to juveniles; amending s. 39.01(8), (34), Florida Statutes, 1980 Supplement, and adding subsection (37) to said section; providing definitions; amending s. 39.02(1), (2), Florida Statutes, 1980 Supplement; providing jurisdiction; specifying jurisdiction over traffic violations; amending s. 39.03(1)(c), (2), Florida Statutes, 1980 Supplement; providing criteria and procedures for taking a child into custody and releasing such child; amending s. 39.031(4), Florida Statutes, 1980 Supplement; providing for records of traffic violations; amending s. 39.032, Florida Statutes, 1980 Supplement; providing procedures and criteria for detention; providing time limits for detention; amending s. 39.04(2), Florida Statutes, 1980 Supplement; providing intake procedures; specifying powers and duties of state attorney; amending s. 39.05(6), (7)(a), Florida Statutes, 1980 Supplement; providing for extension of time for filing of petition; conforming language; amending s. 39.06(6), Florida Statutes; requiring inquiry as to parents or custodians; amending s. 39.09(3)(b), (e), (f), Florida Statutes, 1980 Supplement; specifying powers of court over commitment; 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. 39.10(2), Florida Statutes, 1980 Supplement; providing conditions for community control programs; amending s. 39.11(1)(a), (h), (3), Florida Statutes, 1980 Supplement; specifying powers of the court over disposition; providing that creation of advisory councils is discretionary; amending s. 39.112, Florida Statutes; providing that escape from a halfway house is escape; amending s. 39.12, Florida Statutes, 1980 Supplement; providing for retention and destruction of records; providing for release of names and addresses of certain children by law enforcement agencies; amending s. 316.635, Florida Statutes; specifying jurisdiction over traffic offenses; providing circumstances in which a minor may be transported; providing circumstances for which a minor may be taken into custody and released or detained for a traffic offense; amending s. 316.655(4), Florida Statutes; providing alternative sanctions for a minor convicted of certain traffic offenses; amending s. 959.15(1), Florida Statutes, 1980 Supplement; limiting time for detention without court order; repealing ss. 39.01(21), 39.11(1)(f), 316.630, Florida Statutes, as amended, relating to juvenile traffic offenses and jurisdiction thereof; 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; providing appropriations; providing severability; providing an effective date.

Senator Jenne moved the following amendments which were adopted:

**Amendment 1 to House Amendment 1 to Senate Amendment 1—**On page 27, strike all of lines 16-26 and renumber subsequent sections.

**Amendment 1 to House Amendment 2 to Senate Amendment 2—**In title, strike "providing appropriations"

On motion by Senator Jenne, the Senate concurred in House Amendments 1 and 2 as amended and the House was requested to concur in the Senate amendments.

CS for CS for HB 1095 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Anderson	Jenkins	Margolis	Steinberg
Beard	Jenne	Maxwell	Stuart
Childers, D.	Jennings	McClain	Tobiassen
Dunn	Johnston	McKnight	Trask
Grizzle	Kirkpatrick	Neal	Vogt
Hair	Langley	Peterson	Ware
Henderson	Lewis	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Rehm

On motion by Senator Vogt, by two-thirds vote the Message from the House containing SB 633 was withdrawn from the Committee on Governmental Operations.

*The Honorable W. D. Childers, President*

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

SB 633—A bill to be entitled An act relating to the Canal Authority of the State of Florida; amending s. 374.031, Florida Statutes, to provide that the board of directors of the authority shall be the Governor and Cabinet; reviving and readopting s. 374.031, Florida Statutes, as amended, notwithstanding the provisions of the Sundown Act; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 1, line 23, insert after the period:

*The Executive Director of the Department of Natural Resources shall serve as the Executive Director to the Governor and Cabinet.*

Amendment 3—On page 1, line 12, insert:

Section 1. Section 11.611, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 11.611, F.S., for present text.)

11.611 Legislative review of boards, committees, commissions, and councils adjunct to executive agencies.—

(1) This section shall be known and may be cited as the "Sundown Act."

(2) The Legislature finds it to be in the public interest to systematically review the need for and the benefits derived from advisory bodies, boards, and commissions adjunct to executive agencies. The Legislature declares this act to be supplemental to chapter 78-168, Laws of Florida, the Regulatory Reform Act of 1976. The Legislature further finds that:

(a) New advisory bodies, boards, and commissions should be established only when they are determined to be essential to the furtherance of a public purpose and their number should be kept to the minimum necessary to achieve that purpose.

(b) Advisory bodies, boards, and commissions should be terminated when they are no longer carrying out the purpose for which they were established.

(c) Standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory bodies, boards, and commissions.

(d) The Legislature and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory bodies, boards, and commissions.

(e) The function of advisory bodies should be advisory only, and that all matters under their consideration should be determined by the official, agency, or officer charged with that responsibility by law.

(3) As used in this section "advisory body" means the entities described in s. 20.03(7), (8), and (9), and includes groups by whatever name established by government to secure advice or recommendations of private citizens.

(4) One year prior to the date of repeal of the advisory bodies, boards, and commissions enumerated in this section, as amended, the Legislature shall determine whether such advisory body, board, or commission should be reestablished or merged with any other advisory body, board, or commission, whether the responsibilities of such advisory body, board, or commission should be revised, and whether such advisory body, board, or commission performs a necessary function not already being performed. Any legislation creating or reestablishing an advisory body, board, or commission shall:

(a) Contain a clearly defined purpose for the advisory body, board, or commission.

(b) Require the membership of the advisory body, board, or commission to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory body, board, or commission.

(c) Provide a definite termination date for the advisory body, board, or commission at which time such advisory body, board, or commission shall undergo legislative review as required by this subsection. No advisory body, board, or commission may be established for more than 10 years.

(5) No advisory body shall be eligible for state funds of any kind, including travel and per diem expenses of members, unless the statute creating the specific council provides for such funds, or, in the case of advisory committees as defined in s. 20.03(8) or any advisory body not specifically created by statute, the creating authority has provided the following information to the Speaker of the House of Representatives, the President of the Senate, and the Comptroller:

(a) The date of creation of the advisory body.

(b) The advisory body's purpose and the department or subunit to which it is to furnish advice.

(c) The advisory body's termination date.

(d) The estimated frequency of meetings and estimated costs associated with the advisory body.

Advisory bodies not specifically created by statute may receive state funds for no more than 1 year from the date of creation.

(6) Each department head shall include in budget requests a summary of the amounts deemed necessary for the expenses of advisory bodies assigned to that department, in terms of both direct costs payments to members of advisory bodies, and all agency support costs associated with the advisory body, including the expenses for publication of reports where appropriate.

(7) If a chapter or section of the Florida Statutes scheduled for repeal by this act is subsequently amended or transferred, such subsequent amendment or transfer, unless otherwise expressly provided in the act amending or transferring such chapter or section, shall not affect the scheduled repeal by this act of the provisions of such chapter or section and said chapter or section as amended or transferred shall be repealed on the date specified in this act.

(8) The following provisions of the Florida Statutes are repealed on October 1, 1987, and shall be subject to legislative review as required by this section:

#### AGRICULTURE

(a) Sections 573.885(14), 573.895, 573.896, and 573.897, relating to the Peanut Advisory Council.

(b) Sections 573.859(14), 573.869, 573.870, and 573.871, relating to Tobacco Advisory Councils.

(c) Section 601.154(4), relating to the School Marketing Program Administrative Committee.

(d) Sections 570.38 and 570.39, relating to the Animal Industry Technical Council.

(e) Sections 570.42 and 570.43, relating to the Dairy Industry Technical Council.

(f) Sections 487.061 and 576.091, relating to the Pesticide Technical Council and the Fertilizer Technical Council.

(g) Sections 570.23, 570.24, 570.25, 570.26, 570.27, and 570.28, relating to the State Agricultural Advisory Council.

(h) Section 570.543, relating to the Florida Consumers' Council.

(i) Sections 570.34 and 570.35, relating to Plant Industry Technical Council.

(j) Sections 582.01(3)(b) and 582.06, relating to the Soil and Water Conservation Council.

(k) Sections 573.843, 573.844, and 573.845, relating to Soybean Advisory Council.

(l) Section 616.251, relating to the Florida State Fair Authority.

(m) Section 616.21(2), relating to the Agricultural and Livestock Fair Council.

(n) Sections 589.01, 589.02 and 589.03, relating to the Florida Forestry Council.

(o) Section 601.158(10), relating to the Florida Citrus Harvesting Research and Development Advisory Committee.

#### INSURANCE

(p) Section 633.511, relating to the Florida Fire Safety Board.

(q) Section 175.271, relating to the Municipal Fireman's Pension Trust Fund Advisory Committee.

(r) Section 185.231, relating to the Municipal Police Officers' Retirement Trust Fund Advisory Committee.

(s) Sections 633.30(4), 633.31, 633.32, and 633.33, relating to the Firefighters Standards and Training Council.

#### GENERAL SERVICES

(t) Section 272.18, relating to the Governor's Mansion Advisory Council.

(u) Section 23.030, relating to the Data Processing Advisory Committee, Administrative Management Information Center.

(v) Sections 413.032, 413.033, 413.034, 403.035, 413.036, and 413.037, relating to the Council for the Purchase of Products and Services of the Blind or Other Severely Handicapped.

#### GAME AND FRESHWATER FISH

(w) Section 372.5714, relating to the Waterfowl Advisory Committee.

#### REGIONAL PLANNING COUNCILS

(x) Sections 160.001, 160.002, 160.003, 160.01, 160.02, 160.05, 160.07, 160.08, and 160.09, relating to regional planning councils.

(9) The following provisions of the Florida Statutes are repealed on October 1, 1988, and shall be subject to legislative review as required by this section:

#### BUSINESS REGULATION

(a) Section 718.501(2), relating to the Condominium Advisory Board.

(b) Section 509.291, relating to the Industry Advisory Council.

(c) Section 550.025, relating to the Florida Thoroughbred Racing Advisory Committee.

(d) Section 498.015, relating to the Advisory Council of the Division of Florida Land Sales and Condominiums.

#### COMMERCE

(e) Section 288.347, relating to the Tourism Advisory Council.

(f) Section 20.17(3), relating to the Motion Picture and Television Advisory Council.

(g) Section 20.17(4), relating to the Economic Development Advisory Council.

#### HIGHWAY SAFETY AND MOTOR VEHICLES

(h) Section 322.125, relating to the Medical Advisory Board of the Department of Highway Safety and Motor Vehicles.

#### COMMUNITY AFFAIRS

(i) Sections 553.71(1), 553.74, 553.75, 553.76, and 553.77, relating to the Board of Building Codes and Standards.

(j) Section 420.005(3), relating to the Florida Council on State Housing Goals.

(k) Section 292.04, relating to the Advisory Council on Veterans' Affairs.

#### CORRECTIONS

(l) Sections 943.06, 943.07 and 943.08, relating to the Criminal Justice Information Systems Council.

(m) The Governor's Mansion Advisory Committee on Corrections created by Executive Order 80-99.

#### NATURAL RESOURCES

(n) Section 374.031, relating to the Canal Authority Board.

#### LABOR AND EMPLOYMENT SECURITY

(o) Section 443.171(5), relating to the Unemployment Insurance Advisory Council.

(p) Section 440.44(8), relating to the Workers' Compensation Advisory Council.

(q) Sections 450.50, 450.51, and 450.52, relating to the State Manpower Services Council and to the authority of comprehensive regional planning councils.

(r) Section 450.53, relating to the Balance of State Prime Sponsor Advisory Council.

(s) Section 446.031, relating to the State Apprenticeship Council.

(10) The following provisions of the Florida Statutes are repealed on October 1, 1989, and shall be subject to legislative review as required by this section:

#### HEALTH AND REHABILITATIVE SERVICES

(a) Section 20.19(5), relating to District Advisory Councils of the Department of Health and Rehabilitative Services.

(b) Section 20.19(6), relating to the Statewide Human Rights Advocacy Committee.

(c) Section 20.19(7), relating to the District Human Rights Advocacy Committees of the Department of Health and Rehabilitative Services.

(d) Section 20.19(3)(c)2., relating to Program Office Advisory Councils of the Department of Health and Rehabilitative Services.

(e) Section 20.19(3)(c)5., relating to the Medicaid Advisory Councils of the Department of Health and Rehabilitative Services.

(f) Sections 400.301, 400.304, 400.307, 400.311, 400.314, 400.317, and 400.321, relating to State and District Nursing Home Ombudsman Committees.

(g) Sections 406.02, 406.03, 406.04, 406.05, and 406.06, relating to the Medical Examiners' Commission.

(h) Section 381.493(3)(k), relating to the Statewide Health Coordinating Council.

(i) Section 381.3712(4), relating to the Florida Cancer Control and Research Advisory Board.

(j) Section 402.36(5), relating to the Patient Qualifications Review Board.

(k) Section 413.605, relating to the Spinal Cord Injury Advisory Council.

(l) Section 383.14, relating to the Genetics-Infant Screening Advisory Council.

(m) Section 383.20, relating to the Perinatal Advisory Council.

(n) Section 381.345, relating to the Diabetes Advisory Council.

(11) The following provisions of the Florida Statutes are repealed on October 1, 1990, and shall be subject to legislative review as required by this section:

EDUCATION

(a) Section 240.421, relating to the Florida Student Financial Aid Advisory Council.

(b) Section 230.66(2), relating to the Industry Services Advisory Council.

(c) Section 468.144, relating to the Speech Pathology and Audiology Advisory Council.

(d) Section 413.011, relating to the Advisory Council for the Blind.

(e) Sections 233.07, 233.08, 233.09, 233.10, and 233.11, relating to the State Instructional Materials Councils.

(f) The provisions of chapter 80-190, Laws of Florida, which establish and relate to the powers and duties of the Education Standards Commission and the Education Practices Commission and ss. 231.02, 231.14, 231.15, 231.17, 231.24, and 231.30.

DEPARTMENT OF STATE

(g) Sections 266.01 - 266.07, relating to the St. Augustine Preservation Board of Trustees.

(h) Sections 266.101 - 266.106, relating to the Historic Pensacola Preservation Board of Trustees.

(i) Sections 266.201 - 266.206, relating to the Key West Preservation Board of Trustees.

(j) Sections 266.110 - 266.115, relating to the Historic Tallahassee Preservation Board of Trustees.

(k) Section 266.301, relating to the Historic Boca Raton Preservation Board of Commissioners.

(l) Section 266.401, relating to the Historic Tampa-Hillsborough County Preservation Board of Trustees.

(m) Sections 265.26, 265.261, and 265.27, relating to the Board of Trustees of the John and Mable Ringling Museum of Art.

(n) Section 267.0615, relating to the Historic Preservation Project Review Council.

(o) Sections 257.02 and 257.031, relating to the State Library Council.

(p) Sections 265.287, 265.288, and 265.289, relating to the State Theater Board of Florida.

(q) Section 265.285, relating to the Florida Fine Arts Council.

Section 2. Subsection (7) of section 20.03, Florida Statutes, is amended to read:

20.03 Definitions.—To provide uniform nomenclature throughout the structure of the executive branch, the following definitions shall apply in this and all future acts.

(7) "Council" means an advisory body created by law and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and the recommendation of solutions and policy alternatives.

Section 3. Section 8 of chapter 79-152, Laws of Florida, section 9 of chapter 79-261, Laws of Florida, section 3 of chapter

79-285, Laws of Florida, section 8 of chapter 79-320, Laws of Florida, section 2 of chapter 80-62, Laws of Florida, section 15 of chapter 80-71, Laws of Florida, section 11 of chapter 80-190, Laws of Florida, section 4 of chapter 80-288, Laws of Florida, section 5 of chapter 80-315, Laws of Florida, and section 4 of chapter 80-319, Laws of Florida, appearing as section 11-6115, Florida Statutes, 1980 Supplement, are hereby repealed.

Amendment 4—On page 1, line 29, strike all of said line and insert:

Section 3. This act shall take effect upon becoming law, except that subsection (5) of Section 1 shall take effect October 1, 1982.

Amendment 5—On page 1 in the title, lines 1-9 strike all of said lines and insert:

A bill to be entitled An act relating to legislative review; amending s. 11.611, Florida Statutes, relating to the sundown review of advisory bodies, boards, and commissions; providing intent; requiring legislative review of advisory bodies, boards, and commissions; providing eligibility requirements for funding of advisory bodies; limiting funding for advisory bodies not specifically created by statute; requiring certain information with respect to advisory bodies in agencies' budget requests; providing a schedule for legislative review of advisory bodies, boards, and commissions; changing the date of scheduled sunset review of certain advisory bodies; amending s. 20.03(7), Florida Statutes, redefining "council"; repealing s. 11.6115, Florida Statutes, 1980 Supplement, abolishing conflicting sundown schedules; amending s. 374.031, Florida Statutes, to provide that the board of directors of the authority shall be the Governor and Cabinet; providing for an executive director; reviving and re-adopting s. 374.031, Florida Statutes, as amended notwithstanding the provisions of the Sundown Act; relating to the Department of Natural Resources; amending s. 370.02, Florida Statutes, relating to the organization of the department; providing an effective date.

Amendment 6—On page 1, between lines 23 and 24 insert:

Section 2. Subsection 370.02(5) is hereby created to read:

(5) *Notwithstanding the foregoing, except for those duties and responsibilities assigned to the Division of State Lands pursuant to Chapter 253, Florida Statutes, the duties and responsibilities delegated to the Department of Natural Resources shall henceforth be assigned generally to the department. The department may assign a program to any division in accordance with good management practices.*

(Renumber subsequent sections accordingly)

On motions by Senator Vogt, the Senate concurred in House Amendment 1; refused to concur in House Amendments 3, 4, 5 and 6 and requested the House to recede.

SB 633 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Rehm

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

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.

—as amended passed June 4.

On motion by Senator Margolis, the Senate reconsidered the vote by which the Senate concurred in House Amendment 4. On motion by Senator Margolis, the Senate refused to concur in House Amendment 4 and the House was requested to recede.

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

Yeas—27

Anderson	Henderson	McKnight	Stuart
Beard	Jenkins	Neal	Tobiasen
Dunn	Jenne	Peterson	Trask
Frank	Jennings	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Steinberg	Winn
Hair	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—Maxwell, McClain

*The Honorable W. D. Childers, President*

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

SB 51—A bill to be entitled An act relating to the State University System; adding s. 240.295(3), Florida Statutes; providing that certain proposed projects to be funded from state university system capital improvement trust fund fees or building fees must be approved by the president of the university for which the project is proposed and by the student government association of that university; providing that such approval is binding upon the student government; requiring approval by such university president and student government association of any substantial change in the scope of the facilities prior to contract award; amending s. 240.277, Florida Statutes; providing for the budgeting of vending machine collections; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 22, strike everything after the enacting clause and insert the following:

Section 1. Subsection (3) is added to section 240.295, Florida Statutes, to read:

240.295 State University System buildings; approval of construction.—

(3) *Other than those currently authorized, no project proposed by a university which is to be funded from Capital Improvement Trust Fund fees or building fees shall be submitted to the Board of Regents for approval without prior consultation of the Student Government Association of that respective university. The Board of Regents shall promulgate rules which are consistent with this requirement.*

Section 2. Section 240.277, Florida Statutes, is amended to read:

240.277 Additional appropriation.—

(1) All moneys received by the institutions under the management of the State Board of Regents, other than from state and federal sources and from vending machine collections, are hereby appropriated to the use of the State Board of Regents, for the respective institutions collecting same, to be expended as the State Board of Regents may direct; however, said funds shall not be expended except in pursuance of detailed budgets filed with and approved by the Executive Office of the Governor and shall not be expended for the construction or reconstruction of buildings except as provided under s. 240.141.

(2) *All moneys received from vending machine collections by the institutions under the management of the State Board of Regents shall not be expended except as set forth in detailed budgets submitted to the Commissioner of Education, the State Board of Education, the legislative appropriations committees and approved by the Executive Office of the Governor.*

Section 3. Section 240.262, Florida Statutes, is created to read:

240.262 Hazing prohibited.—

(1) As used in this section, "hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of a university, hereinafter referred to as "university organization." Such term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual. For purposes of this section, any activity as described above upon which the initiation or admission into or affiliation with a university organization is directly or indirectly conditioned shall be presumed to be a "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

(2) Each university shall adopt a written antihazing policy and, pursuant to such policy, shall adopt rules prohibiting students or other persons associated with any university organization from engaging in any activity which can be described as hazing.

(a) Pursuant to the provisions of s. 240.261, each university shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules, to be administered by the person or agency at the university responsible for the sanctioning of such university organizations.

1. Such penalties may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines, and the imposition of probation, suspension, or dismissal.

2. In the case of a university organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction of the university.

3. All penalties imposed under the authority of this subsection shall be in addition to any penalty imposed for violation of any of the criminal laws of this state or for violation of any other university rule to which the violator may be subject.

(b) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

(3)(a) A copy of the university antihazing policy, including the rules promulgated pursuant thereto and the penalties which may be imposed for violation of such rules, shall be submitted by each university to the Board of Regents for its approval no later than September 1, 1981.

(b) The Board of Regents shall review each university's policy, rules, and penalties, and shall without delay either approve same or notify the university as to the reasons for the board's disapproval of same. In evaluating each university's submission, the board shall endeavor to insure that the overall antihazing policy of the universities in this state is fair and relatively uniform so that there will not be a great disparity in policy, rules, or penalties from university to university.

(4) Upon approval by the Board of Regents of a university's antihazing policy and of the rules and penalties adopted pursuant thereto, the university shall provide a copy of such policy,

rules, and penalties to each student enrolled in the university, and shall require the inclusion of same in the bylaws of every organization operating under the sanction of the university.

(5) All amendments to such approved policy, rules, or penalties shall be submitted to the Board of Regents for its approval within 10 days after the adoption of such amendments.

Section 4. Section 240.326, Florida Statutes, is created to read:

**240.326 Hazing prohibited.—**

(1) As used in this section, "hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of a community college, hereinafter referred to as "community college organization." Such term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual. For purposes of this section, any activity as described above upon which the initiation or admission into or affiliation with a community college organization is directly or indirectly conditioned shall be presumed to be a "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

(2) Each community college shall adopt a written antihazing policy and, pursuant to such policy, shall adopt rules prohibiting students or other persons associated with any community college organization from engaging in any activity which can be described as hazing.

(a) Each community college shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules, to be administered by the person or agency at the community college responsible for the sanctioning of such community college organizations.

1. Such penalties may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines, and the imposition of probation, suspension, or dismissal.

2. In the case of a community college organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction of the community college.

3. All penalties imposed under the authority of this subsection shall be in addition to any penalty imposed for violation of any of the criminal laws of this state or for violation of any other community college rule to which the violator may be subject.

(b) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

(3)(a) A copy of the community college antihazing policy, including the rules promulgated pursuant thereto and the penalties which may be imposed for violation of such rules, shall be submitted by each community college to the State Board of Education for its approval no later than September 1, 1981.

(b) The State Board of Education shall review each community college's policy, rules, and penalties, and shall without delay either approve same or notify the community college as to the reasons for the state board's disapproval of same. In evaluating each community college's submission, the state board shall endeavor to insure that the overall antihazing policy of the community colleges in this state is fair and relatively uniform so that there will not be a great disparity in policy, rules, or penalties from college to college.

(4) Upon approval by the State Board of Education of a community college's antihazing policy and of the rules and

penalties adopted pursuant thereto, the community college shall provide a copy of such policy, rules, and penalties to each student enrolled in the community college, and shall require the inclusion of same in the bylaws of every organization operating under the sanction of the community college.

(5) All amendments to such approved policy, rules, or penalties shall be submitted to the State Board of Education for its approval within 10 days after the adoption of such amendments.

Section 5. This act shall take effect July 1, 1981.

**Amendment 2—**On page 1, in the title, lines 1 thru 18, strike all of said lines and insert the following: A bill to be entitled An act relating to the State University System; adding s. 240.295(3), Florida Statutes; providing that certain proposed projects to be funded from state university system capital improvement trust fund fees or building fees must be reviewed by the Student Government Association of that respective university where the project is located prior to submittal to the Board of Regents; providing the Board of Regents shall promulgate rules for such prior consultation; creating ss. 240.062 and 240.326, Florida Statutes, providing for the prohibition of hazing by universities and community colleges in this state; amending s. 240.277, Florida Statutes; providing for the budgeting of vending machine collections; providing an effective date.

**Amendment 6—**On page 1, line 12, strike "240.062" and insert: 240.262

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

SB 51 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—Neal

The bill was ordered engrossed and then enrolled.

On motion by Senator Vogt, by two-thirds vote the Message from the House containing SB 700 was withdrawn from the Committee on Commerce and placed on the calendar.

*The Honorable W. D. Childers, President*

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

**SB 700—**A bill to be entitled An act relating to the practice of engineering; amending ss. 20.30(4)(e), 334.14(1), (2), 471.005(1), 471.007(1), 471.009, Florida Statutes; redesignating the Board of Engineers as the Board of Professional Engineers; amending s. 471.013(1)(a), Florida Statutes; providing certain educational requirements for qualifying to practice engineering; providing a restriction on claiming certain experience as an alternative to education for purposes of qualifying to practice engineering; amending s. 471.033(1)(g)-(i), Florida Statutes, and adding paragraph (j) to said subsection; providing grounds for disciplinary action; repealing s. 471.007(3), Florida Statutes, relating to membership on the Board of Engineers; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1—**On page 1, line 22, strike all of section 1 and insert a new section 1:

Section 1. Paragraph (c) of subsection (2), subsection (3) and paragraph (e) of subsection (4) of section 20.30, Florida Statutes, is amended to read:

20.30 Department of Professional Regulation.—There is created a Department of Professional Regulation.

(2) The following divisions of the Department of Professional Regulation are established:

- (a) Division of Administrative Services;
- (b) Division of Professions; and
- (c) Division of Regulation ~~Legal Services~~.

(3) There shall be a director of the Division of Professions, a director of the Division of Administrative Services, and a General Counsel, ~~who shall be the director of the Division of Regulation Legal Services~~. Each division director shall directly administer his division and shall be responsible to the secretary of the department.

(4) The following boards are established within the Department of Professional Regulation, Division of Professions:

(e) Board of Professional Engineers, created under chapter 79-243, Laws of Florida;

Amendment 2—On page 5, line 23, insert new sections and renumber subsequent section.

Section 10. Subsections (1) and (2) of section 310.081, Florida Statutes, are amended to read:

310.081 Department to examine and license state pilots and certificate deputy pilots; vacancies.—

(1) The department shall examine persons who file application as state pilot in all matters pertaining to the management of vessels and in regard to their knowledge of the channels, waters, harbors, and port where they wish to serve, and, if upon ~~written~~ examination to determine proficiency the department finds them qualified to pilot all classes of vessels liable to enter that port and thoroughly familiar with the waters, the channels, the harbor, and the port, the department shall appoint and license as state pilots such number of pilots as in the discretion of the board are required to act in the ports of the state. However, the number of pilots appointed and licensed by the department shall not exceed the number provided for in s. 310.061.

(2) The department shall similarly examine persons who file applications for certificate as deputy pilot, and, if upon ~~written~~ examination to determine proficiency the department finds them qualified, the department shall appoint and certificate such number of deputy pilots as in the discretion of the board are required in the respective ports of the state. A deputy pilot shall be authorized by the department to pilot vessels within the limits and specifications established by the licensed state pilots at the port where the deputy is appointed to serve.

Section 11. Section 310.185, Florida Statutes, is created to read:

310.185 Rulemaking.—

(1) The board shall have the power to adopt rules necessary to the provisions of this act, in conformance with the provisions of chapter 120.

(2) The secretary of the department is deemed to be a person substantially affected by a rule or proposed rule for the purpose of seeking an administrative determination of the invalidity of such rule or proposed rule. The secretary may seek such administrative determination of the invalidity of any rule or proposed rule on the ground that it is an invalid exercise of delegated legislative authority or an undue restriction of competition, pursuant to chapter 120.

Section 12. Section 310.061, Florida Statutes, is amended to read:

(1) There shall not be more than 3 pilots for the Port of Pensacola; 3 for the Port of Fernandina and Nassau Inlet; 16 for the St. Johns River, including the Port of Jacksonville;

22 48 for Tampa Bay, including the Ports of Tampa, Port Tampa, Manatee, and St. Petersburg; 4 for the Ports of Punta Gorda, Charlotte Harbor, and Boca Grande, inclusive; 3 for the Port of Panama City; 3 for the Port of Key West; 3 for the Port of Palm Beach; 3 for the Port of Ft. Pierce; 4 for the Port of Port Canaveral; 14 42 for the Port of Miami; 10 for the Port of Port Everglades; 3 for the Port of Port St. Joe; and two for any port not specifically mentioned in this chapter. Nothing herein shall be construed to require the appointment of the maximum number of pilots authorized for any port.

(2) The board shall determine the number of pilots in conformance with subsection (1) based on the supply and demand for piloting services and the public interest in maintaining efficient and safe piloting services.

Section 13. Subsection (4) of section 465.003, Florida Statutes, is amended to read:

465.003 Definitions.—As used in this chapter:

(4) "Prescription" includes any order for drugs or medicinal supplies written, signed, or transmitted by word of mouth, telephone, telegram, or other means of communication by a duly licensed practitioner authorized by the laws of the state to prescribe such drugs or medicinal supplies, intended to be filled, compounded, or dispensed by another person licensed by the laws of the state to do so and, in the case of an oral prescription, includes an order orally transmitted by the lawfully designated agent of such practitioner. The term shall also include an order for drugs or medicinal supplies so transmitted or written by a practitioner licensed to practice in a state other than Florida, but only if the pharmacist called upon to fill such an order determines, in the exercise of his professional judgment, that the order was issued pursuant to a valid patient-physician relationship, that it is authentic, and that the drugs or medicinal supplies so ordered are considered necessary for the continuation of treatment of a chronic or recurrent illness. However, if the physician writing the prescription is not known to the pharmacist, the pharmacist shall obtain proof to a reasonable certainty of the validity of the said prescription.

Section 14. Each section within chapter 465, Florida Statutes, which is added or amended by this act, is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 15. Subsection (1) of section 473.307, Florida Statutes, 1980 Supplement, is amended to read:

473.307 Experience.—If application is made prior to August 2, 1983, an applicant who passes the examination shall be entitled to be licensed as a certified public accountant pursuant to s. 473.308 if the applicant:

(1) Has worked for a period of at least 1 year under the supervision of a certified public accountant who is licensed in this state or in another state or territory of the United States and who is engaged in the full-time private practice in public accounting; or

Section 16. Subsections (2) and (3) of section 473.313, Florida Statutes, are amended to read:

473.313 Inactive status.—

(2) A license which has been inactive for less than 6 months ± year after the end of the biennium prescribed by the department may be renewed pursuant to s. 473.311 upon payment of the late renewal penalty and completion of the continuing education requirements imposed by s. 473.312 for the previous biennium. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(3) A license which has been inactive for more than 6 months ± year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall be those of the most recent biennium plus not exceed one-half of the requirements in s. 473.312 for each year or part thereof the license was inactive and in no event shall this requirement exceed 120 classroom hours for all years. Any license which is inactive for more than 10 years shall automatically be suspended. One year prior to the suspension, the department shall give notice to the licensee. A suspended license may be reinstated as provided in s. 473.322.

Section 17. Each section within chapter 473, Florida Statutes, which is added or amended by this act, is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 18. Section 474.207, Florida Statutes, 1980 Supplement, is amended to read:

474.207 Licensure by examination.—

(1) Any person desiring to be licensed as a veterinarian shall apply to the department to take a licensure examination. The examination shall include the subject of the laws of this state which govern the practice of veterinary medicine. The board may, by rule, adopt use of a national examination in lieu of part or all of the examination required by this section, with a reasonable passing score to be set by rule of the board. The department shall ~~license~~ ~~examine~~ each applicant who the board certifies has:

(1)(a) Completed the application form and remitted an examination fee set by the board not to exceed \$250.

(2)(b) Graduated from a college of veterinary medicine which has been approved by the board according to standards set by rule of the board. However, these standards shall be substantially equivalent to the standards established by an accrediting agency approved by the United States Office of Education. The board may approve veterinary schools not meeting such standards if it develops by rule a procedure for reviewing such schools in order to ensure that graduates of such schools are minimally competent to practice in this state.

(3)(2) ~~Successfully completed~~ ~~The department shall issue a license to practice veterinary medicine to any applicant who successfully completes the examination in accordance with this section; however, no applicant shall be certified for licensure who is the subject of a pending investigation or prosecution or has been convicted of any offense relating to the practice of veterinary medicine.~~

Section 19. Subsection (1) of section 474.203, Florida Statutes, 1980 Supplement, is amended to read:

474.203 Exemptions.—This chapter shall not apply to:

(1) The holder of a veterinary faculty certificate. The board may issue without examination a veterinary faculty certificate to an individual who demonstrates that he is a graduate of an established and reputable school or college of veterinary medicine approved by the board. The certificate shall authorize the holder to practice only in conjunction with teaching duties at a school or college of veterinary medicine approved by the board pursuant to s. 474.207(2)(1)(b) or in its main teaching hospital. Such certificate shall automatically expire when the holder's relationship is terminated with the college of veterinary medicine.

Section 20. Each section within chapter 474, Florida Statutes, which is added or amended by this act, is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 21. Subsection (7) of section 475.451, Florida Statutes, 1980 Supplement, is amended to read:

475.451 Schools teaching real estate practice.—

(7) Any course prescribed by the board as a condition precedent to any person's becoming initially licensed as a salesman may be taught in any real estate school through the use of a video tape of instruction by a currently licensed instructor from any such school. ~~The board may require that any such video tape course have a single session of live instruction by a currently licensed instructor from any such school; however, this requirement shall not exceed 3 classroom hours. provided such video tape course shall have a minimum of three classroom hours of live instruction by a currently licensed instructor from any such school.~~ All other prescribed courses, except the continuing education course required by s. 475.182, shall be taught by a currently licensed school instructor personally in attendance at such course. The continuing education course required by s. 475.182 may be taught by an equivalent correspondence course; provided any such course of correspondence shall be required to have a final examination, prepared and administered by the school issuing the correspondence course.

The continuing education requirements provided in this section or provided in any other section in this chapter shall not apply with respect to any attorney who is otherwise qualified under the provisions of this chapter.

Section 22. Subsection (1) of section 475.482, Florida Statutes, 1980 Supplement, is amended to read:

475.482 Real Estate Recovery Fund.—There is created the Florida Real Estate Recovery Fund as a separate account in the Professional Regulation Trust Fund.

(1) The Florida Real Estate Recovery Fund shall be disbursed as provided in s. 475.484, on order of the board, as reimbursement to any person or corporation adjudged by a court of competent jurisdiction to have suffered monetary damages by reason of any of the following acts committed as a part of any real estate brokerage transaction involving the sale of real property in this state by any broker or salesman who was licensed under the provisions of this chapter at the time the alleged act was committed:

(a) Any violation of the provisions of this chapter; or

(b) Obtaining money or property by fraud, misrepresentation, deceit, false pretenses, artifice, or trickery or by any other act which would constitute any violation proscribed in s. 475.25.

Section 23. Each section within chapter 475, Florida Statutes, which is added or amended by this act, is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 24. Paragraph (c) of subsection (1) of section 481.229, Florida Statutes, is amended to read:

481.229 Exceptions; exemptions from licensure.—

(1) No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:

(c) Any other type building costing less than ~~\$25,000~~ ~~\$5,000~~, except a school, auditorium, or other building intended for ~~public use~~ ~~the mass assemblage of people~~.

Section 25. Each section within chapter 481, Florida Statutes, which is added or amended by this act, is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 26. Subsection (8) of section 455.203, Florida Statutes, is amended to read:

455.203 Department of Professional Regulation; powers and duties.—The Department of Professional Regulation shall:

(8) ~~Select only those investigators, or consultants who undertake investigations, who meet criteria established by the rules of the respective boards. Ensure that investigators and inspectors working on behalf of the department are generally knowledgeable in the profession which they investigate or inspect.~~

Section 27. Subsection (4) of section 455.207, Florida Statutes, is amended to read:

455.207 Boards; organization; meetings; compensation and travel expenses.—

(4) ~~Unless otherwise provided by law, a board member shall be compensated \$50 for each day he attends an official meeting of the board and for each day he participates in any other business involving the board. Each board shall adopt rules defining "other business involving the board." A board member also, unless otherwise provided by law, and shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.~~

Section 28. Subsection (3) of section 455.213, Florida Statutes, is amended to read:

455.213 General licensing provisions.—

(3) When any hearing officer conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the department, the hearing officer shall submit his recommended order to the ~~appropriate board~~ ~~Department of Professional Regulation~~ which shall thereupon issue a final

order. The applicant for licensure may appeal the final order of the ~~board department~~ in accordance with the provisions of chapter 120.

Section 29. Subsection (1) of section 455.217, Florida Statutes, is amended to read:

455.217 Examinations.—

(1) The Division of Administrative Services of the department shall provide services for the preparation and administration of all examinations.

(a) The division shall ensure that the examinations adequately and reliably measure an applicant's ability to practice the profession regulated by the department and shall seek the advice of the appropriate board in the preparation and administration of the examinations. After an examination has been administered, the board may reject any question which does not reliably measure the general areas of competency specified in the board's rules. The department shall use professional testing services to prepare, administer, grade, and evaluate the examinations, when such services are available and approved by the board.

(b) To the extent not otherwise specified by statute, the board shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade. If a practical examination is deemed to be necessary, the rules shall specify *the criteria by which examiners are to be selected*, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. *When a mandatory standardization exercise for a practical examination is required by law, the board may conduct such exercise. Therefore, board members may serve as examiners at a practical examination with the consent of the board.*

(c) The department shall use any national examination which is available and which is approved by the board. The department may delegate to the board the duty to provide and administer the examination.

(d) *Each board shall adopt rules regarding the security and monitoring of examinations. The department shall implement those rules adopted by the respective boards.*

Section 30. Subsection (1) of section 455.221, Florida Statutes, is amended to read:

455.221 Legal and investigative services.—

(1) The Department of Legal Affairs shall provide legal services to each board within the department of Professional Regulation, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. *Subject to the prior approval of the Attorney General, any board may retain independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel shall be paid from the Professional Regulation Trust Fund.*

Section 31. Section 455.223, Florida Statutes, is amended to read:

455.223 Power to administer oaths, take depositions, and issue subpoenas.—For the purpose of any investigation or proceeding conducted by the department, the department shall have the power to administer oaths, take depositions, issue subpoenas and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. *The department shall exercise this power on its own initiative or whenever requested by the probable cause panel of any board.* Challenges to, and enforcement of, said subpoenas and orders shall be handled as provided in s. 120.58.

Section 32. Subsections (1) and (3) of section 455.225, Florida Statutes, are amended to read:

455.225 Disciplinary proceedings.—

(1) The department shall cause to be investigated any complaint which is filed before it, ~~or which is otherwise called to its attention~~, if the complaint is *in writing, signed by the complainant and legally sufficient.* A The complaint is legally sufficient if it contains ultimate facts which show that a vio-

lation has occurred of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule promulgated by the department or a regulatory board in the department. The department may investigate or continue to investigate, and the department and the appropriate regulatory board may take appropriate final action on, a complaint even though the original complainant withdraws his complaint or otherwise indicates his desire not to cause it to be investigated or prosecuted to completion. The department may investigate a complaint made anonymously or by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. *Unless a complaint has been filed with the department, or the department has been specifically authorized by statute, the department may not initiate an investigation unless it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department or a rule of a board. When an investigation of any person is undertaken, the department shall notify him of the investigation and inform him of the substance of any complaint filed against him. However, if the secretary or the secretary's designee and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any person if the act under investigation is a criminal offense.* The department may delegate, by rule, its investigative function regarding a given practice act to the regulatory board having regulatory power over the practice.

(3) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide, by rule, that the determination of probable cause shall be made by a panel of its members or by the department. The panel, if any, shall be composed of board members, but not more than one of the panel members shall be a lay member. *All proceedings of the panel are exempt from the provisions of s. 286.011 until probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality.* In aid of its duty to determine the existence of probable cause, the probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the department's investigative report. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the department's final investigative report. The secretary may grant extensions of the 15-day and the 30-day time limits. If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists. If probable cause is found to exist, the department shall file a formal complaint against the regulated professional or subject of the investigation and prosecute the complaint pursuant to the provisions of chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. *The department shall refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year of the filing of a complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary and all costs thereof shall be paid from the Professional Regulation Trust Fund.*

Amendment 3—On page 1 in title, strike everything above the enacting clause and insert:

A bill to be entitled An act relating to the Department of Professional Regulation; amending ss. 20.30(2), (3), and (4), Florida Statutes, changing the Division of Legal Services to the Division of Regulation; providing for a director of the division; and redesignating the Board of Engineers as the Board of Professional Engineers; amending ss. 334.14(1), (2), and sections 471.005(1), 471.007(1), 471.009, Florida Statutes, and add-

ing paragraph (i) to s. 471.003(2), Florida Statutes; providing an exemption; redesignating the Board of Engineers as the Board of Professional Engineers; amending s. 471.033(1)(g)-(i), Florida Statutes, and adding paragraph (j) to said subsection; providing grounds for disciplinary action; repealing s. 471.007(3), Florida Statutes, relating to membership on the Board of Engineers; amending s. 310.081(1) and (2), Florida Statutes; revising requirements with respect to examination of pilots and deputy pilots; creating s. 310.185, Florida Statutes; authorizing the Board of Pilot Commissioners to make rules; amending s. 310.061, Florida Statutes, providing for additional pilots in Tampa Bay and the Port of Miami; providing for the effect of rules with respect to secretary of the department; providing for the authority of the secretary to seek an administrative determination of the invalidity of rules or proposals; amending s. 465.003(4), Florida Statutes, relating to the practice of pharmacy; authorizing oral prescriptions by the agent of the prescribing practitioner; amending s. 473.307(1), Florida Statutes, 1980 Supplement; specifying that work experience required of certain applicants for licensure as certified public accountants may be performed under supervision of a person licensed in this state or another state or United States territory; amending s. 473.313(2) and (3), Florida Statutes; providing criteria for reactivating inactive licenses; deleting requirement that certain inactive licenses be suspended; amending ss. 474.207 and 474.203(1), Florida Statutes, 1980 Supplement, relating to licensure by examination of veterinarians; specifying that certain applicants shall not be certified for licensure; amending s. 475.451(7), Florida Statutes, 1980 Supplement; revising requirements with respect to video taped instruction offered by real estate schools; amending s. 475.482(1), Florida Statutes, 1980 Supplement; providing that reimbursement may be made from the Real Estate Recovery Fund for damages resulting from violations committed as part of real estate brokerage transactions; amending s. 481.229(1)(c), Florida Statutes; providing that a person need not be qualified as an architect to make plans for or supervise the building of buildings costing less than \$25,000, except buildings intended for public use; providing for review and appeal in accordance with the Regulatory Reform Act of 1976; 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.

**Amendment 4**—On page 4, lines 9-22, strike all underlined language

**Amendment 5**—On page 3, line 2, after the word "engineer." insert:

Section 3. Paragraph (i) is added to subsection (2) of section 471.003, Florida Statutes, to read:

471.003 Qualifications for practice, exemptions.—

(2) The following persons are not required to register under the provisions of ss. 471.001-471.039 as a registered engineer:

(i) Any electrical, plumbing, mechanical or air-conditioning contractor whose practice is the design and fabrication of electrical, plumbing, air-conditioning and mechanical systems

which he installs by virtue of having qualified under Chapter 489 (Contracting) or any special act or ordinance, when working on any construction project requiring electric service of less than 600 amps in residential and less than 800 amps three-phase in commercial or industrial, or requiring a plumbing system of less than 125 fixture units, or requiring air conditioning and refrigeration equipment to serve an occupant content of less than 100 persons, or has a value of \$10,000 or less.

and renumber subsequent sections

**Amendment 6**—On page 5, line 19, after the word "sections" insert: 471.003,

Senator Vogt moved the following amendment which was adopted:

**Amendment 1 to House Amendment 3**—In title on page 1, line 16, after the "semi-colon" insert: amending s. 471.013(1)(a), Florida Statutes; providing for examination

On motions by Senator Vogt, the Senate concurred in House Amendments 1, 2, 5 and 6; refused to concur in House Amendment 4 and the House was requested to recede; concurred in House Amendment 3 as amended and the House was requested to concur in the Senate amendment to the House amendment.

SB 700 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Anderson	Hair	Margolis	Steinberg
Beard	Henderson	McClain	Stevens
Carlucci	Jenne	McKnight	Stuart
Childers, D.	Jennings	Neal	Tobiasen
Dunn	Johnston	Rehm	Trask
Frank	Kirkpatrick	Renick	Vogt
Grizzle	Lewis	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Peterson

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives requests the return of CS for HB 707.

*Allen Morris, Clerk*

On motion by Senator Maxwell, CS for HB 707 was returned to the House as requested.

On motion by Senator Neal, the rules were waived and by two-thirds vote SB 940 was withdrawn from the Committee on Commerce.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 637 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Commerce and Representative Weinstock—

CS for HB 637—A bill to be entitled An act relating to child labor; amending s. 232.08, Florida Statutes, providing for the issuance of age certificates to all children; creating s. 450.001, Florida Statutes, providing a short title; amending s. 450.012, Florida Statutes, providing definitions; amending s. 450.021(1), Florida Statutes, changing certain exemptions to the Child Labor Law; creating s. 450.045, Florida Statutes, requiring an employer of a child to obtain and keep on record proof of the age of such child; amending s. 450.081(1), (2), and (3), Florida Statutes, limiting the employment of certain minors; creating s. 450.095, Florida Statutes, authorizing waivers of the requirements of the Child Labor Law under certain circumstances; amending s. 450.121(1) and (2), Florida Statutes, authorizing the Division of Labor to enter into intergovernmental agreements for the enforcement of the Child Labor Law; deleting

the provision which authorizes the division to enter a place of employment to inspect employment certificates; repealing s. 232.07, Florida Statutes, which provides for the issuance of employment certificates to certain children; amending s. 232.17(2)(g), Florida Statutes, and s. 232.19(6)(c), Florida Statutes, 1980 Supplement, to conform; repealing s. 450.101, Florida Statutes, which requires employers to post certain notices and maintain certain records; repealing s. 450.111, Florida Statutes, which requires an employer of a child to obtain and keep on record an employment certificate for such child; providing an effective date.

—which was read the first time by title. On motion by Senator Neal, the rules were waived and CS for HB 637 was placed on the calendar and substituted for SB 940.

On motions by Senator Neal, CS for HB 637 was taken up by unanimous consent and by two-thirds vote read the second time by title.

Further consideration of CS for HB 637 was deferred.

On motion by Senator Vogt, CS for SB 915 was recalled from engrossing.

On motion by Senator Vogt the Senate reconsidered the vote by which—

CS for SB 915—A bill to be entitled An act relating to protection of natural resources; 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; 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 Statutes, 1980 Supplement; providing defenses available to a person alleged to be in violation of the Florida Resource Recovery and Management Act; 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; 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; 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; 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; 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 nonpoint sources of pollution discharging into specified waters; providing an appropriation; amending

s. 403.814(1) and (2), Florida Statutes, 1980 Supplement, providing a time period for the commencement of work under a general permit; authorizing the Board of Trustees of the Internal Improvement Trust Fund to acquire certain environmentally endangered land in Alachua County; 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; amending s. 20.25(2), Florida Statutes; providing divisions of the Department of Natural Resources; amending s. 403.271, Florida Statutes; regulating the use of certain aquatic plants; amending s. 581.031(26), Florida Statutes, 1980 Supplement; directing the Department of Agriculture and Consumer Services to issue permits for the importation of certain aquatic plants or seeds; authorizing the acquisition and transfer of certain lands by various means; providing an effective date.

—passed as amended June 4.

On motion by Senator Vogt, the Senate reconsidered the vote by which CS for SB 915 was placed on third reading.

On motions by Senator Vogt, the Senate reconsidered the vote by which Amendments 10 through 19 were adopted.

By permission, Senator Vogt withdrew Amendments 10 through 19.

Senator Vogt moved the following amendment which was adopted:

Amendment 20—On page 1, strike lines 2-22 and insert: An act relating to protection of natural resources; 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; 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 Statutes, 1980 Supplement; providing defenses available to a person alleged to be in violation of the Florida Resource Recovery and Management Act; 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; 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; amending s. 253.132, 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; 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; 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 nonpoint sources of pollution discharging into specified waters; providing an appropriation; amending s. 403.814(1) and (2), Florida Statutes, 1980 Supplement, providing a time period for the commencement of work under a general permit; authorizing the Board of Trustees of the Internal Improvement Trust Fund to acquire certain environmentally endangered land in Alachua County; 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; amending s. 20.25(2), Florida Statutes; providing divisions of the Department of Natural Resources; amending s. 403.271, Florida Statutes; regulating the use of certain aquatic plants; amending s. 581.031(26), Florida Statutes, 1980 Supplement; directing the Department of Agriculture and Consumer Services to issue permits for the importation of certain aquatic plants or seeds; authorizing the acquisition and transfer of certain lands by various means; providing an effective date.

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—28

Beard	Jenkins	Maxwell	Steinberg
Carlucci	Jenne	McClain	Stevens
Childers, D.	Jennings	McKnight	Stuart
Dunn	Kirkpatrick	Neal	Tobiassen
Frank	Langley	Poole	Trask
Henderson	Lewis	Renick	Vogt
Hill	Margolis	Skinner	Winn

Nays—1

Grizzle

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 807 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Tourism & Economic Development and Representative Crawford—

CS for HB 807—A bill to be entitled An act relating to the tax on sales, use, and other transactions; adding s. 212.08(5)(d), Florida Statutes, 1980 Supplement; providing a tax exemption for the purchase or lease of certain studio equipment used exclusively in permanent motion picture or television production activities; providing an exception; providing definitions; providing for promulgation of rules; providing an effective date.

—which was read the first time by title and referred to the Committees on Commerce; and Finance, Taxation and Claims.

On motions by Senator Steinberg, by two-thirds vote CS for HB 807 was withdrawn from the Committees on Commerce and Finance, Taxation and Claims and by two-thirds vote placed on the special order calendar.

On motions by Senator Steinberg, by unanimous consent CS for HB 807 was taken up out of order and by two-thirds vote read the second time by title.

Senators Tobiassen, Barron and Steinberg offered the following amendments which were moved by Senator Tobiassen and adopted:

Amendment 1—On page 2 between lines 29 and 30, insert:

Section 2. Paragraph (e) is added to subsection (5) of section 212.08, Florida Statutes, 1980 Supplement, to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

(e) *Equipment or machinery for pollution control.—Any device, equipment, or machinery used for the control or abatement of pollution or contaminants from stationary sources, and any parts, accessories, machinery or equipment installed in the reconstruction or replacement of such device, equipment, or machinery shall be exempt from the tax imposed by this chapter, provided that pollution abatement purchases are certified by a qualified professional engineer registered in the state pursuant to chapter 471 and subject to an affirmative showing by the taxpayer to the satisfaction of the department that said items will be used for the control or abatement of pollution or contaminants from stationary sources. In order to secure the exemption, the purchaser must issue a certificate stating that the items purchased are for the exclusive use designated herein. The engineer's certification must be attached or made a part of this certificate. The department shall adopt rules to enforce this paragraph.*

Section 3. Section 212.051, Florida Statutes, is hereby repealed.

(Renumber subsequent section.)

Amendment 2—In title on page 1, line 10, after the “semicolon” insert: adding s. 212.08(5)(e), Florida Statutes, 1980 Supplement; providing an exemption for equipment and machinery used for pollution control; providing conditions and procedures; providing for the department to promulgate rules; repealing s. 212.051, Florida Statutes, which specifies that said tax shall be applicable to such equipment and machinery;

On motion by Senator Steinberg, by two-thirds vote CS for HB 807 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Beard	Jenne	Maxwell	Steinberg
Childers, D.	Jennings	McClain	Stevens
Dunn	Johnston	McKnight	Stuart
Frank	Kirkpatrick	Poole	Tobiassen
Grizzle	Langley	Rehm	Trask
Henderson	Lewis	Renick	Vogt
Jenkins	Margolis	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Neal, Peterson

**LOCAL BILL CALENDAR**

On motion by Senator Dunn, by two-thirds vote HB 291 was removed from the calendar and referred to the Committee on Rules and Calendar.

HB 458—A bill to be entitled An act relating to the City of Gainesville; providing that the examination and approval of a plat for conformity to Chapter 177, Florida Statutes, by the City of Gainesville, does not include verification of the survey data contained on a plat; providing such verification only by use of a registered land surveyor; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 458 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—31

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

## Nays—None

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

**HB 755**—A bill to be entitled An act relating to Lee County; amending chapter 63-1554, Laws of Florida, as amended, relating to fishing in Lee County; revising provisions prohibiting the use of nets within a one mile radius of the Matlacha Bridge to remove an exemption for hand held cast nets and to prohibit such fishing within the area encompassed by one square statute mile on either side of said bridge; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendments which were adopted:

**Amendment 1**—On page 1, after line 13, strike everything after the enacting clause and insert: Section 1. Chapter 63-1554 Laws of Florida, as amended by chapters 79-494 and 80-524 Laws of Florida, is amended to read:

Section 1. It is unlawful to fish with a net within the area encompassed by a square, two (2) statute miles on a side, enclosing an area of four (4) square statute miles whose center is the center point of the bridge in Lee County known as the Matlacha Bridge, designated State Bridge number 50 and located on State Road 78, or within any man-made canal, the opening of which is situated within said four (4) square statute miles area.

**Amendment 2**—On page 1, strike lines 9 and 10 and insert: encompassed by an area consisting of four (4) square statute miles which centers on said bridge; providing an

On motion by Senator Henderson, by two-thirds vote HB 755 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—31

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

## Nays—None

**HB 869**—A bill to be entitled An act relating to Pinellas County; amending section 19 of chapter 30658, Laws of Florida, 1955, and section 20 of said chapter, as amended, relating to the Firemen's Relief and Pension Fund of the Fire Department of the City of Clearwater; providing that an employee subject to the pension plan may transfer the employee's contributions, share of the state insurance premium tax and interest on such amounts to the City of Clearwater Employees Pension Plan; removing the four percent (4%) limitation on increase in pension benefits to be paid any retired member in any one fiscal year; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendments which were moved by Senator Grizzle and adopted:

**Amendment 1**—On page 2, strike lines 7-9 and insert: *such employee's contributions and interest earnings which have accrued during the*

**Amendment 2**—In title on page 1, lines 9 and 10, strike “, share of the state insurance premium tax”

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

## Yeas—31

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

## Nays—None

**HB 1000**—A bill to be entitled An act relating to Pinellas County; making it unlawful to take certain sardine-like fish with a purse seine, purse gill net, lampara net or any similar net, seine or device, within 10 miles of the mean high water mark of the Gulf of Mexico, for any purpose other than for use as bait; providing exceptions; requiring clean up of fish kills; providing for licenses and bonds; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote HB 1000 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—31

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

## Nays—None

**HB 1185**—A bill to be entitled An act relating to Santa Rosa County; authorizing the School Board of Santa Rosa County to be self-insured and to enter into risk management programs in anticipation of any liability, loss, damage or destruction to it or to its property; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1185 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—31

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

## Nays—None

**HB 1221**—A bill to be entitled An act relating to local government in Duval County; amending ch. 67-1320, Laws of Florida, as amended, being the charter of the City of Jacksonville, to make amendments to the civil service system of the city; providing that members of the civil service board are elected by districts rather than at-large; changing the duties of the civil service board to remove from its jurisdiction over the job classification plan and examinations for hiring and promotion; prescribing the duties of the personnel department; providing for disciplinary actions; amending s. 19.01 of the charter to give the council of the City of Jacksonville full authority over

the civil service system as of July 1, 1986, and empowering the council to amend the charter to the same extent as the Legislature to accomplish its purposes and implement the employment policy of the city; providing requirements for certain ex parte communications to members of the civil service board; preserving certain employment rights of current employees of the civil service board; repealing s. 19.07 of the charter relating to review of actions taken by the civil service board; providing an effective date.

—was read the second time by title. On motion by Senator Carlucci, by two-thirds vote HB 1221 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

HB 1224—A bill to be entitled An act relating to Wakulla County; amending section 5(1) of chapter 65-905, Laws of Florida, to exclude Wakulla County from exemption on bag and size limit on taking of speckled trout; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 1224 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

HB 1233—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida; providing that no member of the Civil Service Board shall serve more than two terms in succession; providing that substitute appointments shall not exceed 3 weeks; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1233 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

On motion by Senator Langley, the rules were waived and by two-thirds vote SB 677 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Maxwell, 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 with 8 amendments—

By Senator Maxwell—

SB 479—A bill to be entitled An act relating to elections; amending s. 97.051(1), Florida Statutes; requiring an applicant for registration as elector to state he or she is a United States citizen; amending s. 97.061(2), Florida Statutes; deleting provision requiring each supervisor of elections to record certain information about electors needing assistance at the polls; amending s. 97.072(2), Florida Statutes, 1980 Supplement; providing for change of party affiliation; amending s. 98.031(1), Florida Statutes, 1980 Supplement; deleting provision which requires each county election precinct to have clearly observable boundaries; amending s. 98.051(1)(c), Florida Statutes, 1980 Supplement; requiring the supervisor of elections to provide for registration during certain periods; amending s. 98.271(1), Florida Statutes, 1980 Supplement; prescribing the office in which the written oath required of deputy supervisors of elections is to be filed; amending ss. 101.141(6), 101.151(8), 101.27(6), Florida Statutes; removing the requirement that the Department of State approve ballots; amending s. 101.72, Florida Statutes, prescribing the number of voting booths or compartments required in certain counties; authorizing each supervisor of elections to determine the actual number of booths or compartments to be used in each precinct; amending s. 106.29(1), Florida Statutes; changing the day on which executive committees of political parties are to file reports of contributions and expenditures; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 8, line 3, insert the following sections:

Section 12. Paragraph (c) of subsection (1) and subsections (2), (3), (4), (5), and (7) of section 97.063, Florida Statutes, are amended to read:

97.063 Eligibility for absentee registration.—

(1) The following persons shall be entitled to register absentee if qualified pursuant to s. 97.041 and as otherwise provided by law:

(c) Citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia, and their spouses and dependents when residing with or accompanying them;

(2) The federal postcard application, as provided by 42 U.S.C. 1973cc-14 50 U.S.C. s. 1464, shall be accepted as a request for an application for absentee registration form when duly executed by any person described in paragraphs (a)-(c) of subsection (1). Any person described in paragraphs paragraph (d)-(f) or paragraph (e) of subsection (1) may obtain an application for absentee registration form by writing to the supervisor of elections for the county of his permanent residence stating that registering in person would cause a hardship due to temporary absence from the state or physical disability, or stating that he is unable to register in person, and requesting that an application for absentee registration form be provided to him.

(3) Upon receipt of the duly executed federal postcard application or other such request for an application for absentee registration form as provided for by subsection (2), the supervisor of elections shall mail to the applicant an application for absentee registration form if the applicant has never registered in the county or if the applicant has registered and has failed to reregister. Upon receipt of such form application, the supervisor shall note on the form application the precinct in which the voter is registered.

(4) The application for absentee registration form shall be in substantially the following form:

APPLICATION FOR ABSENTEE  
REGISTRATION FORM

I, . . . , being first duly sworn, on oath say that I am a citizen of the United States and eligible to become a legal voter in the State of Florida; that my legal residence is . . . Street (or Avenue) in the municipality of . . . , County of . . . ; that I have not been and will not be able to register personally for the reason that . . . ; that my full name is . . . ; that I was born on . . . at . . . ; that, if I was born in a foreign country, I obtained citizenship by means of . . . ; that my sex is . . . ; that my race is . . . ; that my party affiliation is . . . ; that I desire a registration certificate be mailed to me at . . . ; and I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am 18 years of age, or will have attained the age of 18 on or before the election, and that I am qualified to vote under the Constitution and laws of the State of Florida; that if I am currently registered in another county or state, my registration in . . . County, State of . . . is recorded at the following address:

... (Registering Official) ...

... (Street) . . . , ... (City) . . . , ... (State) ...

... (Signature) ...

Sworn to and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

... (Signature and title of person administering oath) ... or the signatures of two registered voters of \_\_\_\_\_ County, Florida: \_\_\_\_\_

(5) The application for absentee registration form shall be witnessed either by a notary or other official authorized to administer oaths or by two registered electors of the county for which the form application is requested.

(7) Upon the return of the application for absentee registration form, the supervisor shall properly register the applicant's name in the registration books of the county and maintain on file, as the basis for such registration, the properly filled out form received from the applicant; provided no absentee registrations shall be accepted when the registration books are closed. *In the event the books are closed pursuant to s. 98.051(3), the registration shall be effective for subsequent elections, and the applicant shall be so notified by the supervisor.*

Section 13. Section 97.0631, Florida Statutes, is amended to read:

97.0631 *Overseas citizens; notice of elections Armed Services overseas.*—A citizen of Florida residing overseas member of the Armed Services, upon receiving an overseas assignment, may notify the supervisor of elections in the county where registered of his overseas address, and thereafter, the supervisor shall notify said overseas citizen serviceman at least 90 days prior to regular primary and general elections and as soon as possible prior to any special election so that said overseas citizens serviceman may follow the procedures for absentee voting provided by law.

Section 14. Subsection (1) of section 97.064, Florida Statutes, is amended to read:

97.064 Registration of overseas citizens, federal employees, and military personnel when previously registered.—

(1) When a person residing overseas or holding a position in the Government of the United States or in the military service (including the spouse and dependents of such persons) will be, by reason of his residence or duties incident to his position, required to be absent from the state during the period of time provided required for the registration of qualified electors to vote in a primary or general election as now required by law, and his registration has lapsed because of his failure to return the notice mailed to his address of record by the supervisor in compliance with the provisions to purge the registration books, it is lawful in such case for such elector, if retaining his qualifications to vote under his last registration, to complete and forward to the supervisor of the county in which he is registered a federal postcard application and thereby have his name transferred from the inactive files to the present registration books.

Section 15. Subsections (2), (3), and (4) of section 98.081, Florida Statutes, 1980 Supplement, are renumbered as subsections (3), (4), and (5), respectively, and subsection (1) of said section is amended to read:

98.081 Removal of names from registration books; procedure.—

(1) During each odd-numbered year the supervisor shall mail, to each elector who did not vote in any election in the county during the past 2 years, a form to be filled in, signed, and returned by mail within 30 days after the notice is post-marked. The form returned shall advise the supervisor whether the elector's status has changed from that of the registration record. Electors failing to return the forms within this period shall have their names withdrawn temporarily from registration books. In addition, the name of an elector may be removed temporarily from the registration books when any first-class mail sent by the supervisor to the elector is returned as undeliverable. Such name shall not be removed until a diligent effort has been made by the supervisor to locate such elector. This shall constitute such notice for purposes of this section. The list of the electors temporarily withdrawn shall be posted at the courthouse. When the list is completed, the supervisor shall provide a copy thereof, upon request, to the chairman of the county executive committee of any political party, and the supervisor may charge the actual cost of duplicating the list. A name shall be restored to the registration records when the elector, in writing, makes known to the supervisor that his status has not changed. *A federal postcard application from an overseas citizen indicating the elector's status has not changed shall constitute such a written notification to the supervisor.* The supervisor shall then reinstate the name on the registration books without requiring the elector to reregister. Notice of these requirements shall be printed on the voter registration identification card. This method prescribed for the removal of names is cumulative to other provisions of law relating to the removal of names from registration books. This is not a reregistration but a method to be used for keeping the permanent registration list up to date.

(2) ~~However,~~ The name of any elector temporarily withdrawn from the registration books shall be removed from such books if the elector fails to respond to the notice mailed pursuant to subsection (1) within 3 years from the date the last such notice was mailed to him, and such person shall be required to reregister to have his name restored to the registration books. *Receipt of a federal postcard application shall constitute written authorization for such a reregistration.*

Section 16. Subsection (3) of section 101.692, Florida Statutes, is amended to read:

101.692 Postcard application for ballot.—

(3) If the applicant's registration is not in order and the supervisor finds that the applicant has never registered in the county, that the registration books are open, and, that the applicant is entitled to register absentee in accordance with the provisions of s. 97.063(1), then the supervisor shall send to the applicant the application for absentee registration<sup>22</sup> form as provided in s. 97.063(4), which shall permit the applicant's registration in accordance with s. 97.063 when it is properly filled out and returned to the supervisor during the period in which the registration books are open.

Section 17. Subsection (3) of section 101.694, Florida Statutes, is amended to read:

101.694 Mailing of ballots upon receipt of federal postcard application.—

(3) There shall be printed across the face of each envelope in which a ballot is sent to a federal postcard applicant, or is returned by such applicant to the supervisor, two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—via Air Mail," or similar language, between the bars. There shall be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, including Air Mail." All printing on the face of each envelope shall be in red, and there shall be printed in red in the upper left corner of each ballot envelope an appropriate inscription or blanks for return address of sender. *Additional specifications may be prescribed by rule of the Division of Elections upon recommendation of the presidential des-*

ignee under the Federal Voting Assistance Act and the Overseas Citizens Voting Rights Act. Otherwise the envelopes shall be the same as those used in sending ballots to, or receiving them from, other absentee voters.

Renumber subsequent section.

**Amendment 2**—In title on page 2, line 4, after expenditures; insert:

amending s. 97.063(1)(c), (2), (3), (4), (5) and (7), Florida Statutes, providing for absentee voter registration of overseas citizens; amending s. 97.0631, Florida Statutes, providing for notice of elections to overseas citizens; amending s. 97.064(1), Florida Statutes, providing for voter registration of previously registered overseas citizens; amending s. 98-081(1), Florida Statutes, 1980 Supplement, relating to removal of names from registration books; amending s. 101.692(3), Florida Statutes, relating to postcard application for ballot; amending s. 101.694(3), Florida Statutes, providing authority for the Division of Elections to prescribe additional specifications for absentee ballot envelopes;

**Amendment 3**—On page 8, line 3, insert: Section 18. Subsection (2) of section 104.061, Florida Statutes, is amended to read:

104.061 Corruptly influencing voting.—

(2) No person shall directly or indirectly give or promise anything of value to another intending thereby to buy his or another's vote or to corruptly influence him or another in casting his vote. Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, this subsection shall not apply to the serving of food to be consumed at a political rally or meeting or items which are used as political advertisements, including campaign messages designed to be worn by a person.

Section 19. Subsection (11) of section 106.011, Florida Statutes, is amended to read:

106.011 Definitions.—As used in this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(11) "~~Campaign fund raiser Testimonial~~" means any breakfast, dinner, luncheon, rally, party, reception, or other affair held to raise funds to be used in a campaign for public office for any purpose.

Section 20. Paragraph (a) of subsection (1) of section 106-021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(1)(a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to, or retention in, office shall appoint a campaign treasurer and designate a primary campaign depository prior to qualifying for office. Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he obtains the petitions. Each candidate shall at the same time he designates his campaign depository and appoints his treasurer also designate the office for which he is a candidate. Nothing in this subsection shall prohibit a candidate, at a later date, from changing the designation of the office for which he is a candidate and using the campaign funds for that candidacy. No person shall accept any contribution or make any expenditure with a view to bringing about his nomination, election, or retention in public office, or authorize another to accept such contributions or make such expenditure on his behalf, unless such person has appointed a campaign treasurer and designated a primary campaign depository. A candidate for an office voted upon on a statewide basis may appoint not more than 15 deputy campaign treasurers, and any other candidate or political committee may appoint not more than three deputy campaign treasurers. The names and addresses of the campaign treasurer and deputy campaign treasurers so appointed shall be filed with the officer before whom such candidate is

required to qualify or with whom such political committee is required to register file reports pursuant to s. 106.03 106.07.

Section 21. Section 106.025, Florida Statutes, is amended to read:

106.025 Campaign fund raisers Testimonials.—

(1)(a) No campaign fund raiser testimonial may be held for purposes of raising funds to be used in a campaign for public office or nomination or election thereto, unless the person for whom such funds are to be so used is a candidate for public office and written notice of intent to hold such testimonial is filed pursuant to this subsection.

(b) Notice of intent to hold such a campaign fund raiser testimonial shall be filed by the candidate or person in charge of such campaign fund raiser testimonial with the officer with whom reports are required to be filed by the candidate for whom the funds are to be used pursuant to s. 106.07. Such notice shall state the date and place the campaign fund raiser testimonial is to be held, the name and address of the person or persons in charge of such campaign fund raiser testimonial, and the name and address of the candidate for whose campaign the funds are to be used. No moneys may be raised and no expenditures made in furtherance of such a campaign fund raiser testimonial until the notice of intent has been filed.

(b)(c) All money and contributions [made] with respect to such a campaign fund raiser testimonial shall be made only through the campaign treasurer of the candidate for whom the funds are to be used, shall be deemed to be campaign contributions, and shall be accounted for, and subject to the same restrictions, as other campaign contributions. Any amount paid for the purchase of tickets for campaign fund raisers testimonials held pursuant to this subsection shall be a contribution subject to the limits of s. 106.08 and shall be included in calculating the maximum contributions permitted by s. 106.08. All expenditures made with respect to such a campaign fund raiser testimonial shall be made only by a check drawn on the campaign depository of the candidate for whom the funds are to be used and shall be deemed to be campaign expenditures to be accounted for, and subject to the same restrictions, as other campaign expenditures.

(c)(d) Any tickets or advertising for such a campaign fund raiser testimonial shall contain the following statement: "The purchase of a ticket for, or a contribution to, the campaign fund raiser testimonial is a contribution to the campaign of... (name of the candidate for whose benefit the campaign fund raiser testimonial is held)..." Such tickets or advertising shall also comply with other provisions of this chapter relating to political advertising.

(d)(e) Any person or candidate who holds a campaign fund raiser testimonial, or consents to a campaign fund raiser testimonial being held, in violation of the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) Except for testimonials held pursuant to subsection (1), no testimonial shall be held in honor or on behalf of any person holding public office unless a notice of intent to hold such testimonial has first been filed pursuant to this subsection by the person in charge of such testimonial and unless a separate testimonial account has been set up in a depository and a treasurer appointed. No money or donation may be accepted, nor any payment made, with respect to such testimonial until the notice of intent has been filed and a separate testimonial account has been established and a treasurer appointed.

(b) Such notice, in the case of a state or multicounty district officer, shall be filed with the Division of Elections, and, in the case of any other public officer, shall be filed with the supervisor of elections of the county in which such officer resides. Such notice shall state the date and place the testimonial is to be held, the name and address of the person or persons in charge of the testimonial, the name and address of the officer in whose honor or in whose behalf the testimonial is to be held, the purpose for which the testimonial is to be held, and the purpose for which the funds raised are to be used.

(c) All money and donations received, and all payments made, with respect to such testimonial shall be [received and] made only through the treasurer duly appointed pursuant to

this subsection. The appointed treasurer shall keep detailed accounts of all deposits and all payments made with respect to such account in the same manner, and subject to the same restrictions, as required for a campaign account by a campaign treasurer and shall file regular reports on the first and third Mondays of each month with the officer with whom the notice of intent is filed until the funds on deposit are disposed of and the account closed. Each report shall contain the following information:

1. The full name, residence or business address, mailing address if different from the residence or business address, and occupation, and principal place of business, if any, of each person, political committee, or committee of continuous existence who, within the reporting period, purchases one or more tickets, or gives any money or donation, with respect to such testimonial, together with the amount and date thereof. However, the occupation and principal place of business need not be listed if the purchase price of the ticket or tickets, or the money or donation, does not exceed \$100.

2. The full name, residence or business address, mailing address if different from the residence or business address, [and] occupation, and principal place of business, if any, of each person, political committee, or committee of continuous existence to whom any payment is made within the reporting period, together with the date and amount thereof and the purpose therefor.

(d) No person may purchase more than \$1,000 worth of tickets to such a testimonial or give money or make any donation in excess of \$1,000 with respect to such a testimonial or purchase any ticket for, or give any money or make any donation to, such a testimonial in the name of another. Any person who violates the provisions of this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The proceeds of the testimonial held pursuant to this subsection remaining after the payment of the expenses therefor shall be disposed of as provided in this paragraph. All proceeds after payment of the expenses for such testimonial shall be donated to a charity stated in the notice of intent, returned prorata to each person who purchased a ticket, gave money, or made a donation, or given, in the case of a state officer, to the state to be deposited in the political subdivision, to the political subdivision to be deposited in the general fund thereof. Such disposition of funds shall be made by the person in charge of such testimonial within 90 days from the date the testimonial is held, and a report shall be filed with the officer with whom the notice of intent is filed, which report shall be in the form and manner and contain the information prescribed in s. 106.141(6).

(f) Any person or officer who holds a testimonial, or who consents to a testimonial being held, in violation of the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(g) Any person who is required by the provisions of this subsection to dispose of funds in a testimonial account [and] fails to dispose of the funds in the manner provided in this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(3) This section shall not apply to any campaign fund raiser testimonial held on behalf of a political party by the state or county executive committee of such party, provided that the proceeds of such campaign fund raiser testimonial are reported pursuant to s. 106.29.

Section 22. Subsection (1) of section 106.03, Florida Statutes, is amended, subsections (3) and (4) of said section are amended and renumbered, and a new subsection (3) is added to said section to read:

#### 106.03 Registration of political committees.—

(1) Each political committee which anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding \$100, or is seeking the signatures of registered electors in support of an initiative, shall file a statement of organization as provided in subsection (3) with the officer with whom such committee files original reports pursuant to s. 106.07 within 10 days after its organization or, if later, within 10 days after the date on which it has information which causes the committee to anticipate that it will

receive contributions or make expenditures in excess of \$100. However, committees required by the Federal Campaign Communications Act of 1971 (Pub. L. No. 92-225) to file statements of organization with federal officials may file a duplicate copy of such statement in lieu of the statement required by this section. If a political committee is organized within 10 days of any election, it shall immediately file the statement of organization required by this section.

(3)(a) Political committees organized to support or oppose statewide, legislative, or multicounty candidates or issues shall file statements of organization with the Division of Elections.

(b) Except as provided in paragraphs (c), political committees organized to support or oppose candidates or issues to be voted on in a countywide election or candidates or issues to be voted on in a statewide or multicounty basis in any election held on less than a countywide basis shall file statements of organization with the supervisor of elections of the county in which such election is being held.

(c) Political committees organized to support or oppose only candidates for municipal office or issues to be voted on in a municipal election shall file statements of organization with the officer before whom municipal candidates qualify.

Any political committee which would be required under this subsection to file a statement of organization in two or more locations by reason of the committee's intention to support or oppose candidates or issues at state or multicounty and local levels of government need only file with the Division of Elections.

(4)(3) Any change in information previously submitted in a statement of organization shall be reported to the agency or officer with whom such committee is required to register pursuant to subsection (3) file reports pursuant to s. 106.07, within 10 days following the change.

(5)(4) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$100 shall so notify the agency or officer with whom such committee is required to file the statement of organization reports pursuant to s. 106.07.

Section 23. Paragraph (a) of subsection (4) of section 106.04, Florida Statutes, is amended to read:

#### 106.04 Committees of continuous existence.—

(4) Each committee of continuous existence shall file an annual report with the Division of Elections during the month of January of each year. Such annual reports shall contain the same information and shall be accompanied by the same materials as original applications filed pursuant to subsection (2). In addition to such annual report, each committee shall file regular reports with the Division of Elections at the same times that reports are required of candidates by s. 106.07(1). A duplicate copy of each report shall be filed with the supervisor of elections in the county in which the committee maintains its books and records. Reports shall be on forms provided by the division and shall contain the following information:

(a) The full name, residence or business address, mailing address if different from the residence or business address, and occupation of each person who has made one or more contributions to the committee during the reporting period, together with the amounts and date of such contributions. However, if the contribution is less than \$100 or less, the occupation of the contributor need not be listed, and only the name and mailing address is necessary. However, for any contributions which represent the payment of dues by members in a fixed amount pursuant to the schedule on file with the Division of Elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

Section 24. Subsections (1), (2), (3), (4), and (5) of section 106.07, Florida Statutes, are amended to read:

#### 106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made,

by or on behalf of such candidate or political committee. Reports shall be filed on the first Friday of each calendar quarter from the time the campaign treasurer is appointed. Following the last day of qualifying for office, the reports shall be filed:

(a) On the ~~Friday Monday~~ preceding the *general* election, for a candidate who is unopposed in seeking nomination and election to any office;

(b) On ~~Friday~~ of each week preceding the election, for a candidate who is opposed in seeking nomination or election to a statewide office, or for a political committee supporting or opposing a candidate or issue to be voted on in a statewide election; or

(b)(e) On the first, third, and fifth Fridays of each month and the ~~Friday Monday~~ immediately preceding the election, for a candidate who is opposed in seeking nomination or election to any less than a statewide office, for a political committee supporting or opposing a candidate or issue to be voted on on less than a statewide basis, or for committees of continuous existence.

(c) Any opposed primary candidate filing reports pursuant to paragraph (b) who is unopposed in the general election need only file on the Friday immediately preceding the general election.

(d) In the event that a special election is called for which there is no qualifying period, reports required pursuant to paragraph (b) shall be filed following the 49th day prior to the election. If a special election is called and is scheduled to be held fewer than 49 days from its calling, reports filed pursuant to paragraph (b) shall be required beginning upon the calling of such election.

(2)(a) All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. Reports shall be filed not later than 5 p.m. of the day designated; however, any report post-marked no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the ~~Friday Monday~~ immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection. All candidates for other than statewide office who qualify with the Secretary of State shall file a duplicate copy at the same time with the supervisor of elections in the county in which the candidate resides.

(b)1. Any report which is deemed to be incomplete by the officer with whom the candidate qualifies shall be accepted on a conditional basis, and the campaign treasurer shall be notified by registered mail as to why the report is incomplete and be given 3 days from receipt of such notice to file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice shall constitute a violation of this chapter.

2. In lieu of the notice by registered mail as required in subparagraph 1., the qualifying officer may notify the campaign treasurer by telephone that the report is incomplete and request the information necessary to complete the report. If, however, such information is not received by the qualifying officer within 3 days of the telephone request therefor, notice shall be sent by registered mail as provided in subparagraph 1.

(3) Reports required of a political committee shall be filed with the agency or officer before whom such committee registers pursuant to s. 106.03(3). Division of Elections, if such committee is supporting or opposing a candidate for statewide office or advocating the acceptance or rejection of an issue to be voted on in a statewide election. If such political committee is supporting or opposing a candidate, or is advocating the acceptance or rejection of an issue, to be voted on in an election to be held in more than one county, such reports shall be filed with the supervisor of elections of each county in which the election is to be held, and a duplicate copy shall be filed with the Division of Elections. If such political committee is supporting or opposing a candidate for countywide office or for any office on less than a countywide basis, or is advo-

ating the acceptance or rejection of an issue to be voted on in a countywide election or in any election on less than a countywide basis, such reports shall be filed with the supervisor of elections of the county in which such election is being held. However, political committees which only support or oppose candidates for municipal office or issues to be voted on in a municipal election shall file their reports with the officer before whom municipal candidates qualify. Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(4) Each report required by this section shall contain:

(a) The full name, residence or business address, mailing address if different from the residence or business address, and occupation, and principal place of business, if any, of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. However, if the contribution is less than \$100 or less from a relative, as defined in s. 116.111(1)(c), provided the relationship is reported, the occupation and principal place of business of the contributor need not be listed, and only the name and address, residence or business address, and mailing address if different from the residence or business address, is necessary.

(b) The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

(c) Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

(d) The total amount of proceeds from+

1. each testimonial event regulated by s. 106.025, and

2. Sales of such items as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials.

(e) A statement of each contribution, rebate, refund, or other receipt not otherwise listed under paragraphs (a) through (d).

(f) The total sum of all receipts by or for such committee or candidate during the reporting period.

(g) The full name and address, residence or business address, and mailing address if different from the residence or business address, and principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

(h) The full name and address, residence or business address, and mailing address if different from the residence address or business address, and principal place of business, if any, of each person to whom an expenditure for personal services, salary, or reimbursed expenses has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

(i) The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

(j) The total sum of expenditures made by such committee or candidate during the reporting period.

(k) The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

(l) A list of all credit card purchases, and the amount thereof, made by the candidate or political committee during the reporting period. A copy of each statement shall be included in the next report following receipt thereof by the candidate or

political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

(m) The amount and nature of any campaign savings accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

(5) A report shall be filed 45 days after the last election in a given election period in which a candidate or political committee participates ~~or 45 days after the election in which a candidate is eliminated for nomination or election to office.~~ If such report shows an unexpended balance of contributions, the campaign treasurer of the candidate or political committee shall file with the agency or officer before whom original reports are filed pursuant to subsection ~~subsections (2) and (3)~~ a supplemental statement of contributions and expenditures. Such supplemental statement shall be filed on the first ~~Friday~~ Monday of each calendar quarter until the account shows no unexpended balance of contributions and the account has been closed.

Section 25. Subsections (4), (5), (8), and (9) of section 106.141, Florida Statutes, 1980 Supplement, are renumbered as subsections (5), (6), (10), and (11), respectively, present subsections (6) and (7) of said section are amended and renumbered, and new subsections (4) and (9) are added to said section to read:

106.141 Disposition by candidates of surplus funds.—

(4) Any candidate required to dispose of funds pursuant to this section may, prior to such disposition, be reimbursed by the campaign, in full or part, for any reported contributions by the candidate to the campaign.

(7)(6) A candidate elected to office may dispose of all of the funds in such account in the manner provided in this section or may transfer from the campaign account to an office account ~~retain on deposit in such account~~ any amount of the funds on deposit in such campaign account up to:

(a) \$10,000 ~~\$6,000~~, for a candidate for statewide office.

(b) \$5,000 ~~\$3,000~~, for a candidate for legislative or multi-county office.

(c) \$2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d)(e) \$2,000 ~~\$1,500~~, for a candidate for county ~~county-wide~~ office or for a candidate in any election conducted on less than a countywide basis.

(e)(d) \$6,000, for a candidate for retention as a justice of the Supreme Court.

(f)(e) \$3,000, for a candidate for retention as a judge of a district court of appeal.

(g)(f) \$1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred ~~retained~~ by a candidate shall be used only for legitimate expenses in connection with his public office. Such expenses may include travel expenses incurred by the officer or a member of his staff, or expenses incurred in the operation of his office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. Any candidate elected to office who transfers retains funds pursuant to this subsection and who has funds remaining in such office account after a subsequent election at which such candidate is reelected to office or elected to another office shall, pursuant to subsection (6) (4), dispose of all funds on deposit in the campaign account established to finance the subsequent campaign which funds have not been spent or obligated to be spent with respect to such subsequent campaign, except that such candidate may transfer from the campaign account established to finance his campaign in the subsequent election to the account in which the previously transferred ~~retained~~ funds are deposited in an amount equal to the difference between the amount allowed to be transferred ~~retained~~ and the amount of unspent ~~previously~~

~~retained~~ funds that are remaining in the office account to be used for legitimate office expenses. Upon leaving public office, any person who has funds in an office account ~~retained~~ pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(8)(7) Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

(a) The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;

(b) The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and

(c) The amount of such funds transferred to an office account ~~retained~~ by the candidate, together with the name and address of the bank in which the office account is located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07.

(9) Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection (7) shall file reports on the first Friday of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from which the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections and signed by the elected candidate and certified as true and correct.

Section 26. Section 106.142, Florida Statutes, is amended to read:

106.142 Political advertisement defined.—“Political advertisement” is a paid expression in any mass medium, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which shall support or oppose any candidate or issue, ~~excluding the campaign messages designed to be worn on a person's clothing used by a candidate and his supporters and~~ excluding a statement by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization's newsletter which newsletter is distributed only to the members of that organization.

Section 27. Subsection (1) of section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1) Any political advertisement and any campaign literature published or circulated prior to, or on the day of, any election shall be marked “paid political advertisement” or the abbreviation “pd. pol. adv.” However, this subsection shall not apply to campaign messages used by a candidate and his supporters which are designed to be worn by a person. ~~paid for by... (name of person or organization and officer of such organization paying for such advertisement) ....”~~

Section 28. Subsections (2), (3), and (4) of section 106.15, Florida Statutes, are amended to read:

106.15 Certain acts prohibited.—

(2) No candidate, in the furtherance of his candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle as provided in chapter 287, solely for the purpose of furthering his candidacy. However, in the event a candidate uses any state-owned aircraft or motor vehicle to conduct official state business, and while on such trip performs any function in the furtherance of his

candidacy for nomination or election to public office in any election, the official shall prorate the expenses incurred, and reimburse the appropriate agency for the expenses incurred for the use of such state aircraft or motor vehicle while conducting business in the furtherance of his candidacy. The reimbursement shall be made from the campaign account of the candidate. If any corporation, partnership, or other business entity is convicted of knowingly and willfully violating this section, it shall be fined not more than \$10,000. If it is a domestic corporation, partnership, or other business entity, in addition to such fine and penalty, it may be dissolved, if it is a foreign or nonresident corporation, partnership, or other business entity, its right to do business in this state may be declared forfeited.

(3) No candidate shall, in the furtherance of his candidacy for nomination or election to public office in any election, use the services of any officer or employee of the state during working hours. Any officer, partner, employee, agent, or attorney or other representative of a corporation, partnership, or other business entity who knowingly and willfully aids or abets in a violation of this section shall be guilty of a misdemeanor of the first degree and punished as provided in s. 775.082 or s. 775.083.

(4) Any person individual violating the provisions of this section shall be guilty of a misdemeanor in the first degree, punishable and punished as provided in s. 775.082 or s. 775.083.

Section 29. Section 106.17, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 106.17, F.S., for present text.)

106.17 Polls, surveys, etc.—Any candidate, political committee, or state or county executive committee of a political party may authorize or conduct a political poll, survey, index, or measurement of any kind relating to candidacy for public office so long as the candidate, political committee, or political party maintains complete jurisdiction over the said poll in all its aspects.

Section 30. Subsection (1) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties.—

(1) Each state and county executive committee of any political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as reports required of candidates by s. 106.07. Each state and county executive committee shall file such reports on the first Friday of each calendar quarter quarterly, except that, during the period from the last day for candidate qualifying until the general election, each state and county executive committee shall file reports on the Friday immediately preceding the first primary, second primary, and general elections Monday of each week, and each county executive committee shall file reports on the first Monday of each month. State executive committees shall file their reports with the Division of Elections. County executive committees shall file their reports with the supervisor of elections in the county in which such committee exists.

Section 31. Section 111.012, Florida Statutes, is created to read:

111.012 Testimonials for public officers.—

(1) When used in this section:

(a) "Testimonial" means any breakfast, dinner, luncheon, rally, party, reception, or other affair held to honor or raise funds on behalf of any elected public officer except campaign fund raisers held pursuant to s. 106.025(1).

(b) "Elected public officer" means any individual holding an elective state, county, municipal, school, or other district office or position.

(2)(a) No testimonial shall be held in honor or on behalf of any person holding public office unless a notice of intent to hold such testimonial has first been filed pursuant to this subsection by the person in charge of such testimonial and a testimonial account has been set up in a depository and a treasurer appointed therefor. No money or donation may be accepted, nor any payment made, with respect to such testi-

monial until the notice of intent has been filed, the testimonial account has been established, and a treasurer has been appointed therefor.

(b) Such notice, in the case of a state or multicounty district officer, shall be filed with the Division of Elections, and, in the case of any other public officer, shall be filed with the supervisor of elections of the county in which such officer resides. Such notice shall state the date and place the testimonial is to be held, the name and address of the person or persons in charge of the testimonial, the name and address of the officer in whose honor or in whose behalf the testimonial is to be held, the purpose for which the testimonial is to be held, and the purpose for which the funds raised are to be used.

(c) All money and donations received, and all payments made, with respect to such testimonial shall be received and made only through the treasurer appointed pursuant to this subsection. The appointed treasurer shall keep detailed accounts of all deposits and all payments made with respect to such account.

(d) The proceeds of the testimonial held pursuant to this subsection remaining after the payment of the expenses therefor shall be disposed of as provided in this paragraph. All proceeds after payment of the expenses for such testimonial shall be donated to a charity stated in the notice of intent; returned pro rata to each person who purchased a ticket, gave money, or made a donation; or given, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof. A report of such disposition of funds shall be made by the person in charge of such testimonial within 90 days from the date the testimonial is held and shall be filed with the officer with whom the notice of intent is filed. Each report shall contain the following information:

1. The full name and address of each person who purchases one or more tickets, or gives any money or donation, with respect to such testimonial, together with the amount and date thereof.

2. The full name and address of each person, charity, or unit of government to whom any payment for expenses or disposition of funds is made with respect to such testimonial, together with the date and amount thereof and the purpose therefor.

(e) Any person or officer who holds a testimonial, or who consents to a testimonial being held, in violation of the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(f) Any person required by the provisions of this subsection to dispose of funds in a testimonial account who fails to dispose of the funds in the manner provided in this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(Renumber subsequent section)

Amendment 4—In title on page 2, line 4, after semicolon insert: amending s. 104.061(2), Florida Statutes, relating to campaign items which may be given away; amending s. 106.011(11), Florida Statutes, relating to campaign fund raisers; amending s. 106.021(1)(a), Florida Statutes, relating to filing the appointment of campaign treasurer of a political committee; amending s. 106.025, Florida Statutes, relating to campaign fund raisers and other testimonial affairs; amending s. 106.03(1), (3), and (4), Florida Statutes, and adding a new subsection thereto, relating to registration of political committees; amending s. 106.04(4)(a), Florida Statutes, relating to reporting requirements for committees of continuous existence; amending s. 106.07(1), (2), (3), (4), and (5), Florida Statutes, relating to reporting requirements for candidates and political committees; amending s. 106.141(6) and (7), Florida Statutes, 1980 Supplement, and adding new subsections (4) and (9) thereto, relating to disposition by candidates of surplus funds; amending s. 106.142, Florida Statutes, relating to the definition of political advertisement; amending s. 106.143(1), Florida Statutes, relating to political advertisement disclaimers; amending s. 106.15(2), (3), and (4), Florida Statutes, relating to the prohibited use of state-owned aircraft or motor vehicles

under certain circumstances, and requires reimbursement of certain expenses, and prohibits the use of services of state employees, in campaigns; amending s. 106.17, Florida Statutes, relating to political polls; amending s. 106.29(1), Florida Statutes, relating to reports by political parties; creating s. 111.012, Florida Statutes, relating to testimonials for public officeholders;

Amendment 5—On page 5, line 7, insert the following section: Section 7. Section 98.211, Florida Statutes, is amended to read:

98.211 County registers open to inspection; 98 copies.—

(1) The registration books are public records. Every citizen is allowed to examine the registration books while they are in the custody of the supervisor, but is not allowed to make copies or extracts therefrom. The supervisor shall furnish at cost lists of the registered electors of the county that include all information required by s. 98.111(1) and only the name, party affiliation, address, and precinct number of each elector or, if requested, the supervisor may shall provide a list that contains only those electors who have voted in an election or elections which occurred in excess of 60 days prior to the request; if said list is furnished, however, it shall also be made available to all persons and entities authorized in this subsection. Lists of electors shall be furnished only to:

- The courts for the purpose of jury selection;
- Municipalities;
- Other governmental agencies;
- Candidates, to further their candidacy;
- Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and
- Incumbent officeholders, to report to their constituents.

Such lists shall be used solely for political purposes and not for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political activities, voter registration, law enforcement, or jury selection.

(2) Any person who acquires a precinct list from the office of the supervisor shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear or affirm that I am a person authorized by s. 98.211, Florida Statutes, to acquire a list of the registered voters of \_\_\_\_\_ County, Florida; that the lists acquired will be used only for the purposes prescribed in said section and for no other purpose; and that I will not permit the use of copying of such list by persons not authorized by the Election Code of the State of Florida to use such list.

(Signature of person acquiring list)

Sworn to and subscribed before me, the Supervisor of Deputy Supervisor of Elections of \_\_\_\_\_ County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

(Signature of Supervisor or Deputy Supervisor)  
(Signature and title of person administering oath)

(RENUMBER SUBSEQUENT SECTIONS)

Amendment 6—In title on page 1, line 19, (after the word "periods;") insert: amending s. 98.211, F.S., 1980 Supplement; deleting the requirement that the supervisor of elections administer the oath, and provides that a notary administer the oath;

Amendment 7—On page 5, between lines 23 and 24 insert: Section 8. Section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes, a plain white envelope into which the absent

lector shall enclose and seal his marked ballot and a second envelope, into which the absent elector shall then place the sealed white envelope, which shall be addressed to the supervisor and also bear on the back side of this "mailing envelope" a certificate which shall be substantially in the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

#### VOTER'S CERTIFICATE

#### YOU COME UNDER THE PURVIEW OF THE DEFINITION OF "ABSENTEE ELECTOR" IF YOU:

- Are unable without the assistance of another to attend the polls.
- Will not be in \_\_\_\_\_ (insert appropriate county) \_\_\_\_\_ County during the hours the polls are open.
- Are an inspector, poll worker, deputy voting machine custodian, deputy sheriff, municipal election official, supervisor of elections or deputy supervisor of elections and will be assigned to a different precinct than that in which you are registered.
- Cannot attend the polls on election day because of the tenets of your religion.
- Have moved to another county in Florida within the period when the registration books are closed. You will be permitted to vote on national and statewide offices and issues.
- Have moved to another state and are unable by that state's laws to vote in the general election. You will be permitted to vote for the President and Vice President.

I HEREBY CERTIFY THAT I AM VOTING ABSENTEE FOR ONE OF THE REASONS STATED ABOVE; THAT I AM DULY QUALIFIED AND REGISTERED AS A \_\_\_\_\_ (party) \_\_\_\_\_ ELECTOR OF THE \_\_\_\_\_ (precinct) \_\_\_\_\_ OF \_\_\_\_\_ (insert appropriate county) \_\_\_\_\_ COUNTY AND THE STATE OF FLORIDA.

#### SIGNATURE OF VOTER

VOTER MUST SIGN ABOVE

I, \_\_\_\_\_, am duly qualified and registered as a \_\_\_\_\_ (Party) \_\_\_\_\_ voter of the \_\_\_\_\_ Precinct of \_\_\_\_\_ County, Florida, coming within the purview of the definition of "absent electors," and I am entitled to vote an absentee ballot for the following reason:

#### CHECK ONLY ONE

- \_\_\_\_\_ I am unable without another's assistance to attend the polls.
- \_\_\_\_\_ I will not be in the county of my residence during the hours the polls are open for voting on election day.
- \_\_\_\_\_ I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
- \_\_\_\_\_ On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
- \_\_\_\_\_ I have changed my permanent residence to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and statewide issues.
- \_\_\_\_\_ I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

\_\_\_\_\_(Voter's Signature)\_\_\_\_\_

Note: Your Signature Must Be Witnessed by Either

- A Notary or Officer Defined in Item 5(b) of the Instruction Sheet.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_, 19\_\_\_\_ (Official Title) My Commission Expires this \_\_\_\_ day of \_\_\_\_, 19\_\_\_\_

Maxwell McClain McKnight Peterson Poole Renick Steinberg Stevens Stuart Thomas Trask Vogt Ware Winn

(Do Not Use Impression Seal)

(Address) (Signature of Official) (City/State)

Nays—1 Carlucci

Vote after roll call:

Yea—Neal

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 recede from House Amendments 1 and 2 to CS for SB's 568 and 277 and again requests the Senate to concur; and in the event the Senate refuses to concur requests a Conference Committee.

Allen Morris, Clerk

2. Two Witnesses Eighteen (18) Years or Older.

(First Witness)

(Address) (City/State)

(Second Witness)

(Address) (City/State)

(2) The statement shall be so arranged that the signature of the absent elector and the attesting witness or witnesses shall be across the seal of the envelope. The absent elector and the attesting witness or witnesses shall execute the form on the envelope.

Section 9. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor of elections shall enclose with each ballot sent to an absent elector separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. Mark your ballot in secret as instructed on the ballot.

2. Place your marked ballot in the enclosed plain white envelope.

3. Securely seal the plain white envelope and place it in the enclosed mailing envelope which is addressed to the supervisor.

4. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

5. VERY IMPORTANT. Sign your name on the line above "(Voter's Signature)."

a. Persons serving as attesting witnesses shall affix their signatures and addresses on the Voter's Certificate. Any two persons 18 years of age or older may serve as attesting witnesses.

b. Any notary or other officer entitled to administer oaths or a Florida supervisor of election or his deputy may serve as a sole attesting witness. The sole attesting witness shall affix his signature, official title, and address to the Voter's Certificate.

6. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

7. VERY IMPORTANT. The supervisor of elections of the county in which your precinct is located must receive your ballot no later than 7 p.m. on the day of the election.

(Renumber subsequent sections.)

Amendment 8—In title on page 1, line 25, insert after "ballots;": 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;

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

SB 479 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—26

Anderson Frank Jenne Langley Barron Grizzle Jennings Lewis Beard Henderson Johnston Margolis

CS for SB's 568 and 277—A bill to be entitled An act relating to the Board of Regents; amending s. 240.207(1), Florida Statutes; reducing the number of members; providing that the Commissioner of Education is a member; reducing terms of office; limiting the number of members from each county; providing for postsecondary responsibilities of the State Board of Education; providing circumstances for removal of members; providing an effective date.

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

CS for SB's 568 and 277 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Anderson Barron Childers, D. Dunn Frank Grizzle Hair Henderson Hill Jennings Johnston Langley Lewis Margolis Maxwell Hill McClain McKnight Poole Renick Scott Steinberg Stevens Stuart Thomas Tobiasen Trask Vogt Winn

Nays—None

Vote after roll call:

Yea—Neal, Peterson

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER

SB 929—A bill to be entitled An act relating to Indian affairs; adding subsection (3) to s. 285.18, Florida Statutes; authorizing the governing body of the Seminole Tribe to adopt ordinances licensing, regulating, and taxing bingo on the Seminole Indian Reservation; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendment:

Amendment 1—On page 1, line 19, insert: If the Seminole Tribe contracts for someone other than said Tribe to operate or manage the bingo operation, the operating or managing person or company shall receive a maximum of ten percent of the bingo profits as full payment for their services.

Senator Henderson moved the following substitute amendment which was adopted:

Amendment 2—On page 1, line 19, after the period (.) insert: All books, records, financial information, and other information relating to the playing of bingo on the Seminole Indian Reservation shall be open and available for the inspection at all

times by the sheriff of the county in which such playing of bingo occurs or his designee or the executive director of the Department of Law Enforcement or his designee.

Senator Jenne moved the following amendment which failed:

Amendment 3—On page 1, between lines 19 and 20, insert: Section 2. If any portion of this act is stricken by a court of competent jurisdiction, the whole act shall automatically become invalid.

(Renumber subsequent section.)

Senator Henderson moved the following amendment which was adopted:

Amendment 4—In title on page 1, line 7, insert: providing for State inspection and audit:

On motion by Senator Henderson, by two-thirds vote SB 929 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—19

Grizzle	Langley	Poole	Thomas
Hair	Lewis	Rehm	Tobiassen
Henderson	Maxwell	Scott	Trask
Hill	McClain	Skinner	Ware
Jenkins	Neal	Stuart	

Nays—13

Anderson	Dunn	Johnston	Steinberg
Beard	Frank	Margolis	
Carlucci	Jenne	McKnight	
Childers, D.	Jennicks	Renick	

Vote after roll call:

Yea—Peterson

Nay—Winn

Nay to Yea—Margolis

#### Memorandum of voting conflict on SB 929

Kreig, Kostas, & Poole, Insurance, Inc., with which I am affiliated, are the agents for the Seminole Tribe of Florida on some of their insurance matters.

*Van B. Poole, 30th District*

On motion by Senator Vogt, the rules were waived and by two-thirds vote CS for HB 309 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Vogt—

CS for HB 309—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.15(2)(a), Florida Statutes, limiting the unlawful taking of small shrimp or prawn to within state waters; excluding shrimp caught legitimately under a live bait license and fishing camps which sell bait shrimp for recreational purposes; providing for sales tax to be collected on bait shrimp sold; providing an effective date.

—a companion measure, was substituted for CS for SB 409 and read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (2) and subsection (5) of section 370.15, Florida Statutes, is amended to read:

370.15 Shrimp; regulation.—

(2) SHRIMP CATCH REGULATION; PENALTY.—

(a) It is unlawful for any person, firm, or corporation to catch, kill, or destroy shrimp or prawn within or without the waters of this state, or have in his possession any small shrimp or prawn taken in such waters, provided such small shrimp or prawn constitute at least 5 percent of all such shrimp or prawn in such possession. "Small shrimp" or "prawn" are defined as those that require more than 47 with the heads, or 70 without the heads, to make a pound by shrimp count. The words "shrimp count" shall refer to the number of shrimp, heads off, 70 to make a pound or 47 with the heads on to make a pound. This count shall be determined by random sampling in five different locations in the catch, at as widely separated distances and depths as practicable. Each sample shall consist of at least 1 pound of shrimp. The average counts of these five samples shall be the established count for the cargo. In the event shrimp, which when caught, landed, and prior to grading were of legal size under the terms of this subsection, are thereafter graded for size for the purpose of packaging, processing, or other lawful purpose; the smaller shrimp making up the average count of such entire lot as herein provided are graded out into separate lot or lots; and such shrimp so segregated from such entire lot are above the average count as herein provided, the possession, purchase, sale, unloading, transporting, or handling of such particular smaller graded shrimp shall not be unlawful. This provision shall exclude any product which has been processed and imported into the state. "Processed" is defined as frozen, canned, or packaged in up to 10-pound packages. This section shall not apply to any shrimp caught legally under a live bait license or to fishing camps which sell bait shrimp to persons for recreational purposes live bait shrimp. Any shrimp caught under a live bait license shall only be sold as bait shrimp and sales tax shall be collected thereon.

#### (5) SHRIMP TRAPS.—

(a) It is unlawful for any person, firm, or corporation to take or attempt to take shrimp by the use of any trap which:

1. Exceeds the following dimensions: 36 inches long (from rear of the heart to the leading edge of the trap), by 24 inches wide (between the leading edges of the trap, or heart opening), by 12 inches high; or

2. Has external or unattached wings, weirs, or other devices intended to funnel shrimp to the trap heart.

(b) This subsection shall not be construed to restrict the allowable shape or configuration of any shrimp trap so long as the trap, together with all of its parts, conforms to the specifications of paragraph (a).

(c) Any shrimp trap which conforms to the specifications of paragraph (a) shall not be considered a pound net.

(d) The user of any trap shall affix his name and address securely to each trap. Any such trap not having proper identification shall be subject to confiscation by the department. No person, firm, or corporation shall have more than four traps in use at any time. The department shall have the authority to inspect such traps when being used in or on the waters of the state.

(e) The presence of unattended shrimp traps on or attached to beaches, causeways, seawalls, bridges, or any other structures open for use by the public are hereby declared a nuisance. Any such traps which are not attended by the person whose name is affixed to the trap shall be subject to confiscation by the department.

(f) Any person, firm, or corporation which violates the provisions of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

Amendment 2—In title on page 1, line 1, strike everything after the enacting clause and insert: A bill to be entitled An act relating to saltwater fisheries; amending s. 370.15(2)(a), (5), Florida Statutes; making regulations applicable only to state waters; exempting bait shrimp caught under live bait license and sold for recreational purposes from certain shrimp catch regulation; providing for tax on sale of bait shrimp; providing that the shape or configuration of shrimp traps are not restricted so long as the trap meets certain specifications; providing that certain shrimp traps shall not be considered

pound nets; declaring certain unattended shrimp traps to be a public nuisance and authorizing confiscation of such traps; providing an effective date.

On motion by Senator Vogt, by two-thirds vote CS for HB 309 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	Maxwell	Stevens
Anderson	Hill	McClain	Thomas
Barron	Jenkins	McKnight	Tobiasen
Beard	Jenne	Neal	Trask
Childers, D.	Jennings	Rehm	Vogt
Dunn	Johnston	Renick	Ware
Frank	Langley	Scott	Winn
Grizzle	Lewis	Skinner	
Hair	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—Peterson

SB 409 and CS for SB 409 were laid on the table.

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

CS for SB 841—A bill to be entitled An act relating to environmental control; adding subsection (9) to s. 403.021, Florida Statutes, providing legislative intent with respect to the "Florida Air and Water Pollution Control Act"; adding a new subsection (26) to s. 403.061, Florida Statutes, 1980 Supplement, directing the Department of Environmental Regulation to develop certain standards and criteria related to waters used for deep water shipping; creating s. 403.816, Florida Statutes, relating to dredging permits; providing for maintenance dredging permits for up to 25 years; exempting permits for maintenance dredging from certain permitting requirements; amending s. 376.11(3), Florida Statutes, 1980 Supplement, and adding paragraph (e) to subsection (5) of said section; providing for use of interest earned from the Florida Coastal Protection Trust Fund for acquisition of spoil disposal sites; establishing priorities for acquisition; requiring local matching funds; limiting application of the act to specified ports; providing an effective date.

—was read the first time by title and SB 841 was laid on the table.

On motion by Senator Vogt, by two-thirds vote CS for SB 841 was read the second time by title.

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

**Amendment 1**—On page 6, between lines 6 and 7, insert: (f) *Any interest in lands acquired using monies in the Florida Coastal Protection Trust Fund shall be held by the Trustees of the Internal Improvement Trust Fund and such lands shall be acquired pursuant to the procedures set forth in s. 253.025, F.S.*

**Amendment 2**—On page 6, between lines 13 and 14, insert: Section 6. 370.12(2)(j) is hereby amended to read:

(j) *For the purpose of this subsection, the term "boat," "vessel," or "motor boat," and the regulation thereof, does not refer to commercial vessels engaged in interstate, intrastate, or foreign commerce entering or leaving the channels and harbors of the port authorities of this state. In addition, † The department shall promulgate regulations relating to the operation and speed of motor boat traffic in port waters with due regard to the safety requirements of said traffic and the navigational hazards related to the movement of commercial vessels as defined herein.*

(Renumber subsequent sections.)

Senator Vogt moved the following amendment which was adopted:

**Amendment 3**—On page 4, line 17; on page 6, line 4 and on page 6, line 12, after "Canaveral," insert: Ft. Pierce,

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

**Amendment 4**—In title on page 1, line 24, insert after the semicolon (;): repealing the restrictions on protection of manatees relating to commercial vessels entering or leaving port waters;

Pending further consideration of CS for SB 841 as amended, on motions by Senator Vogt, the rules were waived and by two-thirds vote CS for HB 490 was withdrawn from the Committees on Natural Resources and Conservation and Appropriations.

On motion by Senator Vogt—

CS for HB 490—A bill to be entitled An act relating to environmental control; adding subsection (9) to s. 403.021, Florida Statutes, providing legislative intent with respect to the "Florida Air and Water Pollution Control Act"; adding a new subsection (26) to s. 403.061, Florida Statutes, 1980 Supplement, directing the Department of Environmental Regulation to develop certain standards and criteria related to waters used for deep water shipping; creating s. 403.816, Florida Statutes, relating to dredging permits; providing for maintenance dredging permits for up to 25 years; exempting permits for maintenance dredging from certain permitting requirements; amending s. 376.11(3), Florida Statutes, 1980 Supplement, and adding paragraph (e) to subsection (5) of said section; providing for use of interest earned from the Florida Coastal Protection Trust Fund for acquisition of spoil disposal sites; establishing priorities for acquisition; requiring local matching funds; limiting application of the act to specified ports; repealing the restrictions on protection of manatees relating to commercial vessels entering or leaving port waters; providing an effective date.

—a companion measure, was substituted for CS for SB 841 and read the second time by title. On motion by Senator Vogt, by two-thirds vote CS for HB 490 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

CS for SB 841 was laid on the table.

On motion by Senator Trask, the rules were waived and by two-thirds vote HB 355 was withdrawn from the Committee on Appropriations.

On motion by Senator Trask—

HB 355—A bill to be entitled An act relating to the Florida Citrus Code; amending s. 601.15(9)(b), Florida Statutes, 1980 Supplement, extending application of the excise tax collection provisions of the section to include all citrus excise taxes in chapter 601, Florida Statutes; deleting obsolete language; amending s. 601.55(1) and (2), Florida Statutes, 1980 Supplement, clarifying language relating to citrus fruit dealer's license classifications; eliminating the present delinquent renewal classification; providing for "repeat applications" for licenses; specifying license terms; adding subsection (4) to s. 601.56, Florida Statutes, providing that certain license applications shall not be processed or denied under certain conditions and providing for notification; amending s. 601.57(7), Florida Statutes, 1980 Supplement, relating to conditional citrus fruit dealers' licenses; amending s. 601.58, Florida Statutes, providing for the handling of approved applications; requiring notice of temporary or conditional nature of licenses on the face thereof; clarifying the nature of application disapproval; amending s.

601.67(3), Florida Statutes, providing for license suspension upon failure to comply with an order to pay a fine; providing a 60-day suspension period; providing for continuation of suspension against a subsequent license; providing an effective date.

—a companion measure, was substituted for SB 230 and read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 7, between lines 25 and 26, insert: Section 7.

Section 601.635, Florida Statutes, is created to read:

601.635 Citrus fruit dealers; payment and deduction of grower association dues.—Each citrus fruit dealer shall, upon request of a producer, pay to a grower's association designated by the producer the producer's annual association dues. Such payment shall be deducted from any money owed by the dealer to the producer for citrus fruit sold or delivered by the producer into the primary channel of trade. The Department of Citrus may adopt rules to implement this section.

(Renumber subsequent section.)

Amendment 2—In title on page 2, line 1, after the semicolon (;) insert: creating s. 601.635, Florida Statutes; requiring citrus fruit dealers, upon request, to pay grower association dues of a producer from moneys due the producer; authorizing the Department of Citrus to adopt rules;

On motion by Senator Trask, by two-thirds vote HB 355 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Peterson

SB 230 was laid on the table.

By the Committee on Judiciary-Civil and Senator Hair—

CS for SB 398—A bill to be entitled An act relating to the judiciary; amending s. 26.031(1), Florida Statutes, 1980 Supplement; providing for additional circuit judges; amending s. 34.022(13), (36), and (50), Florida Statutes, 1980 Supplement; providing for additional county court judges; amending s. 35.06, Florida Statutes, 1980 Supplement; providing for additional appellate judges; providing an effective date.

—was read the first time by title and SB 398 was laid on the table.

On motion by Senator Hill, by two-thirds vote CS for SB 398 was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, strike lines 28-30 and on page 2, lines 1-8 and insert:

(g) Seventh	_____	_____	14 12
(h) Eighth	_____	_____	8 7
(i) Ninth	_____	_____	17

(j) Tenth	_____	13 12
(k) Eleventh	_____	55 51
(l) Twelfth	_____	10 9
(m) Thirteenth	_____	25 24
(n) Fourteenth	_____	5
(o) Fifteenth	_____	19 18
(p) Sixteenth	_____	3
(q) Seventeenth	_____	39 36

Amendment 2—On page 1, line 13, insert:

Section 1. Subsection (7) of section 26.021, Florida Statutes, 1980 Supplement, is amended to read:

26.021 Judicial circuits; judges.—

(7) The seventh circuit is composed of Flagler, Putnam, St. Johns, and Volusia Counties. One judge shall reside in Flagler County; ~~two judges one judge~~ shall reside in Putnam County; ~~two judges one judge~~ shall reside in St. Johns County; ~~one judge shall reside in either Putnam County or St. Johns County~~; and three judges shall reside in Volusia County. There shall be no residency requirement for any other judges in the circuit.

(Renumber subsequent sections.)

Amendment 3—On page 2, strike line 30 and on page 3, lines 1-4 and insert:

- (1) In the first district there shall be ~~12 11~~ judges.
- (2) In the second district there shall be ~~9 8~~ judges.
- (3) In the third district there shall be ~~9 8~~ judges.
- (4) In the fourth district there shall be ~~9 8~~ judges.
- (5) In the fifth district there shall be 6 judges.

However, until January 1, 1982, there shall be only 11 judges in the First District Court of Appeal.

Amendment 4—In title on page 1, line 2, after "judiciary;" insert: amending s. 26.021(7), Florida Statutes, 1980 Supplement; providing for residence of certain circuit judges;

Pending further consideration of CS for SB 398 as amended, on motions by Senator Hair, the rules were waived and by two-thirds vote HB 1175 was withdrawn from the Committees on Judiciary-Civil and Appropriations.

On motion by Senator Hair—

HB 1175—A bill to be entitled An act relating to the judiciary, amending s. 26.031(1)(a), (f), (g), (h), (i), (j), (k), (l), (o), (q), (s), and (t), Florida Statutes, 1980 Supplement; providing for additional circuit judges; amending s. 34.022(6), (13), (29), (36), (50), (55), (58), and (64), Florida Statutes, 1980 Supplement; providing for additional county court judges; amending s. 35.06, Florida Statutes, 1980 Supplement; providing for additional appellate judges; providing an effective date.

—a companion measure, was substituted for CS for SB 398 and read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, line 15, strike everything after the enacting clause and insert: Section 1. Subsection (7) of section 26.021, Florida Statutes, 1980 Supplement, is amended to read:

26.021 Judicial circuits; judges.—

(7) The seventh circuit is composed of Flagler, Putnam, St. Johns, and Volusia Counties. One judge shall reside in Flagler County; ~~two judges one judge~~ shall reside in Putnam County; ~~two judges one judge~~ shall reside in St. Johns County;

one judge shall reside in either Putnam County or St. Johns County, and three judges shall reside in Volusia County. There shall be no residency requirement for any other judges in the circuit.

Section 2. Subsection (1) of section 26.031, Florida Statutes, 1980 Supplement, is amended to read:

26.031 Judicial circuits; number of judges, salaries.—

(1) The number of circuit judges in each circuit shall be as follows:

Table with 2 columns: JUDICIAL CIRCUIT and TOTAL. Rows (a) through (t) listing circuit numbers and their corresponding total counts.

Section 3. Subsections (13), (36), and (50), of section 34.022, Florida Statutes, 1980 Supplement, are amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

Table with 2 columns: COUNTY and TOTAL. Rows (13) Dade, (36) Lee, (50) Palm Beach listing county names and their total counts.

Section 4. Section 35.06, Florida Statutes, 1980 Supplement, is amended to read:

35.06 Organization of district courts of appeal.—A district court of appeal shall be organized in each of the five appellate districts to be named District Court of Appeal, . . . District. The number of judges of each district court of appeal shall be as follows:

- (1) In the first district there shall be 12 11 judges.
(2) In the second district there shall be 9 8 judges.
(3) In the third district there shall be 9 8 judges.
(4) In the fourth district there shall be 9 8 judges.
(5) In the fifth district there shall be 6 judges.

However, until January 1, 1982, there shall be only 11 judges in the First District Court of Appeal.

The successors of the original and additional judges of the district courts of appeal shall be elected at the general election

next preceding the expiration of their respective terms of office to serve for a full term of 6 years.

Section 5. This act shall take effect July 1, 1981.

Amendment 2—In title on page 1, line 13, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the judiciary; amending s. 26.021(7), Florida Statutes, 1980 Supplement; providing for residence of certain circuit judges; amending s. 26.031(1), Florida Statutes, 1980 Supplement; providing for additional circuit judges; amending s. 34.022(13), (36), and (50), Florida Statutes, 1980 Supplement; providing for additional county court judges; amending s. 35.06, Florida Statutes, 1980 Supplement; providing for additional appellate judges; providing an effective date.

On motion by Senator Hair, by two-thirds vote HB 1175 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

Table listing names of members in support (Yeas) and opposition (Nays) to the amendment.

Nays—None

CS for SB 398 was laid on the table.

By the Committee on Appropriations and Senator Dunn—

CS for SB 454—A bill to be entitled An act relating to public employment; amending s. 110.117(3), Florida Statutes, 1980 Supplement, and adding subsection (4) to said section; specifying eligibility for personal holidays; providing that holidays be prorated for part-time employees; renumbering s. 110.123-(7), Florida Statutes, and adding a new subsection (7) to said section; providing a group insurance plan for state law enforcement and correctional officers; amending s. 110.227-(3)(b), Florida Statutes; specifying requirements of layoff procedures; amending s. 112.061(6), (7)(d), Florida Statutes; specifying rates of per diem and travel allowances; amending s. 121.021(24), Florida Statutes, 1980 Supplement; excluding accumulated compensatory leave from calculation of average final compensation; creating s. 240.226, Florida Statutes; requiring the Board of Regents to adopt rules allowing state employees to enroll in courses free of charge; amending s. 350.06(3), Florida Statutes, removing the statutory cap on the salary of the official reporters of the Public Service Commission; providing a retroactive effective date.

—was read the first time by title and SB 454 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 454 was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 5, line 1, strike all of Section 4 of the bill and renumber subsequent sections.

Amendment 2—In title on page 1, lines 13-16, strike "amending s. 112.061(6), (7)(d), Florida Statutes; specifying rates of per diem and travel allowances;"

On motion by Senator Dunn, by two-thirds vote CS for SB 454 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	McClain	Stevens
Anderson	Jenkins	McKnight	Thomas
Barron	Jenne	Neal	Tobiassen
Beard	Jennings	Peterson	Trask
Carlucci	Johnston	Poole	Vogt
Childers, D.	Kirkpatrick	Rehm	Ware
Dunn	Langley	Renick	Winn
Frank	Lewis	Scott	
Grizzle	Margolis	Skinner	
Henderson	Maxwell	Steinberg	

## Nays—None

On motion by Senator Skinner, the rules were waived and by two-thirds vote HB 660 was withdrawn from the Committee on Appropriations.

## On motion by Senator Skinner—

**HB 660**—A bill to be entitled An act relating to the investment of state funds; amending s. 18.10(2) and (4), Florida Statutes, 1980 Supplement, specifying types of short-term investments; specifying funds to which earnings from certain investments are to be credited; amending ss. 215.44(1) and (2), and 215.49, Florida Statutes, specifying funds to be invested by the State Board of Administration and to be made available for investment by such board; creating s. 215.535, Florida Statutes, specifying funds to be invested by the State Treasurer and to be made available for investment by the State Treasurer; prescribing procedures for such investments; providing for the adoption of rules; amending ss. 18.15, 121.031, 121.151, 211-31(6), 409.504(1), 420.203, 420.404(1), 601.28(5), Florida Statutes, and ss. 215.32(2)(c), 240.257(3), 288.605, 601.10(9), Florida Statutes, 1980 Supplement, conforming language; requiring the State Board of Administration to transfer to the State Treasurer, upon maturity, certain funds invested by such board; requiring the State Board of Administration to transfer to the State Treasurer outstanding investments as of a certain date; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 603 and read the second time by title. On motion by Senator Skinner, by two-thirds vote HB 660 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—29

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

## Nays—2

Anderson Maxwell

## Vote after roll call:

Yea—Hair, Rehm

SB 603 and CS for SB 603 were laid on the table.

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

**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 jurisdiction 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 references to s. 39.01(21); amending s. 39.12(3), Florida Statutes, 1980 Supplement, deleting references 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.

—as amended passed this day.

On motion by Senator Jenne the Senate reconsidered the vote by which the Senate concurred in House Amendment 1 to Senate Amendment 1 to CS for CS for HB 1095.

Senator Jenne moved the following amendments which were adopted by two-thirds vote:

**Amendment 2 to House Amendment 1 to Senate Amendment 1**—On page 24, strike all of lines 2-6 and insert: *minor shall be delivered to the Department of Health and Rehabilitative Services and the department shall make every reasonable effort to contact the parents, guardian, or responsible adult relative to take custody of the minor. If there is no parent, guardian, or responsible adult relative available, the department may retain custody of the minor for up to 24 hours.*

**Amendment 3 to House Amendment 1 to Senate Amendment 1**—On page 7, lines 29 and 30 and on page 8, line 3, strike "a secure detention facility" and insert: detention care

On motion by Senator Jenne, the Senate concurred in House Amendment 1 to Senate Amendment 1 as further amended by the Senate amendments and the House was requested to concur in the Senate amendments.

CS for CS for HB 1095 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

## Yeas—30

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

## Nays—1

Gordon

Consideration of SB 475 was deferred.

Senator Trask presiding

On motion by Senator Johnston, the rules were waived and by two-thirds vote HB 1214 was withdrawn from the Committees on Finance, Taxation and Claims and Appropriations.

On motion by Senator Johnston—

HB 1214—A bill to be entitled An act relating to the severance tax; amending s. 253.023(2), Florida Statutes, 1980 Supplement; providing a limit to amounts credited to the Conservation and Recreation Lands Trust Fund each fiscal year; providing an effective date.

—a companion measure, was substituted for SB 683 and read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 1214 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

SB 683 was laid on the table.

On motion by Senator D. Childers, the rules were waived and by two-thirds vote CS for HB 277 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator D. Childers—

CS for HB 277—A bill to be entitled An act relating to state officers and employees; amending s. 112.061(5)(b), (6) and (7)(d), Florida Statutes, and adding paragraphs (2)(n) and (3)(f) thereto; defining and authorizing reimbursement for foreign travel; revising travel times on which meal allowances are based and reimbursement rates for certain travel within the state; providing for increases in per diem, meal, and mileage allowances; amending s. 14.071(4), Florida Statutes; correcting a cross reference and revising travel allowances; providing an effective date.

—a companion measure, was substituted for SB 201 and read the second time by title.

Senator D. Childers moved the following amendments which were adopted:

Amendment 1—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. Subsection (6) of section 112.061, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 112.061(6), F.S., for present text.)

112.061 Per diem and traveling expenses of public officers, employees, and authorized persons.—

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—Each public officer, employee, and authorized person traveling to attend a convention, conference, or meeting or to conduct bona fide state business, which convention, conference, meeting or business serves a direct and lawful purpose with relation to the public agency served by the traveler, shall be reimbursed for the following expenses while attending such meeting or conducting such business:

(a) For out-of-state travel.—An out-of-state traveler may be allowed:

1. An amount for meals not to exceed:
  - a. Breakfast ..... \$ 3
  - b. Lunch ..... \$ 6
  - c. Dinner ..... \$12

2. Actual expenses for lodging at a single occupancy rate to be substantiated by paid bills therefor.

(b) For in-state travel.—An in-state traveler may be allowed:

- 1.a. \$50 per diem; or
- b. If actual expenses exceed \$50, the necessary and reasonable expenses for lodging at a single occupancy rate to be substantiated by paid bills therefor, plus the meal allowance provided in subparagraph 2.
2. While on Class C travel on official business an amount for meals not to exceed:
  - a. Breakfast ..... \$ 3
  - b. Lunch ..... \$ 6
  - c. Dinner ..... \$12

(c) No one, whether traveling out-of-state or in-state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state. When lodgings or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodgings or meals, not to exceed the maximum provided for in this subsection.

Section 2. Paragraph (n) is added to subsection (2) and paragraph (f) is added to subsection (3) of section 112.061, Florida Statutes, and paragraph (d) of subsection (7) of said section is amended to read:

112.061 Per diem and traveling expenses of public officers, employees, and authorized persons.—

(2) DEFINITIONS.—For the purposes of this section the following words shall have the meaning indicated:

(n) Foreign travel—travel outside the United States.

(3) AUTHORITY TO INCUR TRAVELING EXPENSES.

(f) The agency head, or his designated representative, may pay by advancement or reimbursement, or a combination thereof, the costs of per diem of travelers and authorized persons for foreign travel at the current rates as specified in the federal publication "Standardized Regulations (Government Civilians, Foreign Areas)" and incidental expenses as provided in this section.

(7) TRANSPORTATION.—

(d)1. The use of privately owned vehicles for official travel in lieu of public-owned vehicles of common carrier may be authorized by the agency head if a public-owned vehicle is not available. Whenever travel is by privately owned vehicle, the traveler shall be entitled to a mileage allowance at a fixed rate of 20 1/2 cents per mile or the common carrier fare for such travel, as determined by the agency head, in 1979-1980 and a mileage allowance at a fixed rate of 19 cents per mile in 1980-1981, provided the Internal Revenue Service authorizes 19 cents per mile in 1980-1981 without actual operating expense justification. If the Internal Revenue Service does not authorize 19 cents per mile for 1980-1981 without actual operating expense justification, the Department of Administration shall seek a waiver for state employees. In the event the waiver request is unsuccessful, the Department of Administration shall pay the maximum allowable by the Internal Revenue Service without actual operating expense justification but in no case shall this be less than 17 cents per mile. The agency head shall authorize payment of the mileage allowance or the common carrier fare for such travel, whichever is appropriate. Reimbursement for expenditures related to the operation, maintenance, and ownership of a vehicle shall not be allowed when privately owned vehicles are used on public business and reimbursement is made pursuant to this paragraph, except as provided in subsection (8).

2. All mileage shall be shown from point of origin to point of destination and, when possible, shall be computed on the basis of the current map of the Department of Transportation. Vicinity mileage necessary for the conduct of official business is allowable but must be shown as a separate item on the expense voucher.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—In title on page 1, lines 1-7, strike everything before the enacting clause and insert: A bill to be entitled An act relating to public officers and employees; amending s. 112.061(6), Florida Statutes; providing for per diem or sub-

sistence allowance for in-state and out-of-state travelers on official business; amending s. 112.061 (2), (3), (6), and (7), Florida Statutes; providing for per diem and traveling expenses for in-state, out-of-state and foreign travelers on official business; providing an effective date.

On motion by Senator D. Childers, by two-thirds vote CS for HB 277 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

## Yeas—31

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

## Nays—1

## Jennings

SB 201 was laid on the table.

On motions by Senator Skinner, by two-thirds vote HB 721 was withdrawn from the Committees on Judiciary-Civil and Appropriations.

On motion by Senator Skinner—

HB 721—A bill to be entitled An act relating to disinterested witnesses; providing for reimbursement of costs incurred by such witnesses in producing documents at certain legal proceedings; providing definitions; providing procedures for reimbursement; providing an effective date.

—a companion measure, was substituted for SB 475. On motions by Senator Skinner, by two-thirds vote HB 721 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	McClain	Steinberg
Beard	Hill	McKnight	Stevens
Carlucci	Jenkins	Neal	Stuart
Childers, D.	Jenne	Peterson	Thomas
Dunn	Jennings	Poole	Tobiasen
Frank	Johnston	Rehm	Trask
Gordon	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	Ware
Hair	Maxwell	Skinner	Winn

## Nays—None

SB 475 was laid on the table.

By the Committee on Governmental Operations and Senators Carlucci and Stuart—

CS for SB 129—A bill to be entitled An act relating to historic preservation; creating ss. 266.001-266.007, Florida Statutes; providing definitions; creating Historic St. Augustine, West Florida Museum of History, and Key West Museum; providing boards of trustees and trust funds therefor; providing membership and terms of office of the boards of trustees; providing organization and powers of the boards; requiring the respective boards to honor obligations of predecessor boards; creating ss. 268.01-268.08, Florida Statutes; providing definitions; providing for creation of historic preservation authorities by counties; providing membership and terms of office of the authorities; providing for custody of funds; creating a Historic Preservation Authority Trust Fund; providing for appropriation and disbursement of moneys; providing powers of authorities; providing responsibilities of the Department of State; authorizing the Department of Legal Affairs to represent an authority; providing that the preservation boards in Boca Raton, Tampa-Hillsborough County, Broward County, and Tallahassee, shall be recognized as the duly constituted authorities for Palm

Beach County, Hillsborough County, Broward County, and Leon County, respectively; providing for transfer of property, records, trust fund balances, personnel, and moneys appropriated for personnel positions; providing for substitution of parties; repealing ss. 266.01-266.07, Florida Statutes, relating to the Historic St. Augustine Preservation Board of Trustees; repealing ss. 266.101-266.108, Florida Statutes, relating to the Historic Pensacola Preservation Board of Trustees; repealing ss. 266.110-266.117, Florida Statutes, relating to the Historic Tallahassee Preservation Board of Trustees; repealing ss. 266.201-266.208, Florida Statutes, relating to the Historic Key West Preservation Board of Trustees; repealing ss. 266.301-266.308, Florida Statutes, relating to the Historic Boca Raton Preservation Board of Commissioners; repealing ss. 266.401-266.407, 266.409 Florida Statutes, relating to the Historic Tampa-Hillsborough County Preservation Board of Trustees; repealing s. 266.408, Florida Statutes, relating to the Ybor City Historic District; repealing s. 266.410, Florida Statutes, relating to the powers of the Secretary of State; repealing ss. 266.501-266.507, Florida Statutes, relating to the Historic Broward County and the Historic Volusia County and Flagler County Preservation Boards of Trustees; providing for legislative review; providing an effective date.

—was read the first time by title and SB 129 was laid on the table.

On motion by Senator Stuart by two-thirds vote CS for SB 129 was read the second time by title.

Senator Stuart moved the following amendments which were adopted:

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

Section 1. Notwithstanding the provisions of the Sundown Act, sections 266.01, 266.02, 266.03, 266.04, 266.05, 266.06, 266.07, 266.101, 266.102, 266.103, 266.104, 266.105, 266.106, 266.110, 266.111, 266.112, 266.113, 266.114, 266.115, 266.201, 266.202, 266.203, 266.204, 266.205, 266.206, 266.301, and 266.401, Florida Statutes, shall not stand repealed on October 1, 1981, as scheduled by said act, but said sections are hereby revived and re-adopted.

Section 2. Sections 266.01, 266.02, 266.03, 266.04, 266.05, 266.06, 266.07, 266.101, 266.102, 266.103, 266.104, 266.105, 266.106, 266.110, 266.111, 266.112, 266.113, 266.114, 266.115, 266.201, 266.202, 266.203, 266.204, 266.205, 266.206, 266.301, and 266.401, Florida Statutes, are repealed October 1, 1987, and shall be reviewed by the Legislature pursuant to the Sundown Act.

Section 3. This act shall take effect October 1, 1981.

Amendment 2—On page 1, strike lines 1-31 and on page 2, lines 1-27 and insert: A bill to be entitled An act relating to the historic preservation boards of trustees; reviving and readopting ss. 266.01-266.07, 266.102-266.106, 266.110-266.115, 266.201-266.206, 266.301, and 266.401, Florida Statutes, notwithstanding the provisions of Sundown Act; providing for future review and repeal; providing an effective date.

Pending further consideration of CS for SB 129 as amended, on motion by Senator Stuart, the rules were waived and by two-thirds vote HB 1091 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Stuart—

HB 1091—A bill to be entitled An act relating to the historic preservation boards of trustees; reviving and readopting ss. 266.01-266.07, 266.101-266.106, 266.110-266.115, 266.201-266.206, 266.301, and 266.401, Florida Statutes, notwithstanding the provisions of Sundown Act; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 129 and read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 1091 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—1

Carlucci

Vote after roll call:

Yea—Peterson

CS for SB 129 was laid on the table.

By the Committee on Commerce and Senators Carlucci and Winn—

CS for SB's 1034 and 987—A bill to be entitled An act relating to alcoholic beverage licenses; adding s. 561.01(14), Florida Statutes, 1980 Supplement; providing a definition; amending s. 561.18, Florida Statutes; providing that applicants for certain alcoholic beverage licenses be fully investigated if selected in a public drawing; amending s. 561.19(2), Florida Statutes, renumbering subsection (3) of said section and adding new subsections (3)-(5) thereto; providing a drawing selection process for alcoholic beverage license applicants with respect to licenses made available by population increases; providing for an initial fee for the issuance of new quota licenses; amending s. 561.20 (1), (2)(a), (c), (3), (6), (7)(b), (c), Florida Statutes, 1980 Supplement; limiting the number of licenses issued based on population; providing qualifications for special restaurant licenses; restricting package sales under certain restaurant alcoholic beverage licenses; establishing a formula to stagger the issuance of new alcoholic beverage licenses in counties; providing for population estimates; permitting current licensees to apply for one additional allotted license per county; providing for maximum number of licenses that may be held within a county; providing a grandfather clause; eliminating transferability restriction for bowling alley licenses; providing qualifications for golf club licenses; providing qualifications for tennis and racquetball club licenses; amending s. 561.24(6) and (7), Florida Statutes; eliminating reference to certain requirements with respect to license renewals for alcoholic beverage licenses; amending s. 561.26, Florida Statutes; providing for annual alcoholic beverage licenses on a semi-annual schedule; amending s. 561.27, Florida Statutes; providing for license renewal; adding s. 561.29(1)(f), Florida Statutes; requiring minimum utilization of allotted licenses and providing exceptions; amending s. 561.32(1), Florida Statutes, and adding a new subsection (2); providing for transfer fees; requiring that certain records accompany an application for transfer; providing a penalty; providing restrictions on transferring newly allotted licenses for 3 years; amending s. 561.33(1), Florida Statutes, and adding subsection (3) thereto; providing for change of location of licenses; amending s. 561.351, Florida Statutes; providing for the annual term of certain licenses; amending s. 561.58, Florida Statutes; providing for the issuance of a license for a previously revoked license; amending s. 565.02(1), (g), Florida Statutes, 1980 Supplement; providing clarification regarding certain license fees; providing an effective date.

—was read the first time by title and SB's 1034 and 987 were laid on the table.

On motion by Senator Hair, by two-thirds vote CS for SB's 1034 and 987 was read the second time by title.

Senator Hair moved the following amendments which were adopted:

**Amendment 1**—On page 6, line 2, strike "General Revenue Fund" and insert: "Hughes Act" fund

**Amendment 2**—On page 14, strike lines 1-8 and insert: (1) Except as provided in s. 561.351, no license shall be issued except annual licenses. Licenses shall be renewed annually, and

the division shall adopt an appropriate rule establishing a semi-annual schedule for license renewals based on a division of the state into two geographic regions which will avoid the necessity of all licenses being renewed in the same period of the year and establishing a pro rata fee schedule and date schedule for initial implementation of a semi-annual renewal system. Licenses designated by the division to be placed on an April 1 through March 31 annual license schedule shall, when they expire on September 30, 1981, be issued a one time 6-month license at one-half the appropriate license fee.

**Amendment 3**—On page 17, line 28, insert: (3)-(2) Licensed manufacturers, distributors, brokers, sales agents, and importers and exporters shall pay a transfer license fee equal to 10 percent of the total state, county, and city, if any, annual license fee.

**Amendment 4**—On page 16, line 8, strike "Subsection (1) of section 561.32" and insert: Section 561.32

**Amendment 5**—On page 20, line 6, insert new sections:

Section 14. Subsections (4) and (5) are added to section 561.14, Florida Statutes, to read:

561.14 License classification.—Licenses referred to in the Beverage Law shall be classified as follows:

(4) Brokers or sales agents, whether resident or nonresident, licensed to sell, or cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else, in this state. Such licensed brokers or sales agents, except as relates to malt beverages, shall only represent one or more primary American sources of supply, registered as such with the division, and may be compensated on a commission or remuneration basis and shall have no direct or indirect affiliation with any vendor licensed in this state. This license classification does not include manufacturers' representatives who are registered with the division under the provisions of ss. 564.045(1) and (2) and 565.095(1) and (2).

(5) Importers, whether resident or nonresident, licensed to sell, or cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else, in this state; provided that the provisions of ss. 564.05 and 565.095 are in no way violated by such imports. Such licensed importers shall have no direct or indirect affiliation with any vendor licensed in this state. The holder of an importer's license shall be considered as having complied with the licensing requirements of a broker or sales agent. This license classification does not include manufacturers' representatives who are registered with the division under the provisions of ss. 564.045(1) and (2) and 565.095(1) and (2).

Section 15. Section 561.342, Florida Statutes, is amended to read:

561.342 County and municipal license tax; caterers, clubs, manufacturers, distributors, brokers, sales agents, importers exporters, and vendors.—

(1) Twenty-four percent of the license taxes imposed under ss. 563.02, 564.02, 565.02(1), (4), and (5), and 565.03 collected within the county shall be returned to the appropriate county tax collector.

(2) Thirty-eight percent of the license taxes imposed under ss. 563.02, 564.02, 565.02(1), (4), and (5), and 565.03 collected within an incorporated municipality shall be returned to the appropriate municipal officer.

(3) No tax on the manufacture, distribution, exportation, transportation, importation, or sale of such beverages shall be imposed by way of license, excise, or otherwise by any municipality, anything in any municipal charter or special or general law to the contrary notwithstanding.

Section 16. Section 561.351, Florida Statutes, is amended to read:

561.351 Manufacturers, distributors, brokers, sales agents, importers exporters, term of license.—All licenses of manufacturers, distributors, brokers, sales agents, and importers exporters shall be issued annually and shall run from October 1 from September 30 to the succeeding September 30, except

that when a manufacturer, distributor, broker, sales agent, or importer ~~exporter~~ begins business after April 1 in any year he may obtain a license expiring on the succeeding September 30 upon the payment of one-half the tax for such annual license.

Section 17. Section 561.55, Florida Statutes, is amended to read:

561.55 Manufacturers', distributors', brokers', sales agents', and importers' ~~exporters'~~ records and reports.—

(1) Manufacturers, distributors, brokers, sales agents, and importers ~~exporters~~ shall each keep a complete and accurate record and make reports showing the amount of beverages manufactured or sold within the state and to whom sold; also, of all beverages imported from beyond the limits of the state and to whom sold; also, all beverages exported beyond the limits of the state, to whom sold, the place where sold, and the address of the person to whom sold. Manufacturers, distributors, brokers, sales agents, and importers ~~exporters~~ shall make full and complete report by the 10th day of each month for the previous calendar month. Said report shall be made out in triplicate, two copies of which shall be sent to the division, the third copy retained for the manufacturer's, distributor's, broker's, sales agent's, or importer's ~~exporter's~~ record. Reports shall be made on forms prepared and furnished by the division.

(2) All manufacturers, distributors, brokers, sales agents, and importers ~~exporters~~ licensed under the Beverage Law shall maintain and keep for a period of 3 years at the licensed place of business such records of alcoholic beverages received, sold, or delivered within or without this state as may be required by the division.

Section 18. Section 565.03, Florida Statutes, is amended to read:

565.03 License fees; manufacturers, distributors, brokers, sales agents, importers ~~exporters~~—

(1)(a) Each liquor manufacturer authorized to do business under the Beverage Law shall pay an annual state license tax for each plant or branch he operates in the state, as follows:

1. If engaged in the business of distilling spirituous liquors and nothing else, a state license tax of \$4,000.

2. If engaged in the business of rectifying and blending spirituous liquors and nothing else, a state license tax of \$4,000.

(b) Persons licensed hereunder in the business of distilling spirituous liquors may also engage in the business of rectifying and blending spirituous liquors without the payment of an additional license tax.

(2) Distributors authorized to do business under the Beverage Law, unless otherwise provided, shall pay a state license tax of \$4,000 for each and every establishment or branch they may operate or conduct in the state. However, in counties having a population of 15,000 or less according to the latest state or federal census, the state license tax for a restricted license shall be \$1,000, but the holder of such a license shall be permitted to sell only to vendors and distributors licensed in the same county, and such license shall contain such restrictions. In such counties, licenses without such restrictions may be obtained as in other counties, but the tax for a license without such restrictions shall be the same as in other counties. Warehouses of a licensed distributor used solely for storage and located in the county which the license is issued to such distributor shall not be construed to be separate establishments or branches.

(3) Each broker or sales agent and each importer ~~exporter~~, as defined in s. 561.14(4) and (5), respectively, shall pay an annual state license tax of \$500 for each and every establishment or branch that such ~~exporter~~ may operate or conduct in this state.

(Renumber subsequent sections accordingly.)

Amendment 6—On page 18, line 30, insert:

Section 12. Section 561.50, Florida Statutes, is amended to read:

561.50 One state tax payment and reports.—

(1) There shall be only one state tax paid as to each gallon or fraction thereof of beverage sold under the Beverage Law, and no other excise tax shall be levied directly or indirectly. Said tax shall be computed from the reports, books, and records of manufacturers and distributors, and the amount so computed shall be remitted with the report required by s. 561.55 to the division at intervals of 1 month, on or before the tenth of each month, for all beverages sold during the previous calendar month, and such payment of tax shall accompany the report required by s. 561.55. If the monthly tax liability of a manufacturer or distributor exceeds the amount of the bond furnished for payment of taxes, the division may, upon a finding based upon substantial and competent evidence that the security of the tax revenue involved is in jeopardy, require a bond equal to the anticipated tax liability of the manufacturer or distributor. Additionally, the division may increase the frequency of the remittance of the tax when the security of the tax involved is in immediate jeopardy or the financial condition of the manufacturer or distributor is unstable and the potential tax liability exceeds the bond furnished under the Beverage Law. In arriving at a conclusion that the security of the tax revenue involved is in jeopardy, the division shall consider and be guided by the prior history, if any, of the manufacturer's or distributor's compliance or noncompliance with beverage tax obligations; the transient or nontransient nature of the manufacturer or distributorship; the type inventory, the manufacturer's or distributor's equity therein, and the mobility of such inventory; the financial status of the manufacturer or distributor; and the anticipated tax obligation of the manufacturer or distributor. ~~require payment each Monday of the tax on the sales for the previous week.~~

(2) Where the tax on alcoholic beverages under the Beverage Law is expressed in gallons, the conversion factor of one liter being the equivalent of 0.26417 gallons shall be used in determining the applicable tax.

Amendment 7—On page 19, line 11, insert new sections 13 and 14:

Section 13. Subsections (1) and (2) of section 561.65, Florida Statutes, are amended, and subsections (4), (5), (6), and (7) are added to said section to read:

561.65 Mortgagee's interest in license.—

(1) Any person ~~lender~~ licensed by the state holding a bona fide mortgage or ~~other~~ lien or security interest in ~~on~~ a spirituous alcoholic beverage license in Florida shall have the right to enforcement of a ~~his~~ lien against the said license within 12 days after any order of revocation or suspension by an administrative officer or department of the government for a cause or causes in which said lienholder did not have knowledge or did not participate. The division shall be required to notify any lienholder properly filing pursuant to subsection (4) of a pending revocation or suspension.

(2) ~~If any said lienholder is~~ The purchaser at a foreclosure sale of said license, he shall have the right to operate under said license, if otherwise lawfully qualified and authorized by the division to do so or to have a reasonable time within which to transfer the said license to some person qualified under the laws of this state to operate such license.

(4) In order to perfect a lien or security interest in a spirituous alcoholic beverage license which may be enforceable against the license, the party which holds the lien or security interest shall, within 90 days of the date of creation of the lien or security interest, record the same with the division on or with forms authorized by the division, which forms shall require the names of the parties and the terms of the obligation. The division shall, upon request, at no more than actual cost, provide copies of all recorded liens or security interests against a spirituous beverage license.

(5) Any foreclosure of a perfected lien in a beverage license shall be in the circuit court in the county in which the beverage license is issued, and the division shall be joined as an indispensable party. All holders of liens senior to the lien being foreclosed shall be joined and deemed necessary parties to the foreclosure.

(6) Upon a judgment of foreclosure, the division shall place the license up for bid, and shall award the license to the highest bidder, who shall pay the amount bid within 5 days of notice by a cashier's check, and the proceeds from the sale of

such license, after deducting expenses of the sale, shall be paid first to the lienholder or lienholders in the order of date of filing, second to creditors who have paid or by law are obligated to pay federal or state excise taxes on purchases by the licensee and the balance shall be paid as directed in the judgment of foreclosure.

(7) The institution of foreclosure procedures or the judicial transfer of a license shall not prevent the division from suspending or imposing a civil penalty against the licensee of record at the time of the alleged violations. However, should the division obtain a revocation of the license against the previous licensee of record, said revocation shall be effective only to impair the qualifications of the officers, directors or stockholders of that licensee.

Section 14. Liens or security interests in spirituous alcoholic beverage licenses existing prior to the effective date of this act shall not be affected by the provisions of this section. (Renumber subsequent sections accordingly.)

Amendment 8—On page 20, after line 6, insert:

Section 14. Section 565.15, Florida Statutes, is amended to read:

565.15 Price affirmation.—

(1) Each 6 months, at such dates as the division shall determine, each primary American source of supply manufacturer or other person authorized to sell distilled spirits to licensed distributors in Florida shall submit to the division a duly verified affirmation that the net prices charged for such distilled spirits, when computed on a single ~~an~~ F.O.B. point of origin basis, whether sold by bottle or case, will be ~~were~~ no higher than the lowest net prices, when computed as defined in this chapter, charged to any distributor in any other state or the District of Columbia or to any state or state agency which owns and operates retail liquor outlets during the same 6-month period. Any such primary American source of supply authorized to sell distilled spirits to licensed distributors in Florida may amend such affirmation by the 15th day of any month, such amended affirmation to take effect on the 1st of the following month. Included in such duly filed affirmation shall be a listing of all of the licensed distributors in Florida to whom distilled spirits will be ~~were~~ sold during such period and the net price, by brand, by bottle or case, to be charged to such distributors. The net price as reported in such duly filed or amended affirmation shall in each event be the gross price charged each distributor less any allowances or discounts in cash or merchandise or any other consideration or anything of intrinsic value received by the distributor. The reporting requirements imposed by this section shall not apply to transactions between distributors licensed in Florida.

(2) At the conclusion of the filing period preceding the effective date of this act, on a one-time basis only, each primary American source of supply authorized to sell distilled spirits to licensed distributors in Florida shall file a duly filed affirmation for the period between the last filing date required under subsection (1) as it existed prior to the effective date of this act.

(3)~~(2)~~ Any violation of this section shall constitute a misdemeanor and shall be punishable as provided by law. In addition, the division may bring a suit for injunction in the courts of this state in any county to enjoin violation of any of the provisions of this act.

(Renumber subsequent section accordingly.)

Amendment 9—On page 10, lines 23 and 24, strike “not included in the limitation as herein provided, and”

Senator Rehm moved the following amendment which was adopted:

Amendment 10—On page 6, line 14, and page 17, line 1 and page 10, line 4 strike “1985” and insert: 1983

Senators Scott and Skinner offered the following amendment which was moved by Senator Scott:

Amendment 11—On page 19, line 11, strike “revocation.” and insert: revocation.

Section 13. Subsection (6) of section 563.06, Florida Statutes, is hereby repealed.

and renumber subsequent sections.

Senator Hair raised a point of order that Amendment 11 was not germane to the bill. The Presiding Officer appointed Senator Dunn, chairman of the Committee on Rules and Calendar, to examine the amendment and advise the Chair.

Senator Dunn advised the Chair that pursuant to Rule 7.4 the amendment was not germane. The Chair ruled the point well taken and the amendment out of order.

Senator Carlucci moved the following amendment which failed:

Amendment 12—On page 20 after line 6, insert: Section 14. Section 562.453, Florida Statutes, is amended to read:

562.453 ~~Certain curb~~ drinking of intoxicating liquor prohibited.—It is unlawful for any person to consume any intoxicating liquor, except malt beverages of legal alcoholic content, while operating a motor vehicle, or at curb or drive in stands, except within the building which is the address of the person holding a license for the sale of such intoxicating liquors.

(Renumber subsequent section accordingly.)

Senator Steinberg moved the following amendments which were adopted:

Amendment 13—On page 20, between lines 6 and 7, insert: Section 14. Paragraph (a) of subsection (3) of section 565.02, Florida Statutes, 1980 Supplement, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(3)(a) Operators of steamships and steamship lines, buses and bus lines, airplanes and airlines engaged in interstate or foreign commerce or plying between fixed terminals and upon fixed schedules in this state may obtain licenses to sell the beverages mentioned in the Beverage Law on steamships, buses, and airplanes operated by such operators on payment of an annual license tax of \$1,100, and in no more than one passenger waiting lounge licensed by the division and operated by an airline licensed herein at each of their terminals in the state for ticketed passengers whose flights are scheduled to depart within 24 hours of service and guests in the company of such ticket-holders, provided further such licensed airline shall have first obtained an appropriate space lease or permit providing for payment of nondiscriminatory rental and concession fees and filed a tariff for such lounge with the Civil Aeronautics Board, and on payment of an additional license tax of \$1,100 per lounge. All of the aforesaid license ~~said~~ tax shall ~~to~~ be paid to the division. Such licenses shall authorize the holders thereof to keep for sale and sell all beverages mentioned in the Beverage Law upon any steamship, bus, or airplane or in any such airline passenger waiting lounge operated by such operators in this state, but said beverages may be sold only to passengers upon such steamships, buses and airplanes and to ticketed passengers and their guests in such airline passenger waiting lounges and may be served only for consumption on such steamships, buses, and airplanes, or in such airline passenger waiting lounges ~~thereon~~. It is unlawful for such licensees to purchase for resale any liquor except in miniature bottles of not more than 2 ounces or liquor in individual containers of not less than one-fifth of 1 gallon. Such sales shall be permitted only while said steamships, buses, and airplanes are in transit and shall not be permitted while such steamships are moored at docks or wharves in ports of this state, while said buses are at stations, or while airplanes are in airports. Every such license shall be good throughout the state. No license shall be required or tax levied by any municipality or county for the privilege of selling such beverages for consumption on such steamships, buses, or airplanes or in such airline passenger waiting lounges. Such beverages shall be sold only on steamships, buses, and airplanes in which are posted certified copies of the license issued to their operators. Certified copies of such license shall be issued by the division upon payment of a fee of \$25 for each certified copy. However, this paragraph shall not apply to operators of pleasure or excursion boats not

having regular round-trip runs of more than 100 miles in each direction, but operators of such pleasure or excursion boats may obtain a license, with such boats being designated as their place of business, upon compliance with all the laws relating to vendors operating places of business where consumption on the premises is permitted. Also, no license to sell the beverages herein defined shall be issued to the operator of any boat which plies upon or is anchored upon the waters of any lake within this state.

**Amendment 14**—In title on page 2, between lines 29 and 30, insert: amending s. 565.02(3)(a), Florida Statutes, 1980 Supplement, providing for the sale of alcoholic beverages in certain airline passenger waiting lounges;

Senator Hair moved the following amendments which were adopted:

**Amendment 15**—In title on page 2, line 29, after the semicolon (;) insert: amending s. 565.15, Florida Statutes, requiring spirituous beverage price affirmation;

**Amendment 16**—In title on page 2, line 27, after the semicolon insert: amending s. 561.65(1) and (2), Florida Statutes, and adding subsections thereto, providing for enforcement of liens on spirituous alcoholic beverage licenses; requiring the Division of Alcoholic Beverages and Tobacco to notify certain lienholders of pending license revocations or suspensions; providing a procedure for foreclosure by lenders against alcoholic beverage license holders; providing for notification to the Division of Alcoholic Beverages and Tobacco of any lien against an alcoholic beverage license before such lien can be enforced; providing an exception;

**Amendment 17**—On page 2, line 24, after the semi-colon (;) insert: amending s. 561.50, Florida Statutes; providing that the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation may increase the bond requirement of licensed manufacturers and distributors for the payment of taxes under certain conditions; providing a metric conversion figure for tax computation purposes;

**Amendment 18**—In title on page 2, line 29, after the semicolon insert: adding subsections (4) and (5) to s. 561.14, Florida Statutes, providing for licensing of brokers or sales agents and importers; amending s. 561.342, Florida Statutes, providing for distribution of license taxes; amending s. 561.351, Florida Statutes, providing term of license; amending s. 561.55, Florida Statutes, providing requirements for records and reports; amending s. 565.03, Florida Statutes, deleting reference to exporter license fees and establishing annual license fees for importers and brokers or agents;

**Amendment 19**—In title on page 2, line 14, strike "(1)"

Pending further consideration of CS for SB's 1034 and 987 as amended, on motions by Senator Hair, the rules were waived and by two-thirds vote CS for HB's 665, 666, 667, 668, 669, and 670 was withdrawn from the Committees on Commerce; and Finance, Taxation and Claims.

On motion by Senator Hair—

CS for HB's 665, 666, 667, 668, 669 and 670—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.24(6) and (7), Florida Statutes, eliminating reference to certain requirements with respect to license renewals for alcoholic beverage licenses; amending s. 561.26, Florida Statutes, providing for annual alcoholic beverage licenses on a semi-annual schedule; amending s. 561.27, Florida Statutes, providing for license renewal; amending s. 561.33(1), Florida Statutes, and adding subsection (3) thereto, providing for change of location of licensees; amending s. 561.351, Florida Statutes, providing for the annual term of certain licenses; amending s. 561.58, Florida Statutes, providing for the issuance of a license for a previously revoked license; amending s. 561.18, Florida Statutes, providing that applicants for certain alcoholic beverage licenses shall be fully investigated if selected in a public drawing; amending s. 561.19(2), Florida Statutes, and adding new subsections (3) and (4) thereto, providing a

drawing selection process for alcoholic beverage license applicants with respect to licenses made available by population increases; amending s. 561.20(1), (2)(a), (3) and (6), Florida Statutes, 1980 Supplement, establishing a formula to stagger the issuance of new alcoholic beverage licenses in counties; restricting package sales under certain alcoholic beverage licenses; permitting current licensees to apply for one additional allotted license per county; providing for maximum number of licenses that may be held within a county; providing a grandfather clause; authorizing the annual issuance of new licenses based on state population estimates; authorizing use of population estimates for reinstatement of revoked licenses; adding a subsection to s. 561.19, Florida Statutes, establishing an initial liquor license fee and providing for the disposition of revenues derived therefrom; amending s. 561.32(1) and (2), Florida Statutes, and adding a new subsection (2), providing for transfer fees; requiring that certain records accompany an application for transfer; providing a penalty; providing restrictions on transferring newly allotted licenses for 3 years; providing for transfer of license; adding paragraph (f) to s. 561.29(1), Florida Statutes; requiring minimum utilization of allotted licenses and providing exceptions; amending s. 212.02(12), Florida Statutes, 1980 Supplement, providing for applicability of sales tax to liquor license transfers; creating s. 212.25, Florida Statutes, providing a presumption of assessed value; amending s. 561.50, Florida Statutes, providing that the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation may increase the bond requirement of licensed manufacturers and distributors for the payment of taxes under certain conditions; providing a metric conversion figure for tax computation purposes; amending s. 565.15(1), Florida Statutes, requiring a price affirmation; adding subsections (4) and (5) to s. 561.14, Florida Statutes, providing for licensing of brokers or sales agents and importers; amending s. 561.342, Florida Statutes, providing for distribution of license taxes; amending s. 561.351, Florida Statutes, providing term of license; amending s. 561.55, Florida Statutes, providing requirements for records and reports; amending s. 565.03, Florida Statutes, deleting reference to exporter license fees and establishing annual license fees for importers and brokers or agents; adding subsection (14) to s. 561.01, Florida Statutes, 1980 Supplement, providing a definition; amending s. 561.20(2)(c) and (7)(b) and (c), Florida Statutes, 1980 Supplement, eliminating transferability restriction for bowling alley licenses; providing qualifications for golf club licenses; providing qualifications for tennis and racquetball club licenses; amending s. 565.02(4), Florida Statutes, 1980 Supplement, providing exemptions for tennis and racquetball club licensees with respect to certain rules governing clubs; amending s. 562.453, Florida Statutes, making drinking alcoholic beverages while driving a motor vehicle unlawful; providing an effective date.

—a companion measure, was substituted for CS for SB's 1034 and 987 and read the second time by title.

Senator Hair moved the following amendments which were adopted:

**Amendment 1**—On page 4, line 4, strike everything after the enacting clause and insert: Section 1. Subsection (14) is added to section 561.01, Florida Statutes, 1980 Supplement, to read:

561.01 Definitions.—As used in the Beverage Law:

(14) "Licensee," "applicant" or "person" means an individual, corporation, firm, partnership, limited partnership, incorporated or unincorporated association, professional association, or any other legal or commercial entity, or combination of such entities, or any such entity having a financial interest, directly or indirectly, in such entity.

Section 2. Section 561.18, Florida Statutes, is amended to read:

561.18 License investigation.—After the application has been filed with the local district office supervisor, the district supervisor shall cause the application to be fully investigated, both as to qualifications of the applicants and a manager or person to be in charge and the premises and location sought to be licensed, except that in the event of any licenses issued pursuant to s. 561.19(2), the division shall cause only those applications selected by public drawing in the order selected to be fully investigated.

Section 3. Subsection (2) of section 561.19, Florida Statutes, is amended, present subsection (3) is renumbered as subsection (6) and new subsections (3), (4) and (5) are added to said section to read:

**561.19 License issuance upon approval of division.—**

(2) *When beverage licenses which are available by reason of an increase in population of a county or are available by reason of a county permitting the sale of intoxicating beverages when the same is prohibited, the division shall, if there are more applicants than the number of available licenses, provide a method of double random selection by public drawing to determine which applicant or applicants shall be considered for issuance of a license. The double random selection drawing method shall allow each applicant whose application is complete and does not facially disclose any matter rendering the applicant ineligible an equal opportunity of obtaining an available license. After all applications are filed with the director the director shall then determine by random selection drawing the order in which each applicant's name shall be matched with a number selected by random drawing and that number shall determine the order in which the applicant will be considered for a license. Subject to this selection process, if an applicant is found qualified as provided by the beverage law a license shall be granted. However, it shall not be issued until and unless the applicant establishes to the satisfaction of the director that the premises to be licensed qualifies under the beverage law. The director shall not include more than one application from any one person, firm or corporation in a random selection process nor consider more than one application for any one person, firm or corporation where there are fewer applications than available licenses. If the division finds that the applicant and premises have such qualifications as required by the Beverage Law, it shall approve the application. If the application is disapproved, any applicant may at any time within 30 days after such disapproval and notice thereof file with the division a request in writing for a review of such disapproval by the Department of Business Regulation. The division shall thereupon certify its findings on which the disapproval was based to the said department which shall review the same and order the application to be granted or denied as justice shall require.*

(3) *In the event that the number of applications does not exceed the number of licenses available, the drawing provided in subsection (2) shall not be held but any licenses shall be issued in accordance with the provisions of subsection (2).*

(4) *The granting of licenses pursuant to subsection (2) or (3) shall not be governed by the provisions of s. 120.60. The granting of any such license shall occur no later than 180 days after a drawing is held pursuant to notice published in the Florida Administrative Weekly or in the event no drawing is held, within 180 days of the final date for filing applications. Any applicant who is not included in the pool for drawing to determine priority shall file, within 30 days of the date of mailing of notice to such applicant, a challenge to such action pursuant to s. 120.57 or the right to file any action as to such matter shall be forever lost. Any applicant whose name is included in the pool for drawing to determine priority but who is not granted a license shall be entitled to request a hearing on the denial pursuant to s. 120.57 only on the grounds that the selection process was not conducted in accordance with law or that the licensee selected does not possess the qualifications required by law.*

(5) *A fee of \$5,000 shall be collected from each person, firm, or corporation who is issued a new liquor license subject to the limitation imposed in s. 561.20(1) as provided in this section. This initial license fee shall not be imposed on license renewals, and shall be in addition to the license fees imposed by s. 565.02. The revenues collected from the initial license fee imposed by this subsection shall be deposited in the "Hughes Act" fund.*

Section 4. Subsections (1), (3), and (6) of section 561.20, Florida Statutes, 1980 Supplement, paragraphs (a) and (c) of subsection (2), and paragraphs (b) and (c) of subsection (7) of said section are amended to read:

**561.20 Limitation of number of licenses issued.—**

(1) *No license under s. 565.02(1)(a)-(f), inclusive, shall be issued so that the number of such licenses within the limits of the territory of any county shall exceed one such license to each 2,500 residents, or major fraction thereof, within such county, as shown by the last regular statewide census, either*

*federal or state, and beginning on July 1, 1983, by the last regular population estimate prepared pursuant to s. 23.019, for such county. Such population estimates shall be the basis for annual license issuance regardless of any local acts to the contrary. However, such limitation shall not prohibit the issuance of at least three licenses in any county that may approve the sale of intoxicating liquors in such county.*

(a) *Where licenses become available according to the last regular statewide census, either federal or state, for any county, the division shall be authorized to issue said licenses during the 5 successive odd-numbered years commencing in 1981 at the rate of one-fifth of such available licenses during each issuing year with any fraction carried over and calculated in the fifth issuing year. In any county wherein the number of such new licenses is less than five, the division may issue one such license in each issuing year commencing in 1981. New licenses may be issued according to the state population estimate prepared pursuant to s. 23.019 commencing in 1983 regardless of the number of licenses issued as set forth herein.*

(b) *The limitation of this section shall not prohibit the issuance of at least three licenses in any county that may approve the sale of intoxicating liquors where the same are prohibited. However, such limitation shall not prohibit the issuance of at least three licenses in any county that may approve the sale of intoxicating liquors in such county.*

(2)(a) *No such limitation of the number of licenses as herein provided shall henceforth prohibit the issuance of a special license to:*

1. *Any bona fide hotel, motel, or motor court of not less than 100 guest rooms;*

2. *Any condominium accommodation of which no less than 100 condominium units are wholly rentable to transients and which is licensed under the provisions of chapter 509, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners; or*

3. *Any restaurant having 2,500 square feet of service area and equipped to serve 150 persons full-course meals at tables at one time, and deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages, provided, that no restaurant granted a special license on or after January 1, 1958, pursuant to general or special law shall operate as a package store nor shall intoxicating beverages be sold under such license after the hours of serving food have elapsed. However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law shall not be moved to a new location, such licenses being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under the provisions of this law shall be issued only to the owner of said hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of said owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under the provisions of this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of said owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately prior to the effective date of this act, if construction of such restaurant has commenced prior to the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein shall prevent an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.*

(c) In addition to any special licenses that may be issued under the provisions of paragraph (a), the division is authorized to issue special licenses to qualified applicants who own or lease bowling establishments having 12 or more lanes and all necessary equipment to operate same. Any license issued for any bowling establishment under the provisions of this paragraph shall be issued only to the owner of the bowling establishment or, in the event the bowling establishment is leased, to the lessee of the bowling establishment; and the license shall remain in the name of said owner or lessee so long as the license is in existence. Any such license issued under this paragraph shall not be moved to a new location and shall not be transferred in any manner whatsoever. No license issued pursuant to this paragraph shall permit the licensee to sell alcoholic beverages by the package for off-the-premises consumption. The provisions of this paragraph shall not preclude any bowling establishment from holding a beverage license issued pursuant to any other provision of this section.

(3) The limitation upon the number of such licenses to be issued as herein provided shall not apply to existing licenses or to the renewal or transfer of such licenses; but upon the revocation of any existing license, no renewal thereof or new license therefor shall be issued contrary to the limitation herein prescribed. However, the beverage director may reissue a license under s. 565.02(1)(b) to any qualified applicant within any municipality in which there is only one license, which formerly had an additional license which has heretofore been revoked, and which has sufficient population as shown by the last regular statewide federal census or population estimate beginning July 1, 1983 to warrant the additional license. The transfer permitted herein shall not include the change in location of any licensed premises as provided in s. 561.33 of the Beverage Law when such change of location will increase the number of licenses contrary to the limitation upon the number of such licenses as herein provided.

(6) When additional licenses are available by reason of an increase in population, or by reason of a county permitting the sale of intoxicating beverages when the same is prohibited, no current alcoholic beverage licensee or holder of a direct or indirect interest in an alcoholic beverage license during the immediately preceding 12 months shall be entitled to apply for and, if selected as provided by law, receive more than one such newly available license per county. The division may issue up to 50 percent of the number of new licenses that become available by reason of the 1980 federal decennial census or any subsequent federal decennial census or state population estimate to persons and locations having alcoholic beverage licenses provided that more than one such license is authorized for a county no person, firm, or corporation already holding a liquor license shall be permitted to own or have any interest, directly or indirectly, in any such additional licenses, or when additional licenses are available by reason of a county permitting the sale of intoxicating beverages when the same is prohibited, no person, firm, or corporation will be permitted to own or have any interest, directly or indirectly, in more than one license. This limitation is enacted pursuant to the police power of the state, for the express purpose of promoting the public health, morals, and welfare. This limitation shall only apply when a license is originally issued after first becoming available and shall not apply to subsequent transfers of such licenses as are authorized by law or to renewals of such licenses; provided, however, in no event shall any person, firm or corporation licensed as a vendor under subsection (1) have an interest, directly or indirectly, in more than 30 percent of the number of licenses authorized for issuance in such county. Notwithstanding the foregoing limitation, any licensed vendor having an interest, directly or indirectly, in more than 30 percent of the licenses authorized for issuance in any one county on July 1, 1981, may continue to qualify for such licenses from the original purchaser thereof, or to renewals of such licenses.

(7)

(b) Any chartered or incorporated club owning or leasing and maintaining any bona fide regular, standard golf course consisting of at least nine holes, with clubhouse, locker rooms, and attendant golf facilities and comprising in all at least 35 70 acres of land owned or leased by such club may be issued a license under s. 565.02(4); but failure of such club to maintain golf course and golf facilities shall be grounds for revocation of license.

(c) Any chartered or incorporated club owning or leasing and maintaining any bona fide tennis club or four-wall indoor racquetball club consisting of not less than 10 regulation-size tennis courts or 10 regulation-size four-wall indoor racquetball courts, or a combination of such courts totaling, in the aggregate, not less than 10 courts, with clubhouse facilities, pro shop, locker rooms, and attendant tennis or racquetball facilities, all located on a contiguous tract of land owned or leased by such club, may be issued a license under s. 565.02(4); but failure of such club to maintain such courts and facilities shall be grounds for revocation of any such license so issued. Any racquetball or tennis club which has been constructed and completed on or before July 1, 1980, and which contains the requisite number of courts of proper size and attendant facilities may be granted a license without the necessity of securing additional approval from the incorporated municipality or county in which the racquetball or tennis club facility is located. It is intended that this subsection be an exception to s. 562.45(2) preempting the zoning power of local government to the state only in instances involving tennis and racquetball clubs constructed and completed on or before July 1, 1980. Nothing in this paragraph, however, shall be construed to limit the power of incorporated municipalities or counties to enact ordinances regulating hours of business and prescribing sanitary regulations for such racquetball or tennis club facilities.

Section 5. Subsections (6) and (7) of section 561.24, Florida Statutes, are amended to read:

561.24 Licensing out-of-state manufacturers as distributors or exporters prohibited; procedure for issuance and renewal of distributors' or exporters' licenses.—

(6) Any person, copartnership or corporation applying for a distributor's or exporter's license or a renewal thereof under the provisions of this section, shall file a written or printed application therefor with the division. Such application shall be sworn to by the applicant or a member of the copartnership or an officer of the corporation, depending upon whether the applicant is an individual, copartnership, or corporation. Forms for such applications shall be provided by the division. Every such application shall set forth clear and detailed information necessary and sufficient to establish the right of the applicant under the provisions of this section to receive a or renew its license, as the case may be. The information herein required to be set forth shall be in addition to any information required to be set forth by any other provision of applicable law. Any application failing to comply fully with the provisions of this section shall be denied.

(7) The procedure otherwise provided in this chapter with regard to every application for license as a distributor or exporter with the addition thereto of the procedure provided by this section, shall be followed with regard to every application for a license as a distributor or exporter and every application for any renewal of such license; provided, s. 561.27 shall have no application to the renewal of a license of any distributor or exporter, except that no license of any distributor or exporter shall be renewed if the license of such distributor or exporter and continuations thereof shall have been revoked or the qualifications of such distributor shall have been impaired.

Section 6. Section 561.26, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 561.26, F.S., for present text.)

561.26 Term of licenses.—

(1) Except as provided in s. 561.351, no license shall be issued except annual licenses. Licenses shall be renewed annually, and the division shall adopt an appropriate rule establishing a semi-annual schedule for license renewals based on a division of the state into two geographic regions which will avoid the necessity of all licenses being renewed in the same period of the year and establishing a pro rata fee schedule and date schedule for initial implementation of a semi-annual renewal system. Licenses designated by the division to be placed on an April 1 through March 31 annual license schedule shall, when they expire on September 30, 1981, be issued a one time 6-month license at one-half the appropriate license fee.

(2) Establishments that apply for licenses at times other than the annual renewal date fixed by the division for such establishments shall be required to pay the full annual fee if

license issuance occurs more than 6 months before the next renewal date fixed by the division; if such issuance occurs less than 6 months before the next renewal date fixed by the division, the license fee shall be one-half of the annual fee.

Section 7. Section 561.27, Florida Statutes, is amended to read:

**561.27 Renewing license.—**

(1) A licensee under the Beverage Law shall be entitled to a renewal of his annual license from year to year, as a matter of course, in accordance with a schedule of license renewals as established by the division, on or before September 30 by presenting the license for the previous year or satisfactory evidence of its loss or destruction to the division and by paying the annual license tax and giving any bond required of such licensee under the Beverage Law.

(2) A license may be renewed subsequent to expiration of license September 30 of each year only upon making to the division a delinquent application for approval, accompanied by an affidavit stating that no sales or purchases of alcoholic beverages have been made subsequent to expiration of license September 30, and upon payment of a penalty of \$5 for each month or fraction of a month of delinquency, or upon payment of a penalty of 5 percent of the license fee, whichever amount is the greater. All licenses not renewed within 60 days of expiration September 30 will be canceled by the division unless such license is involved in litigation; however, the division may allow a licensee to renew the license subsequent to the 60-day period after good and sufficient cause for the delinquency has been shown to the division by the licensee.

Section 8. Paragraph (f) is added to subsection (1) of section 561.29, Florida Statutes, to read:

**561.29 Revocation and suspension of license; power to subpoena.—**

(1) The division is given full power and authority to revoke or suspend the license of any person holding a license under the Beverage Law, when it is determined or found by the division upon sufficient cause appearing of:

(f) Failure by the holder of any license under s. 561.20(1) to maintain the licensed premises in an active manner in which the licensed premises are open for the bona fide sale of authorized alcoholic beverages during regular business hours of at least 6 hours per day for a period of 120 days or more during any 12-month period commencing 18 months after the acquisition of the license by the licensee, regardless of the date the license was originally issued. All licenses issued under s. 561.20(1) which are placed with the division in an inactive status at the request of the licensee prior to October 1, 1981, and the license tax paid thereon from year to year shall not be subject to the restrictions of this subsection until October 1, 1983. The division may waive or extend the requirement of this section upon the finding of a hardship, including the purchasing of the license in order to transfer it to a newly constructed or remodeled location. However, during such closed period the licensee shall make reasonable efforts toward restoring the license to active status. This paragraph shall apply to all annual license periods commencing on or after July 1, 1981.

Section 9. Section 561.32, Florida Statutes, is amended, subsection (2) is renumbered as subsection (3), and a new subsection (2) is added to said section to read:

**561.32 Transfer of licenses.—**

(1) Licenses issued under the provisions of the Beverage Law shall not be transferable except as follows: When a licensee shall have made a bona fide sale of the business which he is so licensed to conduct he may obtain a transfer of such license to the purchaser of said business, provided the application of the purchaser shall be approved by the division in accord with the same procedure provided for in ss. 561.17, 561.18, and 561.19, in the case of issuance of new licenses. However, no one shall be entitled as a matter of right to a transfer of a license when revocation or suspension proceedings have been instituted against a licensee, and transfer of license in any such case shall be within the discretion of the division. Before the issuance of any transfer of license herein provided, the transferee shall pay a transfer fee of 10 percent of the annual license tax to the

division, except for those licenses issued pursuant to s. ~~ss. 561.20 and 565.02(1)(a)-(f)~~, inclusive and subject to the limitation imposed in s. 561.20(1), for which the transfer fee shall be assessed on the average annual value of gross sales of alcoholic beverages for the 3 years immediately preceding transfer and levied at the rate of 4 mills; provided that such transfer fee shall not exceed \$5,000 or in lieu of the 4-mill assessment, the transferor may elect to pay \$5,000 and further provided that the maximum fee shall be applied with respect to any such license which has been inactive for said 3-year period. Records establishing said value shall accompany the application for transfer of the license, and falsification of such records shall be punishable as provided in s. 562.45. All transfer fees collected by the division on the transfer of licenses issued pursuant to s. 565.02(1) and subject to the limitation imposed in s. 561.20(1) shall be returned by the division to the county in which such transferred license is operated if operated in the unincorporated area of the county or to the municipality in which such transferred license is operated. ~~\$100 or 10 percent of the annual license tax, whichever is greater.~~

(2) Any license issued under s. 561.20(1) shall not be transferable in any manner either directly or indirectly, including any change in stock, partnership shares or other form of ownership of any entity holding any said license, except by probate or guardianship proceedings, for a period of 3 years from the date of original issuance. Any attempted assignment, sale or transfer of interest in such license either directly or indirectly in violation of this provision is hereby declared void and said license shall be deemed abandoned and shall revert to the state to be issued as provided by law for new licenses.

(3) ~~(2)~~ Licensed manufacturers, distributors, brokers, sales agents, and importers and exporters shall pay a transfer license fee equal to 10 percent of the total state, county, and city, if any, annual license fee.

Section 10. Subsection (1) of section 561.33, Florida Statutes, is amended and subsection (3) is added to said section to read:

**561.33 Licensee moving to new location; changing name of business.—**

(1) Any licensee may move his place of business and sell at his new place of business upon approval by the division of the licensee's application for such change of location. Upon approval of the application, there shall be issued to such licensee a license for the new location without the payment of any further fee or tax. However, if the new place of business is in a county having a different license tax year from the county where the original license was issued, an additional appropriate license tax shall be paid by the licensee before the issuance of the license applied for if the new location is in an area which effects an extension of the licensing period for the licensee.

(3) Nothing herein shall be construed to permit the transfer or issuance of licenses contrary to the county by county limitation on the number of such licenses based on population as provided in s. 561.20(1).

Section 11. Section 561.351, Florida Statutes, is amended to read:

**561.351. Manufacturers and, distributors, passenger common carriers exporters; term of license.—**All licenses of manufacturers, distributors, and passenger common carriers as provided for under s. 565.02 exporters shall be issued annually and shall run from October 1 September 30 to the succeeding September 30, except that when a manufacturer, distributor, or passenger common carrier exporter begins business after April 1 in any year he may obtain a license expiring on the succeeding September 30 upon the payment of one-half the tax for such annual license.

Section 12. Section 561.58, Florida Statutes, is amended to read:

**561.58 Issuance of license for a prior license revoked.—**When a license is revoked by the division, it may prohibit or permit a license to be issued for the location of the place of business formerly operated under such revoked license. The maximum period of time that any such license shall be prohibited by the division from any such place of business shall be 2 years from the succeeding license renewal date as fixed by the division October 1 following such revocation.

Section 13. Paragraph (g) of subsection (1) of section 565.02, Florida Statutes, 1980 Supplement, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(1) The following state license taxes shall apply to vendors who are permitted to sell any alcoholic beverages regardless of alcoholic content:

(g) Vendors operating places of business where consumption on the premises is permitted and which have more than three ~~permanent~~ separate rooms or enclosures in which permanent bars or counters are located from which alcoholic beverages are served ~~locations serving alcoholic beverages~~ for consumption on the licensed premises shall pay in addition to the license tax imposed in paragraphs (b), (c), (d), (e), and (f), \$1,000. However, such permanent bars or counters ~~separate locations~~ shall not include service bars not accessible to the public or portable or temporary bars being used for a single occasion or event. Golf club license holders may operate service bars or portable or temporary bars on the grounds contiguous to their licensed premises and shall pay \$100 for a certified copy of the club license, which shall be posted on the bar. The area contiguous to the licensed premises shall be considered an extension of the licensed premises upon payment of the fee, posting of the certified copy of the license, and notation of such extension upon the sketch accompanying the original license application.

Section 14. Subsections (4) and (5) are added to section 561.14, Florida Statutes, to read:

561.14 License classification.—Licenses referred to in the Beverage Law shall be classified as follows:

(4) Brokers or sales agents, whether resident or non-resident, licensed to sell, or cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else, in this state. Such licensed brokers or sales agents, except as relates to malt beverages, shall only represent one or more primary American sources of supply, registered as such with the division, and may be compensated on a commission or remuneration basis and shall have no direct or indirect affiliation with any vendor licensed in this state. This license classification does not include manufacturers' representatives who are registered with the division under the provisions of ss. 564.045(1) and (2) and 565.095(1) and (2).

(5) Importers, whether resident or nonresident, licensed to sell, or cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else, in this state; provided that the provisions of ss. 564.045 and 565.095 are in no way violated by such imports. Such licensed importers shall have no direct or indirect affiliation with any vendor licensed in this state. The holder of an importer's license shall be considered as having complied with the licensing requirements of a broker or sales agent. This license classification does not include manufacturers' representatives who are registered with the division under the provisions of ss. 564.045(1) and (2) and 565.095(1) and (2).

Section 15. Section 561.342, Florida Statutes, is amended to read:

561.342 County and municipal license tax; caterers, clubs, manufacturers, distributors, brokers, sales agents, importers exporters, and vendors.—

(1) Twenty-four percent of the license taxes imposed under ss. 563.02, 564.02, 565.02(1), (4), and (5), and 565.03 collected within the county shall be returned to the appropriate county tax collector.

(2) Thirty-eight percent of the license taxes imposed under ss. 563.02, 564.02, 565.02(1), (4), and (5), and 565.03 collected within an incorporated municipality shall be returned to the appropriate municipal officer.

(3) No tax on the manufacture, distribution, exportation, transportation, importation, or sale of such beverages shall be imposed by way of license, excise, or otherwise by any municipality, anything in any municipal charter or special or general law to the contrary notwithstanding.

Section 16. Section 561.351, Florida Statutes, is amended to read:

561.351 Manufacturers, distributors, brokers, sales agents, importers exporters; term of license.—All licenses of manufacturers, distributors, brokers, sales agents, and importers exporters shall be issued annually and shall run from October 1 ~~from September 30~~ to the succeeding September 30, except that when a manufacturer, distributor, broker, sales agent, or importer exporter begins business after April 1 in any year he may obtain a license expiring on the succeeding September 30 upon the payment of one-half the tax for such annual license.

Section 17. Section 561.55, Florida Statutes, is amended to read:

561.55 Manufacturers', distributors', brokers', sales agents', and importers' exporters' records and reports.—

(1) Manufacturers, distributors, brokers, sales agents, and importers exporters shall each keep a complete and accurate record and make reports showing the amount of beverages manufactured or sold within the state and to whom sold; also, of all beverages imported from beyond the limits of the state and to whom sold; also, all beverages exported beyond the limits of the state, to whom sold, the place where sold, and the address of the person to whom sold. Manufacturers, distributors, brokers, sales agents, and importers exporters shall make full and complete report by the 10th day of each month for the previous calendar month. Said report shall be made out in triplicate, two copies of which shall be sent to the division, the third copy retained for the manufacturer's, distributor's, broker's, sales agent's, or importer's exporter's record. Reports shall be made on forms prepared and furnished by the division.

(2) All manufacturers, distributors, brokers, sales agents, and importers exporters licensed under the Beverage Law shall maintain and keep for a period of 3 years at the licensed place of business such records of alcoholic beverages received, sold, or delivered within or without this state as may be required by the division.

Section 18. Section 565.03, Florida Statutes, is amended to read:

565.03 License fees; manufacturers, distributors, brokers, sales agents, importers exporters.—

(1)(a) Each liquor manufacturer authorized to do business under the Beverage Law shall pay an annual state license tax for each plant or branch he operates in the state, as follows:

1. If engaged in the business of distilling spirituous liquors and nothing else, a state license tax of \$4,000.

2. If engaged in the business of rectifying and blending spirituous liquors and nothing else, a state license tax of \$4,000.

(b) Persons licensed hereunder in the business of distilling spirituous liquors may also engage in the business of rectifying and blending spirituous liquors without the payment of an additional license tax.

(2) Distributors authorized to do business under the Beverage Law, unless otherwise provided, shall pay a state license tax of \$4,000 for each and every establishment or branch they may operate or conduct in the state. However, in counties having a population of 15,000 or less according to the latest state or federal census, the state license tax for a restricted license shall be \$1,000, but the holder of such a license shall be permitted to sell only to vendors and distributors licensed in the same county, and such license shall contain such restrictions. In such counties, licenses without such restrictions may be obtained as in other counties, but the tax for a license without such restrictions shall be the same as in other counties. Warehouses of a licensed distributor used solely for storage and located in the county in which the license is issued to such distributor shall not be construed to be separate establishments or branches.

(3) Each broker or sales agent and each importer exporter, as defined in s. 561.14(4) and (5), respectively, shall pay an annual state license tax of \$500 ~~for each and every establishment or branch that such exporter may operate or conduct in this state.~~

Section 19. Section 565.15, Florida Statutes, is amended to read:

565.15 Price affirmation.—

(1) Each 6 months, at such dates as the division shall determine, each *primary American source of supply manufacturer or other person* authorized to sell distilled spirits to licensed distributors in Florida shall submit to the division a duly verified affirmation that the net prices charged for such distilled spirits, when computed on a *single an* F.O.B. point of origin basis, whether sold by bottle or case, *will be were* no higher than the lowest net prices, when computed as defined in this chapter, charged to any distributor in any other state or the District of Columbia or to any state or state agency which owns and operates retail liquor outlets during the same 6-month period. *Any such primary American source of supply authorized to sell distilled spirits to licensed distributors in Florida may amend such affirmation by the 15th day of any month, such amended affirmation to take effect on the 1st of the following month.* Included in such duly filed affirmation shall be a listing of all of the licensed distributors in Florida to whom distilled spirits *will be were* sold during such period and the net price, by brand, by bottle or case, *to be charged to* such distributors. The net price as reported in such duly filed *or amended* affirmation shall in each event be the gross price charged each distributor less any allowances or discounts in cash or merchandise or any other consideration or anything of intrinsic value received by the distributor. The reporting requirements imposed by this section shall not apply to transactions between distributors licensed in Florida.

(2) *At the conclusion of the filing period preceding the effective date of this act, on a one-time basis only, each primary American source of supply authorized to sell distilled spirits to licensed distributors in Florida shall file a duly filed affirmation for the period between the last filing date required under subsection (1) as it existed prior to the effective date of this act.*

(3)(2) Any violation of this section shall constitute a misdemeanor and shall be punishable as provided by law. In addition, the division may bring a suit for injunction in the courts of this state in any county to enjoin violation of any of the provisions of this act.

Section 20. Section 561.50, Florida Statutes, is amended to read:

561.50 One state tax payment and reports.—

(1) There shall be only one state tax paid as to each gallon or fraction thereof of beverage sold under the Beverage Law, and no other excise tax shall be levied directly or indirectly. Said tax shall be computed from the reports, books, and records of manufacturers and distributors, and the amount so computed shall be remitted with the report required by s. 561.55 to the division at intervals of 1 month, on or before the tenth of each month, for all beverages sold during the previous calendar month, and such payment of tax shall accompany the report required by s. 561.55. If the monthly tax liability of a manufacturer or distributor exceeds the amount of the bond furnished for payment of taxes, the division may, upon a finding based upon substantial and competent evidence that the security of the tax revenue involved is in jeopardy, require a bond equal to the anticipated tax liability of the manufacturer or distributor. Additionally, the division may increase the frequency of the remittance of the tax when the security of the tax involved is in immediate jeopardy or the financial condition of the manufacturer or distributor is unstable and the potential tax liability exceeds the bond furnished under the Beverage Law. In arriving at a conclusion that the security of the tax revenue involved is in jeopardy, the division shall consider and be guided by the prior history, if any, of the manufacturer's or distributor's compliance or noncompliance with beverage tax obligations; the transient or nontransient nature of the manufacturer or distributorship; the type inventory, the manufacturer's or distributor's equity therein, and the mobility of such inventory; the financial status of the manufacturer or distributor; and the anticipated tax obligation of the manufacturer or distributor. ~~require payment each Monday of the tax on the sales for the previous week.~~

(2) Where the tax on alcoholic beverages under the Beverage Law is expressed in gallons, the conversion factor of

*one liter being the equivalent of 0.26417 gallons shall be used in determining the applicable tax.*

Section 21. Subsections (1) and (2) of section 561.65, Florida Statutes, are amended, and subsections (4), (5), (6), and (7) are added to said section to read:

561.65 Mortgagee's interest in license.—

(1) Any *person lender licensed by the state holding a bona fide mortgage or other lien or security interest in* a spirituous alcoholic beverage license in Florida shall have the right to enforcement of a *his* lien against the said license within 12 days after any order of revocation or suspension by an administrative officer or department of the government for a cause or causes in which said lienholder did not have knowledge or did not participate. *The division shall be required to notify any lienholder properly filing pursuant to subsection (4) of a pending revocation or suspension. Liens or security interests in spirituous alcoholic beverage licenses existing prior to the effective date of this act shall not be affected by the provisions of this section.*

(2) *If any said lienholder is* The purchaser at a foreclosure sale of said license, *he* shall have the right to operate under said license, if otherwise lawfully qualified and authorized by the division to do so or to have a reasonable time within which to transfer the said license to some person qualified under the laws of this state to operate such license.

(4) In order to perfect a lien or security interest in a spirituous alcoholic beverage license which may be enforceable against the license, the party which holds the lien or security interest shall, within 90 days of the date of creation of the lien or security interest, record the same with the division on or with forms authorized by the division, which forms shall require the names of the parties and the terms of the obligation. The division shall, upon request, at no more than actual cost, provide copies of all recorded liens or security interests against a spirituous beverage license.

(5) Any foreclosure of a perfected lien in a beverage license shall be in the circuit court in the county in which the beverage license is issued, and the division shall be joined as an indispensable party. All holders of liens senior to the lien being foreclosed shall be joined and deemed necessary parties to the foreclosure.

(6) Upon a judgment of foreclosure, the division shall place the license up for bid, and shall award the license to the highest bidder, who shall pay the amount bid within 5 days of notice by a cashier's check, and the proceeds from the sale of such license, after deducting expenses of the sale, shall be paid first to the lienholder or lienholders in the order of date of filing, second to creditors who have paid or by law are obligated to pay federal or state excise taxes on purchases by the licensee and the balance shall be paid as directed in the judgment of foreclosure.

(7) The institution of foreclosure procedures or the judicial transfer of a license shall not prevent the division from suspending or imposing a civil penalty against the licensee of record at the time of the alleged violations. However, should the division obtain a revocation of the license against the previous licensee of record, said revocation shall be effective only to impair the qualifications of the officers, directors or stockholders of that licensee.

Section 22. Paragraph (a) of subsection (3) of section 565.02, Florida Statutes, 1980 Supplement, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(3)(a) Operators of steamships and steamship lines, buses and bus lines, airplanes and airlines engaged in interstate or foreign commerce or plying between fixed terminals and upon fixed schedules in this state may obtain licenses to sell the beverages mentioned in the Beverage Law on steamships, buses, and airplanes operated by such operators on payment of an annual license tax of \$1,100, and in no more than one passenger waiting lounge licensed by the division and operated by an airline licensed herein at each of their terminals in the state for ticketed passengers whose flights are scheduled to depart within 24 hours of service and guests in the company of such

*ticket-holders, provided further such licensed airline shall have first obtained an appropriate space lease or permit providing for payment of nondiscriminatory rental and concession fees and filed a tariff for such lounge with the Civil Aeronautics Board, and on payment of an additional license tax of \$1,100 per lounge. All of the aforesaid license ~~and~~ tax shall ~~to~~ be paid to the division. Such licenses shall authorize the holders thereof to keep for sale and sell all beverages mentioned in the Beverage Law upon any steamship, bus, or airplane or in any such airline passenger waiting lounge operated by such operators in this state, but said beverages may be sold only to passengers upon such steamships, buses and airplanes and to ticketed passengers and their guests in such airline passenger waiting lounges and may be served only for consumption on such steamships, buses, and airplanes, or in such airline passenger waiting lounges thereon. It is unlawful for such licensees to purchase for resale any liquor except in miniature bottles of not more than 2 ounces or liquor in individual containers of not less than one-fifth of 1 gallon. Such sales shall be permitted only while said steamships, buses, and airplanes are in transit and shall not be permitted while such steamships are moored at docks or wharves in ports of this state, while said buses are at stations, or while airplanes are in airports. Every such license shall be good throughout the state. No license shall be required or tax levied by any municipality or county for the privilege of selling such beverages for consumption on such steamships, buses, or airplanes or in such airline passenger waiting lounges. Such beverages shall be sold only on steamships, buses, and airplanes in which are posted certified copies of the license issued to their operators. Certified copies of such license shall be issued by the division upon payment of a fee of \$25 for each certified copy. However, this paragraph shall not apply to operators of pleasure or excursion boats not having regular round-trip runs of more than 100 miles in each direction, but operators of such pleasure or excursion boats may obtain a license, with such boats being designated as their place of business, upon compliance with all the laws relating to vendors operating places of business where consumption on the premises is permitted. Also, no license to sell the beverages herein defined shall be issued to the operator of any boat which plies upon or is anchored upon the waters of any lake within this state.*

Section 23. This act shall take effect July 1, 1981.

**Amendment 2**—In title on page 4, line 4, strike everything before the enacting clause and insert: A bill to be entitled An act relating to alcoholic beverage licenses; adding s. 561.01(14), Florida Statutes, 1980 Supplement; providing a definition; amending s. 561.18, Florida Statutes; providing that applicants for certain alcoholic beverage licenses be fully investigated if selected in a public drawing; amending s. 561.19(2), Florida Statutes, renumbering subsection (3) of said section and adding new subsections (3)-(5) thereto; providing a drawing selection process for alcoholic beverage license applicants with respect to licenses made available by population increases; providing for an initial fee for the issuance of new quota licenses; amending s. 561.20 (1), (2)(a), (c), (3), (6), (7)(b), (c), Florida Statutes, 1980 Supplement; limiting the number of licenses issued based on population; providing qualifications for special restaurant licenses; restricting package sales under certain restaurant alcoholic beverage licenses; establishing a formula to stagger the issuance of new alcoholic beverage licenses in counties; providing for population estimates; permitting current licensees to apply for one additional allotted license per county; providing for maximum number of licenses that may be held within a county; providing a grandfather clause; eliminating transferability restriction for bowling alley licenses; providing qualifications for golf club licenses; providing qualifications for tennis and racquetball club licenses; amending s. 561.24(6) and (7), Florida Statutes; eliminating reference to certain requirements with respect to license renewals for alcoholic beverage licenses; amending s. 561.26, Florida Statutes; providing for annual alcoholic beverage licenses on a semi-annual schedule; amending s. 561.27, Florida Statutes; providing for license renewal; adding s. 561.29(1)(f), Florida Statutes; requiring minimum utilization of allotted licenses and providing exceptions; amending s. 561.32, Florida Statutes, and adding a new subsection (2); providing for transfer fees; requiring that certain records accompany an application for transfer; providing a penalty; providing restrictions on transferring newly allotted licenses for 3 years; amending s. 561.33(1), Florida Statutes, and adding subsection (3) there-

to; providing for change of location of licensees; amending s. 561.351, Florida Statutes; providing for the annual term of certain licenses; amending s. 561.58, Florida Statutes; providing for the issuance of a license for a previously revoked license; amending s. 565.02(1), (g), Florida Statutes, 1980 Supplement; providing clarification regarding certain license fees; adding subsections (4) and (5) to s. 561.14, Florida Statutes, providing for licensing of brokers or sales agents and importers; amending s. 561.342, Florida Statutes, providing for distribution of license taxes; amending s. 561.351, Florida Statutes, providing term of license; amending s. 561.55, Florida Statutes, providing requirements for records and reports; amending s. 565.03, Florida Statutes, deleting reference to exporter license fees and establishing annual license fees for importers and brokers or agents; amending s. 565.15, Florida Statutes, requiring spirituous beverage price affirmation; amending s. 561.50, Florida Statutes; providing that the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation may increase the bond requirement of licensed manufacturers and distributors for the payment of taxes under certain conditions; providing a metric conversion figure for tax computation purposes; amending s. 561.65(1) and (2), Florida Statutes, and adding subsections thereto, providing for enforcement of liens on spirituous alcoholic beverage licenses; requiring the Division of Alcoholic Beverages and Tobacco to notify certain lienholders of pending license revocations or suspensions; providing a procedure for foreclosure by lenders against alcoholic beverage license holders; providing for notification to the Division of Alcoholic Beverages and Tobacco of any lien against an alcoholic beverage license before such lien can be enforced; paragraph (a) of subsection (3) of section 565.02, Florida Statutes, 1980 Supplement, is amended; relating to airline licensing requirement; providing an exception; providing an effective date.

On motion by Senator Hair, by two-thirds vote CS for HB's 665, 666, 667, 668, 669 and 670 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

B Beard	H Hill	M McKnight	S Stuart
Carlucci	J Jenne	N Neal	T Tobiansen
Childers, D.	J Jennings	P Poole	Trask
Dunn	J Johnston	R Renick	V Vogt
Frank	L Langley	S Scott	W Ware
Grizzle	L Lewis	S Skinner	W Winn
Hair	M Margolis	S Steinberg	
Henderson	M McClain	S Stevens	

Nays—None

Vote after roll call:

Yea—Peterson, Rehm

CS for SB's 1034 and 987 was laid on the table.

On motion by Senator Jennings, by two-thirds vote HB 176 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Jennings—

**HB 176**—A bill to be entitled An act relating to prostitution; amending s. 796.01, Florida Statutes, providing a third degree felony penalty for keeping a house of ill fame; amending s. 796.05(2), Florida Statutes, increasing the penalty for knowingly living off of the earnings of a prostitute; adding paragraph (e) to s. 796.07(3), Florida Statutes, and amending subsection (5) thereof; prohibiting the purchase of certain services; applying the habitual offender provisions to the section dealing with prostitution; creating s. 796.08, Florida Statutes, relating to methods of proving subsequent offenses under the chapter dealing with prostitution; providing an effective date.

—a companion measure, was substituted for CS for SB 512 and 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—27

Anderson	Henderson	McClain	Stevens
Barron	Jenne	McKnight	Thomas
Beard	Jennings	Neal	Trask
Childers, D.	Johnston	Poole	Vogt
Frank	Langley	Rehm	Ware
Gordon	Lewis	Renick	Winn
Grizzle	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—Hair

SB 512 and CS for SB 512 were laid on the table.

On motion by Senator Kirkpatrick, 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 with amendments—

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.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 3, line 1, insert: *(h) Those persons enrolled as graduate students in the State University System employed as graduate assistants, graduate teaching assistants, graduate teaching associates, graduate research assistants, or graduate research associates and those persons enrolled as undergraduate students in the State University System who perform part time work for the State University System.*

**Amendment 2**—On page 1, between lines 6 and 7 in the title insert: , and undergraduate and graduate students enrolled and employed by the State University System

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

CS for SB 606 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—26

Anderson	Jenne	McKnight	Stuart
Beard	Johnston	Neal	Thomas
Childers, D.	Kirkpatrick	Peterson	Trask
Frank	Langley	Poole	Ware
Grizzle	Lewis	Renick	Winn
Hair	Maxwell	Steinberg	
Henderson	McClain	Stevens	

Nays—2

Gordon	Margolis
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The bill was ordered engrossed and then enrolled.

Senator Stuart presiding

SPECIAL ORDER, continued

On motion by Senator Johnston, the rules were waived and by two-thirds vote HB 439 was withdrawn from the Committees on Finance, Taxation and Claims; Commerce; and Appropriations.

On motions by Senator Johnston—

HB 439—A bill to be entitled An act relating to taxation of motor fuel and special fuel; revising the Florida Special Fuel Use Tax Act of 1980, transferring it to chapter 207, Florida

Statutes, and providing that the use tax shall also be imposed on motor fuel; amending and renumbering ss. 206.971-206.973, Florida Statutes, 1980 Supplement; revising the short title and definitions; revising the description of commercial motor vehicles to which the act applies; amending and renumbering s. 206.974, Florida Statutes, 1980 Supplement; providing for registration of motor carriers with the Department of Revenue rather than the Public Service Commission; requiring identifying devices and regulating their use; providing for emergency and trip permits, and annual permits for certain carriers, and regulating their use; providing for fees; providing for equalized fees and taxes; amending and renumbering s. 206.975, Florida Statutes, 1980 Supplement; providing procedures for calculation and payment of the tax; providing a credit for tax paid at time of purchase in Florida; authorizing the department to require bond; amending and renumbering s. 206.983, Florida Statutes, 1980 Supplement; providing for penalties and interest; amending and renumbering s. 206.977, ss. 206.98-206.982, and ss. 206.984-206.986, Florida Statutes, 1980 Supplement, to conform; providing for retention of records; transferring s. 206.987, Florida Statutes, 1980 Supplement; amending and renumbering ss. 206.988, 206.989, 206.979, 206.99, and 206.991, Florida Statutes, 1980 Supplement, to conform; requiring notice by motor carrier of change in address; amending and renumbering s. 206.992, Florida Statutes, 1980 Supplement; providing authority of the Department of Revenue, Department of Agriculture and Consumer Services, Department of Highway Safety and Motor Vehicles, and Department of Transportation to inspect vehicles, make arrests, and seize property; creating s. 207.024, Florida Statutes; requiring state agencies to cooperate with the Department of Revenue; amending and renumbering ss. 206.994 and 206.995, Florida Statutes, 1980 Supplement, to conform; providing for confidentiality of information; providing for deposit of taxes and fees and renaming the trust fund; creating s. 207.028, Florida Statutes; providing for development of a form on which both registration and the fuel use report can be accomplished; repealing ss. 206.976, 206.978, and 206.993, Florida Statutes, 1980 Supplement, relating to exemption for fuel purchased in state, credits or refunds for tax erroneously or illegally collected, and availability of records and files to the public; amending ss. 4 and 5 and repealing s. 7 of chapter 80-415, Laws of Florida; deleting provisions relating to the International Registration Plan replacing reciprocal agreements and deleting the deadline for phase-in of participation in the plan; deleting provisions relating to authorization of implementation of participation in the plan; repealing s. 3 of chapter 80-415, Laws of Florida, and redesignating and reenacting s. 206.87(4)(e), Florida Statutes, relating to tax exemption for special fuel used by motor vehicles engaged in interstate travel on the highways of another state; amending s. 212.08(4), Florida Statutes, 1980 Supplement; including motor fuel and special fuel taxed under chapter 207, Florida Statutes, in the sales tax exemption; amending s. 213.053(1) and (7), Florida Statutes, 1980 Supplement; providing that information received by the Department of Revenue under chapter 207 is confidential; providing an exception; adding paragraph (d) to s. 320.01(26), Florida Statutes, amending s. 320.06(1)(d), Florida Statutes, and adding paragraph (e), and amending s. 320.08(3)(d) and (4)(f), Florida Statutes, and adding a new paragraph (4)(a); providing a registration period beginning December 1 for certain trucks, truck-tractors, semitrailers, and automobiles for hire; providing for a 6-month transitional registration period; allowing semiannual registration for certain trucks; providing an effective date.

—a companion measure, was substituted for CS for SB 1089 and 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—32

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

Nays—None

SB 1089 and CS for SB 1089 were laid on the table.

**SB 1070**—A bill to be entitled An act relating to deposits of public funds; amending s. 18.10(1), Florida Statutes, 1980 Supplement; changing cross-references; amending s. 18.101(1), Florida Statutes; changing a cross-reference; designating chapter 18, Florida Statutes, as part I of said chapter and creating part II of said chapter; providing a short title; providing definitions; requiring that public deposits be secured; providing for collateral to secure public deposits; providing mutual responsibility of all public depositories; providing for payment of losses; providing for withdrawal from the public deposit security program; empowering the Treasurer to require additional collateral; listing securities eligible as collateral; requiring reports of public depositories; exempting public depositories from liability; providing for rules; creating an advisory council; amending s. 215.50(3), Florida Statutes, 1980 Supplement; changing a cross-reference; amending s. 136.01, Florida Statutes, 1980 Supplement; authorizing banks or savings associations to accept county public deposits; amending ss. 136.03, 136.04, and 136.08, Florida Statutes; changing references to "banks" to "depositories"; amending s. 658.60(1), Florida Statutes, 1980 Supplement; changing a cross-reference and deleting superfluous language; amending s. 660.27(3), Florida Statutes, 1980 Supplement; authorizing the Treasurer to accept a safekeeping receipt from another bank, trust company, or savings association to secure the obligations of a trust company; repealing ss. 18.11, 18.14 and 136.07, Florida Statutes, and ss. 18.12, 18.13 and 136.02, Florida Statutes, as amended, relating to deposit of public funds; providing an appropriation; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 13, line 3, strike "a certified public accountant" and insert: a person qualified to conduct audits

**Amendment 2**—On page 6, line 28, strike "90" and insert: 85

**Amendment 3**—On page 1, lines 20 and 21, strike "creating an advisory council;"

**Amendment 4**—On page 1, line 28, strike "to" and insert: from

Senator Hair moved the following amendment which was adopted:

**Amendment 5**—On page 18, lines 25-57, strike "\$150,000 for the fiscal year 1981-1982, and 3 full-time equivalent positions and \$165,000 for the fiscal year 1982-1983." and insert: *\$133,000 to carry out the provisions of this act.*

Pending further consideration of SB 1070 as amended, on motions by Senator Hair, the rules were waived and by two-thirds vote HB 1145 was withdrawn from the Committees on Commerce; and Finance, Taxation and Claims.

On motion by Senator Hair—

**HB 1145**—A bill to be entitled An act relating to deposits of public funds; amending s. 18.10(1), Florida Statutes, 1980 Supplement; changing cross-references; amending s. 18.101(1), Florida Statutes; changing a cross-reference; designating chapter 18, Florida Statutes, as part I of said chapter and creating part II of said chapter; providing a short title; providing definitions; requiring that public deposits be secured; providing for collateral to secure public deposits; providing mutual responsibility of all public depositories; providing for payment of losses; providing for withdrawal from the public deposit security program; empowering the Treasurer to require additional collateral; listing securities eligible as collateral; requiring reports of public depositories; exempting public depositories from liability; providing for rules; amending s. 215.50(3), Florida Statutes, 1980 Supplement; changing a cross-reference; amending s. 136.01, Florida Statutes, 1980 Supplement; authorizing banks or savings associations to accept county public deposits; amending ss. 136.03, 136.04, and 136.08, Florida Statutes; changing references from "banks" to "depositories"; amending s. 658.60(1), Florida Statutes, 1980 Supplement; changing a cross-reference and deleting superfluous language; amending s. 660.27(3), Florida Statutes, 1980 Supplement; authorizing the Treasurer to accept a safekeeping receipt

from another bank, trust company, or savings association to secure the obligations of a trust company; repealing ss. 18.11, 18.14 and 136.07, Florida Statutes, and ss. 18.12, 18.13 and 136.02, Florida Statutes, as amended, relating to deposit of public funds; providing an appropriation; providing an effective date.

—a companion measure, was substituted for SB 1070 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1145 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

SB 1070 was laid on the table.

On motion by Senator D. Childers, the rules were waived and the Senate reconsidered the vote by which—

**SB 1025**—A bill to be entitled An act relating to employment services for public assistance recipients; creating s. 409.029, Florida Statutes; providing state policy; designating the Department of Health and Rehabilitative Services as the single state agency responsible for certain employment related activities; requiring the accomplishment of certain priorities; specifying certain other activities toward the fulfillment of the act; requiring annual and 5-year state plans to be submitted by the department to the presiding officer of each house of the Legislature; requiring state agencies to use such plans; continuing the Task Force on Employment and Training of Public Assistance Recipients; providing for activities of the Task Force; directing that certain funds provided to or by the state be used to implement the policy; prohibiting the department from creating or supporting duplicative programs; providing an effective date.

—as amended passed this day.

On motion by Senator D. Childers, the Senate reconsidered the vote by which the Senate concurred in House Amendment 1 as amended.

On motions by Senator D. Childers, the Senate reconsidered the vote by which Senate Amendments 4, 7, 8 and 9 to House Amendment 1 were adopted.

By permission, Senate Amendments 4, 7, 8 and 9 to House Amendment 1 were withdrawn.

The Senate concurred in House Amendment 1 as amended by Senate Amendments 1, 2, 3, 5 and 6 and the House was requested to concur in the Senate amendments.

SB 1025 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

**HB 602**—A bill to be entitled An act relating to motor vehicle title certificates; amending s. 319.31, Florida Statutes, requiring title certificates to include information as required by the Department of Highway Safety and Motor Vehicles; requiring

such certificates to contain a place for the buyer's name; prohibiting the notarization of title transfers or the acceptance for transfer by an agent of the state under certain circumstances; prohibiting another person from selling or offering to sell a vehicle for the owner; defining the term "private or casual sale"; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. Subsection (3) is added to section 319.22, Florida Statutes, to read:

**319.22 Transfer of Title.—**

*(3) In the case of a private or casual sale as defined herein, no notary public shall notarize a title transfer unless the name of the purchaser is entered in the designated place. In the case of a private or casual sale, no title shall be accepted for transfer unless the name of the person who is selling the vehicle is shown as the owner on the face of the title. For the purposes of this subsection, a private or casual sale is a sale or assignment of motor vehicle ownership in which none of the parties to the transaction is a motor vehicle dealer licensed pursuant to section 320.27 and none of the parties is an insurer who has taken possession or is taking possession of the vehicle or the title thereto pursuant to a policy of insurance. The department shall adopt suitable language to appear on the transfer of title form advising the notary public of the prohibition contained in this subsection.*

Section 2. This act shall take effect January 1, 1982.

**Amendment 2**—In title on page 1, strike all of lines 2-15 and insert: An act relating to motor vehicle title certificates; adding section 319.22(3), Florida Statutes, prohibiting the notarization of title transfers under certain circumstances; requiring in the case of a private or casual sale that the name of the person selling the vehicle be shown as the owner on the face of the title; defining the term "private or casual sale"; requiring the department to adopt appropriate language on the title transfer form; providing an effective date.

On motion by Senator Johnston, by two-thirds vote HB 602 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

**Yeas—36**

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

**Nays—1**

Neal

**HB 607**—A bill to be entitled An act relating to tax collections; amending s. 195.106(1)(a) and (5), Florida Statutes; providing for refunds of certain erroneous tax payments; correcting a cross reference; amending s. 197.241(2) and (3), Florida Statutes, 1980 Supplement, relating to application for tax deed by certificate holders; specifying that the opening bid for homestead property by certificate holders other than the county shall include an amount equal to one-half the assessed value of the property; specifying time limitation with respect to said requirement for all certificate holders; providing right of titleholder to redeem homestead property prior to issuance of a tax deed; amending s. 197.256, Florida Statutes, 1980 Supplement; providing requirements with respect to notice to owner of application for a tax deed; specifying that inability to serve notice shall not affect validity of tax deed; providing that posting of notice is not required for certain property; amending ss. 197.151(2) and 197.156(1), Florida Statutes, 1980 Supplement, removing reference to personal service of notice;

amending s. 197.291(1) and (2), Florida Statutes; providing for interest on certain sums paid to a certificate holder and certain sums distributed by the clerk; providing for distribution of the portion of the proceeds of sale represented by one-half the assessed value of homestead property; providing for disposition of undistributed funds after all liens are paid; amending s. 197.-266(1), Florida Statutes, 1980 Supplement; revising provisions relating to the bid of the certificate holder to include provision for interest and for the required amount equal to one-half the assessed value of homestead property; amending s. 192.091 (2), Florida Statutes, as amended; providing for tax collectors' commissions on special assessments; amending s. 197.0122, Florida Statutes, 1980 Supplement; deleting the separate bond requirement for deputy tax collectors; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 607 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—29**

Barron	Henderson	Maxwell	Thomas
Beard	Hill	McClain	Trask
Carlucci	Jenne	Neal	Vogt
Childers, D.	Jennings	Poole	Ware
Dunn	Johnston	Renick	Winn
Frank	Langley	Scott	
Gordon	Lewis	Stevens	
Grizzle	Margolis	Stuart	

**Nays—1**

Steinberg

Vote after roll call:

**Yea—Peterson**

By the Committee on Education and Senator Maxwell—

**HB 338**—A bill to be entitled An act relating to elections; amending s. 104.061(2), Florida Statutes, relating to campaign items which may be given away; amending s. 106.011(11), Florida Statutes, relating to campaign fund raisers; amending s. 106.021(1)(a), Florida Statutes, relating to filing the appointment of campaign treasurer of a political committee; amending s. 106.025, Florida Statutes, relating to campaign fund raisers and other testimonial affairs; amending s. 106.03(1), (3), and (4), Florida Statutes, and adding a new subsection thereto, relating to registration of political committees; amending s. 106.-04(4)(a), Florida Statutes, relating to reporting requirements for committees of continuous existence; amending s. 106.07(1), (2), (3), (4), and (5), Florida Statutes, relating to reporting requirements for candidates and political committees; amending s. 106.141(6) and (7), Florida Statutes, 1980 Supplement, and adding new subsections (4) and (9) thereto, relating to disposition by candidates of surplus funds; amending s. 106.142, Florida Statutes, relating to the definition of political advertisement; amending s. 106.143(1), Florida Statutes, relating to political advertisement disclaimers; amending s. 106.15(2), (3), and (4), Florida Statutes, relating to the prohibited use of state-owned aircraft or motor vehicles, and the prohibited use of services of state employees, in campaigns; amending s. 106.17, Florida Statutes, relating to political polls; amending s. 106.29(1), Florida Statutes, relating to reports by political parties; creating s. 111.012, Florida Statutes, relating to testimonials for public officeholders; 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 Hair and failed:

**Amendment 1**—In title on page 2, strike all of line 1 and insert: vehicles under certain circumstances, and requires reimbursement of certain expenses, and prohibits the use of services of

**Amendment 2**—On page 21, strike all of lines 18-30 and insert: (2) *No candidate, in the furtherance of his candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle as provided in*

chapter 287, solely for the purpose of furthering his candidacy. However, in the event a candidate uses any state-owned aircraft or motor vehicle to conduct official state business, and while on such trip performs any function in the furtherance of his candidacy for nomination or election to public office in any election, the official shall prorate the expenses incurred, and reimburse the appropriate agency for the expenses incurred for the use of such state aircraft or motor vehicle while conducting business in the furtherance of his candidacy. The reimbursement shall be made from the campaign account of the candidate. If any corporation, partnership, or other business entity is convicted of knowingly and wilfully violating this section, it shall be fined not more than \$10,000. If it is a domestic corporation, partnership, or other business entity, in addition to such fine and penalty, it may be dissolved, if it is a foreign or nonresident corporation, partnership, or other business entity, its right to do business in this state may be declared forfeited.

(3) No candidate shall, in the

**Amendment 3**—On page 18, strike all of lines 17-19 and insert: office. Such expenses may include travel expenses incurred by the officer or a member of his staff, or expenses incurred in the operation of his office, including the employment of additional staff. The funds may be deposited in a

**Amendment 4**—On page 18, lines 1 and 2, strike all of paragraph (b) and insert: (b) \$5,000 ~~\$2,000~~, for a candidate for legislative or multicounty office.

(c) \$2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(Reletter subsequent paragraphs.)

**Amendment 5**—On page 9, line 16, after "issues" insert: to be voted on on a statewide or multicounty basis

**Amendment 6**—On page 15, strike all of lines 15 and 16 and insert: (d) The total amount of proceeds from+

each testimonial event regulated by s. 106.025, and

**Amendment 7**—On page 4, strike lines 12-24 and insert: for public office and written notice of intent to hold such testimonial is filed pursuant to this subsection.

(b) Notice of intent to hold such a campaign fund raiser testimonial shall be filed by the candidate or person in charge of such campaign fund raiser testimonial with the officer with whom reports are required to be filed by the candidate for whom the funds are to be used pursuant to s. 106.07. Such notice shall state the date and place the campaign fund raiser testimonial is to be held, the name and address of the person or persons in charge of such campaign fund raiser testimonial, and the name and address of the candidate for whose campaign the funds are to be used. No moneys may be raised and no expenditures made in furtherance of such a campaign fund raiser testimonial until the notice of intent has been filed.

Further consideration of HB 338 was deferred.

#### The President presiding

On motion by Senator Vogt, by two-thirds vote HB 413 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Vogt—

**HB 413**—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20-19(3)(c) and (4)(f), Florida Statutes, 1980 Supplement, renaming the Mental Health Program Office of the department; requiring alcohol and drug abuse programs at the district level; amending s. 393.11(2), Florida Statutes, 1980 Supplement; providing that the hearing given upon reaching majority to a child involuntarily admitted to residential services of the retardation program shall be to determine the continued appropriateness of his involuntary admission; amending s. 394.4674(2)(e), Florida Statutes, 1980 Supplement, and s. 394.67(5), Florida Statutes, to conform; providing an effective date.

—a companion measure, was substituted for SB 524 and read the second time by title.

Senator Vogt moved the following amendments which were adopted:

**Amendment 1**—On page 6, between lines 27 and 28 insert new Sections 2, 3 and 4 and renumber subsequent section and insert: Section 2. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 409.168, Florida Statutes, 1980 Supplement, are amended to read:

409.168 Children in foster care; department report and court review of status.—

(2) As used in this section:

(a) "Child" means an unmarried person under the age of 18 years whose legal custody has been awarded to the department or a licensed child-placing or child-caring agency by order of a court or who has been committed temporarily to the care of, or voluntarily placed with, such an agency by a parent, guardian, or relative within the second degree.

(3)(a) In each case in which the custody of a child has been vested either voluntarily or involuntarily in the social service agency and the child has been placed in foster care, a performance agreement shall be prepared within 30 days after the placement and shall be submitted to the court.

1. The purpose of a performance agreement shall be to record the actions to be taken by the parties involved in order to quickly assure the safe return of the child to his parents or, if such return is untenable, the permanent commitment of the child to the department or licensed child-placing agency for the purpose of finding a permanent adoptive home.

2. If the preparation of a performance agreement, in conference with the natural parents, cannot be accomplished within 30 days, for good cause shown, the court may grant an extension not to exceed 30 days.

3. In the event the natural parents will not or cannot participate in preparation of a performance agreement, the social service agency shall submit a full explanation of the circumstances, and a plan for the permanent placement of the child, to the court within the time as provided for a performance agreement. The plan shall include, but need not be limited to, the specific services to be provided by the social service agency, the goals and plans for the child, and the time frame for accomplishing the provisions of the plan and for accomplishing permanence for the child. The plan shall take the place of the performance agreement and shall meet all requirements provided for the performance agreement. The parent who has not participated in the development of a performance agreement may seek review of the plan developed by the social service agency prior to the initial 6 months' judicial review.

4. A performance agreement shall be prepared but need not be submitted to the court will not be required for a child who will be in care no longer than 30 days unless that child is placed in foster care a second time within a 12-month period.

5. By October 1, 1981, a performance agreement shall be prepared for each child who was residing in foster care on October 1, 1980, and who has not been returned to the home of his parent or parents or placed for adoption.

6. The person who prepared the agreement shall explain the agreement to all persons involved in its implementation, including a child who has signed it, and the agreement shall include, but need not be limited to:

a. The specific reasons for the placement of the child in foster care, including a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from his home and the remediation of which determines the return of the child to the parent or parents;

b. The specific actions to be taken by the parent or parents of the child to eliminate or correct the identified problems or conditions and the period during which the actions are to be taken. The parties to the plan may also include, but need not be limited to, other persons or agencies who shall agree and be responsible for the provision of social and other supportive services to the child or the parent, parents, or other custodian of the child;

c. The financial responsibilities and obligations, if any, of the parent or parents for the support of the child during the period the child is in foster care pursuant to s. 402.33;

d. The visitation rights and obligations of the parent or parents and the social service agency during the period the child is in foster care;

e. The social and other supportive services to be provided to the parent or parents of the child, the child, and the foster parents during the period the child is in foster care. The purpose of such social and other supportive services shall be to promote the child's need for a continuous, stable, living environment and should promote family autonomy and strengthen family life wherever possible;

f. The date on which the child is expected to be returned to the home of the parent or parents;

g. The nature of the effort to be made by the social service agency responsible for the placement to reunite the family;

h. Notice to the parent or parents that placement of the child in foster care may result in termination of parental rights but only after notice and a hearing as provided in s. 39.41; that, pursuant to s. 39.41(6)(b), the court shall return the child to the custody of the natural parents upon expiration of the agreement if the parents have substantially complied with the agreement; and that the court cannot terminate its jurisdiction over the child until 6 months after return of the child to its parents, but at that time, based on a report of the social service agency and any other relevant factors, the court will make a determination on whether its jurisdiction should be continued or terminated.

Section 3. Subsection (3) of section 483.051, Florida Statutes, is amended to read:

483.051 Powers and rules of Department of Health and Rehabilitative Services.—The Department of Health and Rehabilitative Services shall adopt rules, to effectuate the purposes and provisions of this part, which shall include, but not be limited to, the following subject matters:

(3) FEES.—The department shall establish a schedule of annual fees, which shall be reasonable in amount, for registration of clinical laboratories, for licensing of clinical laboratory personnel, for applicants required to take an examination and for registration of clinical laboratory trainees who are subject to this part. No registration fee shall be required for a clinical laboratory operated by any agency of the state, by any county or municipality, or by any hospital licensed under the laws of the state. No licensee shall be required to pay more than one fee. Fees collected shall be deposited into an appropriate trust fund. All fees collected from the inception of the authority to collect fees for the Florida Clinical Laboratory Law shall be used toward the administration of the Florida Clinical Laboratory Law, in the State Treasury.

Section 4. Subsection (5) of section 393.067, Florida Statutes, is amended to read:

393.067 Licensure of residential facilities.—

(5) The department shall promulgate rules establishing minimum standards for licensure for residential facilities, including minimum standards of quality and adequacy of care, and uniform fire safety standards established by the State Fire Marshal which are appropriate to the size of the facility.

Amendment 2—In title on page 1, line 7, after the semicolon insert: amending s. 409.168(2)(a) and (3)(a), Florida Statutes, 1980 Supplement; modifying the definition of child; providing that performance agreement shall be prepared, but need not be submitted to the court, in certain cases; amending s. 483.051(3), Florida Statutes; permitting the Department of Health and Rehabilitative Services to retain and use such fees for the administration of the Florida Clinical Laboratory Law amending s. 393.067(5), Florida Statutes, providing for fire safety standards for residential facilities;

On motion by Senator Vogt by two-thirds vote HB 413 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—28

Beard	Henderson	McClain	Skinner
Carlucci	Hill	Neal	Steinberg
Childers, D.	Jennings	Peterson	Stevens
Dunn	Johnston	Poole	Stuart
Frank	Langley	Rehm	Trask
Grizzle	Lewis	Renick	Vogt
Hair	Maxwell	Scott	Ware

Nays—1

McKnight

SB 524 was laid on the table.

The Senate recessed at 12:00 noon to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Stuart at 1:00 p.m. A quorum present—27:

Anderson	Grizzle	Lewis	Rehm
Barron	Hair	Margolis	Renick
Beard	Hill	Maxwell	Steinberg
Childers, W. D.	Jenne	McClain	Stevens
Dunn	Johnston	McKnight	Stuart
Frank	Kirkpatrick	Neal	Winn
Gordon	Langley	Peterson	

Votes Recorded

Senator Maxwell was recorded as voting yea on Senate Bills 1121, 819, 189, 642, 147, 330, 542, 881, 1012, 1083, CS for SB 915, CS for CS for SB 327, CS for SB 589, House Bills 1230, 571, 410, 249, 363, 1071, 136 and 327, which passed June 4; SB 186, which passed June 3; Senate Bills 1093 and 650, which passed June 2; Senate Bills 291, 477, 75, 76, 100, 375, 412, 444, 466, 572, 632, 990, 1052, 1065, CS for SB 510, CS for SB 219, CS for SB 223, CS for SB 54, CS for SB's 57 and 229, CS for SB 354, CS for SB 459, CS for HB 253, CS for SB 516, House Bills 304, 116, 537, 479, 932, 745, which passed June 1; Senate Bills 590 and 720, House Bills 1040 and 1039, CS for SB 654, CS for CS for SB 252, which passed May 28; Senate Bills 87, 85, 661, CS for SB 902, which passed May 21; Senate Bills 552, HB 434, CS for SB 690, CS for SB 591, which passed May 19; SR 647, Senate Bills 838, 797, 886, 98 and 128, which passed May 6; SR 1060, HB 279, Senate Bills 350, 320, 323, 288, 427, CS for SB 26, which passed April 28; CS for HB 19, which passed April 22; executive order of suspension of Raymond Bruner, Clerk of the Circuit Court of Jackson County.

Senator Hair was recorded as voting yea on CS for SB 798, CS for CS for SB 306 and Senate Bills 285 and 38, which passed on June 5; House Bills 64, 144, 410, CS for HB 707 and SB 819, which passed June 4; Senate Bills 208, 937, 712, 275, 357, 528, 824, 795, 953, 868, CS for CS for SB 583, CS for SB 324, CS for HB 861, CS for HB 1068, CS for HB 722, House Bills 20, 63, 1124, 456, 1076, 662, 1158, 190, 1127, 1115, 678 and 676, which passed June 3.

Senator Rehm was recorded as voting yea on the following bills: SB 712, House Bills 1081 and 600 which passed June 3; CS for SB 510, Senate Bills 632 and 649, House Bills 479 and 599 which passed June 1; SB 730 which passed May 28; Amendments 2 and 4 to CS for SB 620 which passed May 21; CS for SB 690 which passed May 19; SB 319 which passed May 14; CS for SB 80 which passed May 6; SCR 435 which passed April 22; and SB 102 which passed April 7.

SPECIAL ORDER

The Senate resumed consideration of—

CS for HB 637—A bill to be entitled An act relating to child labor; amending s. 232.08, Florida Statutes, providing for the issuance of age certificates to all children; creating s. 450.001, Florida Statutes, providing a short title; amending s. 450.012, Florida Statutes, providing definitions; amending s. 450.021

(1), Florida Statutes, changing certain exemptions to the Child Labor Law; creating s. 450.045, Florida Statutes, requiring an employer of a child to obtain and keep on record proof of the age of such child; amending s. 450.081(1), (2), and (3), Florida Statutes, limiting the employment of certain minors; creating s. 450.095, Florida Statutes, authorizing waivers of the requirements of the Child Labor Law under certain circumstances; amending s. 450.121(1) and (2), Florida Statutes, authorizing the Division of Labor to enter into intergovernmental agreements for the enforcement of the Child Labor Law; deleting the provision which authorizes the division to enter a place of employment to inspect employment certificates; repealing s. 232.07, Florida Statutes, which provides for the issuance of employment certificates to certain children; amending s. 232.17(2)(g), Florida Statutes, and s. 232.19(6)(c), Florida Statutes, 1980 Supplement, to conform; repealing s. 450.101, Florida Statutes, which requires employers to post certain notices and maintain certain records; repealing s. 450.111, Florida Statutes, which requires an employer of a child to obtain and keep on record an employment certificate for such child; providing an effective date.

On motion by Senator Neal, by two-thirds vote CS for HB 637 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Anderson	Hair	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenne	McKnight	Stuart
Dunn	Johnston	Neal	Thomas
Frank	Kirkpatrick	Peterson	Trask
Gordon	Lewis	Rehm	Winn
Grizzle	Margolis	Renick	

Nays—1

Langley

SB 940 was laid on the table.

Senator McKnight presiding

On motion by Senator Stuart, 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 with 3 amendments—

By Senator Stuart—

SB 537—A bill to be entitled An act relating to the wearing of hoods or masks; creating s. 876.155, Florida Statutes; limiting applicability of the prohibitions against wearing hoods, masks, or similar devices; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

House Amendment 1—On page 1, line 16, after “activities,” insert: and

WHEREAS, the Legislature desires to retain the prohibitions contained in that section and similar sections without prohibiting entirely innocent activities, and

WHEREAS, the Legislature desires to further discourage the use of masks in the course of criminal activities by providing enhanced penalties for any crime committed by a person who was wearing a mask,

House Amendment 2—On page 1, lines 21-29, on page 2, lines 1-3, strike all of said lines and insert:

Section 1. Section 876.155, Florida Statutes, is created to read:

876.155 Applicability.—The provisions of ss. 876.12-876.15 apply only if the person was wearing the hood, mask, or other device:

(1) With the intent to deprive any person or class of persons of the equal protection of the laws or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of this state or any subdivision thereof from giving or securing to all persons within this state the equal protection of the laws;

(2) With the intent, by force or threat of force, to injure, intimidate, or interfere with any person because of his exercise of any right secured by federal, state or local law, or to intimidate such person or any other person or any class of persons from exercising any right secured by federal, state or local law;

(3) With the intent to intimidate, threaten, abuse, or harass any other person; or

(4) While he was engaged in conduct that could reasonably lead to the institution of a civil or criminal proceeding against him with the intent of avoiding identification in such a proceeding.

Section 2. Section 775.0845, Florida Statutes, is created to read:

775.0845 Wearing mask while committing offense; enhanced penalties.—The penalty for any criminal offense other than a violation of ss. 876.12-876.15 shall be increased as provided in this section if, while committing the offense, the offender was wearing a hood, mask, or other device that concealed his identity.

(1) A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree;

(2) A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree;

(3) A felony of the third degree shall be punishable as if it were a felony of the second degree; and

(4) A felony of the second degree shall be punishable as if it were a felony of the first degree.

House Amendment 3 in the Title—On page 1, line 6, after the “;” insert: creating s. 775.0845, Florida Statutes, enhancing penalties for the wearing of a mask during the commission of a crime;

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

SB 537 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

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 passed with 7 amendments—

By the Committee on Education and Senators Frank and Lewis—

CS for SB 798—A bill to be entitled An act relating to transportation of school children; amending s. 234.01, Florida Statutes, providing intent; creating s. 234.021, Florida Statutes, providing for investigation of hazardous walking conditions; providing criteria; amending s. 236.083(1), (4), (6), Florida Statutes, providing funds for the transportation to and from school of certain elementary school students who encounter

hazardous walking conditions; revising the formula for determining the allowable per student cost of transported students provided for in the Florida Education Finance Program; authorizing a rate of reimbursement for transporting isolated students by passenger cars to public schools which equals the maximum rate authorized by law for public officers and employees; amending s. 234.211(1) and (2), Florida Statutes, 1980 Supplement, authorizing school districts to allow the use of school buses to transport school age children to activities sponsored by certain nonprofit organizations; excluding certain schools and organizations; providing for rules and compensation; providing indemnification; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**House Amendment 1**—On page 6, line 18, insert Section 4. Section 234.31, Florida Statutes, is created to read:

**234.31 School bus replacement funding.**—

(1) This section may be cited as the “Earl H. Wright School Bus Replacement Act.”

(2)(a) On July 1 of each year the Commissioner of Education shall, from data collected from each school district, compute for such district the average number of school buses that are assigned to daily service on authorized school bus routes as determined by the Florida Education Finance Program surveys conducted during October and February of the prior fiscal year. The commissioner shall then determine the number of school buses which need replacing in each district by dividing such average number of school buses by 10 and shall express the quotient in terms of whole buses and fractional buses to the nearest one one-hundredth of a bus.

(b) The commissioner shall, between July 1 and September 1 of each year, determine from the most recent and reliable data the cost of a gasoline or gasohol powered school bus of 65-passenger capacity, priced freight-on-board from the body factory for that year.

(c) The commissioner shall allocate to each school district an amount which shall be calculated by multiplying that district's number of school buses which need replacing, as determined in paragraph (a), by the estimated cost for a single school bus, as determined under paragraph (b).

(3)(a) Each school district shall determine the number, type, and capacity of school buses which need replacing. The district shall consider the transportation needs of handicapped students when determining the type and capacity of a school bus.

(b) After a district has replaced all buses in daily service that are 10 years old or older, any funds provided pursuant to this section which remain may be used to satisfy any outstanding obligation that was incurred to purchase school buses as provided in s. 237.161.

(c) Any district desiring to purchase with such funds any school bus which has a capacity in excess of 65 passengers may do so only after justifying the cost efficiency of the larger school buses.

(d) Each school district may purchase diesel-powered school buses if reasonable maintenance facilities are available locally and if long-range cost estimates justify the initial additional costs for such units.

(e) Each school district which provides to students transportation in publicly-owned vehicles shall use the funds provided pursuant to this section to acquire needs replacement or additional vehicles; however, any district which provides to students transportation in other than publicly-owned vehicles may use the funds provided herein to finance that cost of student transportation services that exceeds the state funds provided pursuant to s. 236.083, or to purchase needed capital outlay equipment in existing school facilities. Each school board shall annually report to the commissioner how such funds were spent.

(4) Pursuant to s. 229.79, the Department of Education shall, at least once each fiscal year, provide for a statewide voluntary pool purchase bid for school buses needed by participating districts.

(5) Each district school board desiring to participate in the allocation of funds pursuant to (2) shall make a reasonable

effort to reach an acceptable agreement with the local responsible agency or council to provide transportation services to the disadvantaged, through the operation of an approved joint-use program. However, any district that can demonstrate a lack of need for services, fails to reach agreement, or fails to obtain approval shall submit to the Commissioner of Education the facts relating to the efforts to engage in a joint-use program. The commissioner shall evaluate the facts and based upon this examination decide whether or not the district did make a reasonable effort. In those instances in which the commissioner's decision is in the affirmative, the commissioner shall allocate the funds computed for that district, the provisions of Chapter 427, Florida Statutes, to the contrary notwithstanding.

(6) The State Board of Education may adopt appropriate rules to carry out this section.

Section 5. Notwithstanding the effective date provided elsewhere in this act, section 4 shall take effect July 1, 1981, and if it becomes law after that date, it shall operate retroactively to July 1, 1981.

—and renumber subsequent sections.

**House Amendment 2**—On page 1 in the title, line 19 insert: creating s. 234.31, Florida Statutes; providing duties of the Commissioner of Education relating to school bus replacement; providing for purchase of replacement school buses by each school district; providing criteria for such purchases and for such buses; providing for the allocation of funds for such purposes; providing for the use of such funds for other purchases; providing for pool purchase bids; requiring reports; providing for submission of plans; authorizing the State Board of Education to adopt rules; providing a retroactive effective date;

**House Amendment 4**—On page 16, line 18, insert: Section 9. Section 233.0677, Florida Statutes, 1980 Supplement, is amended to read:

**233.0677 Educational centers for gifted junior high school students.**—

(1) A ~~The~~ district school board of each school district in which there is a community college may develop cooperatively with the consent of a public university or the board of trustees of a such community college an educational center at the university or community college for gifted junior high school students. The university or community college shall make available for the center on its campus the following services: classroom and office space; instructional services; use of technical equipment; library; audio-visual materials and equipment; laboratory facilities; and recreational facilities. The school district shall provide instructional personnel and shall have program responsibility.

(2) A contractual agreement shall be established between each district school board and the respective university or community college board of trustees for distribution of up to 20 percent of the cost factor earned by the school district in the Florida Education Finance Program for each gifted part-time junior high school student to the university or community college for provision of services at the education center.

**House Amendment 5**—On page 1 in the title, line 19, insert: ; amending s. 233.0677, Florida Statutes, 1980 Supplement, deleting the restriction that only junior high school students be included in certain educational centers for gifted students; authorizing district school boards to develop such centers with universities or community colleges; modifying the district school board contribution to such centers;

**House Amendment 6**—On page 6, line 18, insert: Section 1. Section 230.2316, Florida Statutes, is created to read:

**230.2316 Educational multiagency services for severely emotionally disturbed students.**—

(1)(a) To enable severely emotionally disturbed students to develop appropriate behaviors and demonstrate academic and vocational skills, the Legislature finds that it is necessary to have an intensive, integrated educational program, a continuum of mental health treatment services, and when needed residential services. The Legislature finds further that the small incidence of severe emotional disturbance in the total school population requires multiagency programs to provide access for all

severely emotionally disturbed students to appropriate services, that local school boards should provide educational programs, and that the Department of Health and Rehabilitative Services should provide mental health treatment and residential services when needed. Therefore, it is the intent of the Legislature that by 1985-1986 there be a multiagency network to provide education, mental health treatment, and when needed residential services for severely emotionally disturbed students.

(b) The program goals for each component of the network are to enable severely emotionally disturbed students to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living; to develop individual programs for severely emotionally disturbed students which include the necessary educational, residential, and mental health treatment services; to provide programs and services as close as possible to the child's home in the least restrictive manner consistent with the child's needs; and to integrate a wide range of services which are necessary to support the severely emotionally disturbed student and the family.

(2) The Commissioner of Education and the Secretary of the Department of Health and Rehabilitative Services shall appoint an equal number of members to an Advisory Board for the Service Network for the Severely Emotionally Disturbed. The duties and responsibilities of the advisory board shall include the development of a 5-year multiagency plan to establish a service network to provide a continuum of education, mental health treatment, and when needed residential services for severely emotionally disturbed students; recommend criteria for designation of the pilot network components; and review implementation of the pilot network components.

(3) The Department of Education is authorized to award grants to district school boards to develop in a rural and in an urban district a pilot multiagency network component for severely emotionally disturbed students. The pilot grants shall allow for further statewide planning and development of a complete multiagency network for the severely emotionally disturbed students in the state. The education services shall be provided in a manner consistent with the requirements of ss. 230.23(4)(m) and 402.22.

(4) The Department of Health and Rehabilitative Services is authorized to use community mental health service funds for the pilot multiagency network components for severely emotionally disturbed students. The mental health treatment services and residential services shall be provided consistent with chapter 394 and s. 402.22.

(5) The network components for severely emotionally disturbed students shall be funded from the Florida Education Finance Program, Department of Health and Rehabilitative Services funds for the emotionally disturbed, and the pilot grant program from the Department of Education.

(6) A written agreement between the district school board or boards and the Department of Health and Rehabilitative Services outlining the respective duties and responsibilities of each party shall be developed for implementation of a component of the multiagency network for severely emotionally disturbed students.

(7) The State Board of Education and the Department of Health and Rehabilitative Services are authorized to adopt rules to carry out the intent of this section.

Section 7. In accordance with the intent expressed in s. 11.611, Florida Statutes, s. 230.2316(2), Florida Statutes, as created by this act, shall be repealed on October 1, 1987, and the Advisory Board for Educational Centers for the Severely Emotionally Disturbed shall be subject to legislative review as required by s. 11.611(4), (5) and (6), Florida Statutes.

**House Amendment 7**—On page 1 in the title, line 19, insert: creating s. 230.2316, Florida Statutes, providing intent; creating an Advisory Board for the Service Network for the Severely Emotionally Disturbed and providing its duties; providing for grants to district school boards for pilot network components for severely emotionally disturbed students and requiring such components to provide certain services; providing funding for such components; providing for agreements between school boards and the Department of Health and Rehabilitative Services; providing for rules; providing for repeal and review of the advisory board in accordance with the Sundown Act;

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

CS for SB 798 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

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 reconsidered Senate Amendments 3 and 7, has refused to concur in same, has further amended and passed as further amended—

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

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.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

On motions by Senator Maxwell, the Senate receded from Amendments 3 and 7. CS for HB 707 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Anderson	Henderson	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenne	McKnight	Stuart
Carlucci	Jennings	Neal	Thomas
Dunn	Kirkpatrick	Peterson	Trask
Frank	Langley	Rehm	Vogt
Gordon	Lewis	Scott	Ware
Grizzle	Margolis	Skinner	Winn

Nays—None

Vote after roll call:

Yea—Renick

*The Honorable W. D. Childers, President*

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

By Senator Beard—

SB 280—A bill to be entitled An act relating to special process servers; amending s. 48.021(2), (3), Florida Statutes; providing

that special process servers serve at the pleasure of the sheriff; providing that special process servers may only serve process in the county in which the sheriff who appointed them resides; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**House Amendment 1**—On page 1, line 16, strike “may” and insert: shall

On motion by Senator Beard, the Senate concurred in the House amendment.

SB 280 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

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 passed with amendments—

By Senator Carlucci—

**SB 720**—A bill to be entitled An act relating to recovery of stolen motor vehicles; amending s. 812.062, Florida Statutes, 1980 Supplement; providing that the law enforcement agency recovering an unlawfully taken motor vehicle shall inform the owner of record, the reporting agency, and any lienholder of record by whatever means available; providing for notification of the owner by certified mail under certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**House Amendment 1**—On page 1, lines 20-27, following the word “record” on line 20, strike remainder of line 20 and all of lines 21 through 27 and insert: ~~and the law enforcement agency which initiated the stolen vehicle report by certified mail, return receipt requested, with 24 hours of such recovery, by any means available or by certified letter, return receipt requested, if other notification has not been made within 72 hours. The law enforcement agency which initiated the stolen vehicle report shall also be notified of the recovery by either teletype message or certified letter, return receipt requested, within 72 hours.~~

**House Amendment 2**—On page 1 in the title, line 11, following the word “circumstances;” insert: providing that the reporting law enforcement agency shall be informed by either teletype message or certified letter;

**House Amendment 3**—On page 1 in the title, lines 7 and 8, strike “, the reporting agency, and any lienholder of record”

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

SB 720 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Anderson	Carlucci	Dunn	Gordon
Beard	Childers, D.	Frank	Grizzle

Hair	Langley	Poole	Thomas
Henderson	Lewis	Rehm	Trask
Hill	Margolis	Renick	Vogt
Jenne	McClain	Scott	Ware
Jennings	McKnight	Steinberg	Winn
Johnston	Neal	Stevens	
Kirkpatrick	Peterson	Stuart	

Nays—None

The bill was ordered engrossed and then enrolled.

Senator Stuart presiding

*The Honorable W. D. Childers, President*

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

By the Committee on Agriculture—

**SB 303**—A bill to be entitled An act relating to public fairs and expositions; amending s. 616.12, Florida Statutes; providing for exemption of certain shows, amusements, and concessions from occupational license taxes; amending ss. 616.15, 616.17, Florida Statutes; removing requirement that the Agricultural and Livestock Fair Council approve the issuance of fair or exposition permits and tax exemption certificates; amending s. 616.21, Florida Statutes; providing for membership, officers, official action, meetings, compensation, and duties and responsibilities of the Agricultural and Livestock Fair Council; removing the requirement that the Department of Agriculture and Consumer Services approve or disapprove certain expenditures or the issuance of permits within a reasonable length of time; reviving and readopting s. 616.21(2), Florida Statutes, as amended, notwithstanding the provisions of the Sundown Act; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 7, line 29, strike “secretary”

**Amendment 3**—On page 9, line 11, strike all of section 6 and insert: Section 6. Subsection (2) of section 616.21, Florida Statutes, is repealed October 1, 1987 and shall be reviewed by the Legislature pursuant to the Sundown Act.

Section 7. This act shall take effect October 1, 1981.

**Amendment 4**—On page 1 in title, line 22, insert between “Act;” and “providing”: providing for future repeal and review;

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

SB 303 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

The bill was ordered engrossed and then enrolled.

Senator McKnight presiding

*The Honorable W. D. Childers, President*

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

By the Committee on Governmental Operations and Senator Stuart—

CS for SB 558—A bill to be entitled An act relating to public officers; amending ss. 113.01, 113.02, 15.08, 15.09(1)(b), Florida Statutes; eliminating the requirement that an appointed officer pay certain fees for issuance of a commission or a certificate with seal; adding s. 117.01(6), Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 2, lines 30 and 31, strike all of said lines and insert:

Section 6. Section 117.01, Florida Statutes, is amended to read:

117.01 Appointment, application, fee, term of office, powers, bond and oath.—

(1) The Governor may appoint as many notaries public as he shall deem necessary, each of whom shall be at least 18 years of age, a citizen of the United States, and a permanent resident of the state.

(2) Application for appointment shall be signed by the applicant accompanied by a fee of \$15 and the oath and bond required by subsection (4), and be in the following a form prescribed by the Department of State which shall require, but not be limited to, the following information:

(a) Full name and residence or business address, home and business telephone numbers, date of birth, citizenship status, affidavit of good character from someone unrelated to the applicant, declaration of permanent residence, and a statement of all felony convictions. Each applicant must certify that the application is true and correct to the best of his knowledge.

APPLICATION FOR APPOINTMENT AS NOTARY PUBLIC STATE OF FLORIDA

Miss

Mr.

Mrs.

NAME (Type or print your legal name in which commission will issue)

HOME ADDRESS (Street) (City) (State)

BUSINESS ADDRESS (Street) (City) (State)

HOME PHONE BUSINESS PHONE

ARE YOU A PERMANENT RESIDENT OF FLORIDA?

ARE YOU A CITIZEN OF THE U.S. YES NO (Citizenship required)

DATE OF BIRTH (Month) (Day) (Year) (Must be over 18)

IS THIS A RENEWAL? YES NO

EXPIRATION DATE

(If yes, give date present commission expires)

HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES NO

IF SO, HAVE YOUR CIVIL RIGHTS BEEN RESTORED? YES NO

(If answer is yes, please submit restoration papers.)

(Legal Signature of Applicant)

SIGNATURES OF TWO CHARACTER WITNESSES WHO PERSONALLY KNOW APPLICANT AND WILL VOUCH FOR HIS OR HER GOOD MORAL CHARACTER, REQUIRED:

1 (Name) (Street) (City) (State)

2 (Name) (Street) (City) (State)

THE ABOVE FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

(Signature of Applicant)

Section 7. Section 117.02, Florida Statutes, is amended to read:

117.02 Women eligible.

(1) Women 18 years of age or older are eligible to appointment by the Governor as notaries public, and to hold and exercise the office thereof upon the same terms and conditions, and with the same powers and emoluments, as notaries now appointed by the Governor.

(2) Any woman who is commissioned as a notary public and subsequently changes her name by marriage or any other method may continue to hold her commission under the name in which it was issued until said commission shall have expired. Upon expiration, she shall then apply for a new commission using her new legal name.

Section 8. Sections 117.04 and 117.05, Florida Statutes, are amended to read:

117.04 May solemnize marriages and take acknowledgements.—

Notaries public are authorized to solemnize the rites of matrimony and to take renunciation and relinquishment of dower and acknowledgements of deeds and other instruments of writing for record, as fully as other officers of this state are; and for so doing they shall be allowed the same fees not to exceed those as allowed by law to other officers Clerks of the Circuit Court for like services.

117.05 Fees.—The fees of notaries public may be prescribed by the Department of State but shall not exceed those provided by law to the Clerks of the Circuit Court for like services. The fees of notaries public shall be as follows: For protesting bills of exchange, promissory notes, noting protest of captain of vessel and all other papers necessary to be protested, both for nonacceptance and nonpayment, including the entering and registering of same, issuing certificates with seal, all necessary notices and postage and each and every act necessary to perfect such protest, \$2 administering each oath, 10 cents; attending at a demand, tender or deposit or noting the same, \$1; each certificate with seal thereto 50 cents; each order for survey, 50 cents; copying any paper necessary to be copied, the same as allowed Clerks of the Circuit Court.

Section 9. This act shall take effect upon becoming a law.

House Amendment 2—On page 1 in the title, line 7, after the semicolon insert: amending ss. 117.01, 117.02, 117.04, 117.05, Florida Statutes; eliminating the requirement that a notary public be a citizen of the United States; providing for use of new legal name;

On motion by Senator Stuart, the Senate concurred in House Amendment 1.

Senator Stuart moved the following amendment which was adopted.

Amendment 1 to House Amendment 2—On page 1, in title, line 3, after the second semicolon insert: providing for application form for appointment as a notary public; prescribing fees for services performed by notaries;

On motion by Senator Stuart, the Senate concurred in House Amendment 2 as amended and the House was requested to concur in the Senate amendment.

CS for SB 558 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

- Anderson, Barron, Beard, Carlucci, Childers, D., Dunn, Frank, Gordon, Grizzle, Hair, Henderson, Hill, Jenkins, Jenne, Jennings, Johnston, Kirkpatrick, Langley, Lewis, Margolis

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

Nays—None

The bill was ordered engrossed and then enrolled.

Senator Stuart presiding

The President presiding

The President announced the following winners of the Allen Morris Awards for the 1981 session: Most Effective Member, Senator Peterson; Most Effective Member, runner-up, Senator Gordon; Most Effective in Debate, Senator Thomas; Most Effective in Debate, runner-up, Senator Gordon; Most Effective in Committee, Senator Maxwell; Most Effective in Committee, runner-up, Senator Winn

Senator Stuart presiding

SPECIAL ORDER, continued

The Senate resumed consideration of—

HB 338—A bill to be entitled An act relating to elections; amending s. 104.061(2), Florida Statutes, relating to campaign items which may be given away; amending s. 106.011(11), Florida Statutes, relating to campaign fund raisers; amending s. 106.021(1)(a), Florida Statutes, relating to filing the appointment of campaign treasurer of a political committee; amending s. 106.025, Florida Statutes, relating to campaign fund raisers and other testimonial affairs; amending s. 106.03(1), (3), and (4), Florida Statutes, and adding a new subsection thereto, relating to registration of political committees; amending s. 106.04(4)(a), Florida Statutes, relating to reporting requirements for committees of continuous existence; amending s. 106.07(1), (2), (3), (4), and (5), Florida Statutes, relating to reporting requirements for candidates and political committees; amending s. 106.141(6) and (7), Florida Statutes, 1980 Supplement, and adding new subsections (4) and (9) thereto, relating to disposition by candidates of surplus funds; amending s. 106.142, Florida Statutes, relating to the definition of political advertisement; amending s. 106.143(1), Florida Statutes, relating to political advertisement disclaimers; amending s. 106.15(2), (3), and (4), Florida Statutes, relating to the prohibited use of state-owned aircraft or motor vehicles, and the prohibited use of services of state employees, in campaigns; amending s. 106.17, Florida Statutes, relating to political polls; amending s. 106.29(1), Florida Statutes, relating to reports by political parties; creating s. 111.012, Florida Statutes, relating to testimonials for public officeholders; providing an effective date.

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

Amendment 8—On page 2, line 12, strike everything after the enacting clause and insert:

Section 1. Subsections (7), (8), (9), and (10) of section 100.361, Florida Statutes, are renumbered as subsections (6), (7), (8), and (9), respectively, and paragraph (a) of subsection (1) and subsections (3), (4), (5), and (6) of said section are amended to read:

100.361 Municipal recall.—

(1) RECALL PETITION.—Any member of the governing body of a municipality or charter county, hereinafter referred to in this section as municipality, may be removed from office by the electors of the municipality. When the official represents a district and is elected only by electors residing in that district, only electors from that district may sign the petition to recall that official and shall be entitled to vote in the recall election. When the official represents a district and is elected at-large by the electors of the municipality all electors of the municipality are eligible to sign the petition to recall that official and shall be entitled to vote in the recall election. When used in this section, the term "district" shall be construed to mean the area or region of a municipality from which a member of the governing body is elected by the electors from such area or region. Members may be removed from office by the following procedure:

(a) A petition shall be prepared naming the person sought to be recalled and containing a "statement of grounds for recall" in not more than 200 words. If more than one member of the governing body is sought to be recalled, whether such member is elected by the electors of a district or by the electors of the municipality at-large, separate recall petitions shall be prepared naming individual members.

1. In a municipality or district of less than 500 electors, the petition shall be signed by at least 50 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

2. In a municipality or district of 500 or more but less than 2,000 registered electors, the petition shall be signed by at least 100 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

3. In a municipality or district of 2,000 or more but less than 5,000 registered electors, the petition shall be signed by at least 250 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

4. In a municipality or district of 5,000 or more but less than 10,000 registered electors, the petition shall be signed by at least 500 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

5. In a municipality or district of 10,000 or more but less than 25,000 registered electors, the petition shall be signed by at least 1,000 electors or by 10 5 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

6. In a municipality or district of 25,000 or more registered electors, the petition shall be signed by at least 1,000 electors or by 5 2 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

Electors of the municipality or district making charges contained in the "statement of grounds for recall" and those signing the recall petition shall be designated as the "committee." A specific person shall be designated therein as chairman of the committee to act for the committee. Only qualified electors of the municipality or district are eligible to sign the petition. Signatures and affidavits of circulators shall be executed as provided in paragraph (c). All signatures shall be obtained within a period of 30 days, and the petition shall be filed within 30 days after the date the first signature is obtained on the petition.

(3) BALLOTS.—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: "Shall \_\_\_\_\_ be removed from the office of \_\_\_\_\_ by recall?"

Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

" . . . (name of person) . . . should be removed from office,"

"For the recall of . . . (name of person) . . ."

" . . . (name of person) . . . should not be removed from office."

"Against the recall of \_\_\_\_\_ (name of person) \_\_\_\_\_"

Immediately to the right of each of the propositions shall be placed a square on which the electors, by making a crossmark (X), may vote either of the propositions. Voting machines may be used.

(4) FILLING OF VACANCIES AND SPECIAL ELECTIONS.—If in any election a majority of the votes cast on the question of removal of any member of the governing body of a municipality is affirmative, the member whose removal is sought shall be deemed removed from office upon the announcement of the official canvass of that election, and the vacancy caused by the recall shall be filled by the governing body according to the provisions of the appropriate law.

(a) If, however, an election is held for the recall of members elected only at-large more than one member, candidates to succeed them for the unexpired terms shall be voted upon at

the same election, and shall be ~~elected nominated~~ in the same manner as provided by the appropriate law for the ~~election nomination~~ of candidates at general elections.

(5) **COUNTING THE VOTE.** Candidates shall not be ~~elected nominated~~ to succeed any particular member. If only one member is removed, the candidate receiving the highest number of votes shall be declared elected to fill the vacancy. If more than one member is removed, candidates equal in number to the number of members removed shall be declared elected to fill the vacancies; and, among the successful candidates, those receiving the greatest number of votes shall be declared elected for the longest terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

(b) If an election is held for the recall of members elected only from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election called by the chief judge of the judicial circuit in which the districts are located not less than 30 days or more than 60 days after the expiration of the recall election. The qualifying period, for purposes of this section, shall be established by the chief judge of the judicial circuit after consultation with the municipal or charter county election official. Any candidate seeking election to fill the unexpired term of a recalled district municipal official shall reside in the district represented by the recalled official and qualify for office in the manner required by law. Each candidate receiving the highest number of votes for each office in the special district recall election shall be declared elected to fill the unexpired term of the recalled official. Candidates seeking election to fill a vacancy created by the removal of a municipal official shall be subject to the provisions of chapter 106.

(c) When an election is held for the recall of members of the governing body composed of both members elected at-large and from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election as provided in paragraph (b).

(d) However, in any recall election held pursuant to paragraph (b) or (c), if only one member is voted to be removed from office, the vacancy created by the recall shall be filled by the governing body according to the provisions of the appropriate law for filling vacancies.

(5)(6) **EFFECT OF RESIGNATIONS.**—If the member of the governing body being recalled resigns from office prior to the recall election, the remaining members shall fill the vacancy created according to the appropriate law for filling vacancies. If all the members of the governing body are sought to be recalled and all of the members resign prior to the recall election, the recall election shall be canceled and a special election shall be called to fill the unexpired terms of the resigning members. If all of the members of the governing body are sought to be recalled and any of the members resigned prior to the recall election, ~~No proceedings for the recall of all of the members of the governing body at the same election shall be defeated in whole or in part by the resignation of any or all of them, but, upon the resignation of any of them, the governing body shall have power to fill the vacancy or vacancies until successors are elected, and the proceedings for the recall of members not resigning and the election of successors to fill the unexpired terms shall continue and have the same effect as though there had been no resignation.~~

Section 2. Subsection (3) is added to s. 98.271, Florida Statutes, 1980 Supplement, to read:

98.271 Appointment of deputy supervisors, authority; compensation.—

(3) All county executive committee precinct committeemen and committeewomen may be appointed deputy supervisors by the supervisor of elections for the purpose of registering voters and accepting changes in registration within their precincts. No compensation shall be paid to these deputies, and their duties shall be limited as provided in this subsection.

Section 3. Subsection (7) is added to section 103.091, Florida Statutes, to read:

103.091 Political parties.—

(7) In addition to the members provided for in subsection (1), each county executive committee shall include all

members of the state legislature who are residents of the county and members of their respective political party and who shall be known as at-large committeemen and committeewomen. Each state executive committee shall include, as at-large committeemen and committeewomen, all members of the United States Congress representing the State of Florida who are members of the political party, all statewide elected officials who are members of the party, the President of the Senate, the Minority Leader in the Senate, the Speaker of the House of Representatives, the Minority Leader in the House of Representatives, and 20 members of the state legislature who are members of the political party. Ten of the legislators shall be appointed with the concurrence of the state chairman of the respective parties as follows: 5 to be appointed by the President of the Senate; 5 by the Minority Leader in the Senate; 5 by the Speaker of the House of Representatives; and, 5 by the Minority Leader in the House. The governing body of each state executive committee as defined by party rule shall include as at-large committeemen and committeewomen, all statewide elected officials who are members of such political party; up to four members of the United States Congress representing the State of Florida, who are members of such political party and who shall be appointed by the state chairman on the basis of geographic representation; the permanent presiding officer selected by the membership of each house of the legislature who are members of such political party; and the minority leader selected by the membership of each house of the legislature who are members of such political party. Any such at-large committeemen and committeewomen holding another voting position on a committee shall be entitled to only one vote. The conducting of official legislative business shall constitute good and sufficient reason for failure to attend county or state executive committee meetings.

Section 4. This act shall take effect upon becoming a law.

**Amendment 9**—On page 1, lines 1-31 page 2 lines 1-8, strike all of said lines and insert: A bill to be entitled An act relating to elections; amending s. 100.361(1)(a), (3), (4), (5), and (6), Florida Statutes; modifying provisions relating to district recall petitions; providing for a special election to fill vacancies; adding s. 98.271(3), Florida Statutes, 1980 Supplement; providing for appointment of deputy supervisors of elections; creating subsection (7) of section 103.091, Florida Statutes; providing for additional members to county executive committees and to the state executive committees of political parties; providing an effective date.

On motion by Senator Hair, by two-thirds vote HB 338 as amended was read the third time by title, passed, and certified to the House.

The vote on passage was:

Yeas—26

Anderson	Kirkpatrick	Neal	Stuart
Beard	Langley	Peterson	Thomas
Carlucci	Lewis	Poole	Trask
Childers, D.	Margolis	Rehm	Vogt
Dunn	Maxwell	Renick	Winn
Hair	McClain	Steinberg	
Jennings	McKnight	Stevens	

Nays—6

Frank	Grizzle	Johnston	Ware
Gordon	Jenne		

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

**CS for SB 347**—A bill to be entitled An act relating to I.A.T. blood fractions; providing definitions; providing for manufacture, distribution, delivery, possession, sale, and use of I.A.T. blood fractions within the state; providing for delivery or sale of I.A.T. blood fractions only by prescription issued by certain physicians; providing requirements for labels on containers of I.A.T. blood fractions; providing that no hospital or health facility may prohibit or restrict the use of I.A.T. blood fractions in certain circumstances or deny staff privileges to a physician because of such use; providing that certain physicians may not be subject to disciplinary action for prescribing

or administering I.A.T. blood fractions under certain circumstances; providing a qualification to such provisions relating to I.A.T. blood fractions; requiring a physician to provide certain information to a patient prior to administering or prescribing I.A.T. blood fractions; requiring from a person who requests I.A.T. blood fractions a signed statement releasing from liability certain physicians, hospitals, or health facilities; requiring the Department of Health and Rehabilitative Services to adopt rules regarding manufacture of I.A.T. blood fractions, to license manufacturers meeting those standards, to conduct inspections of manufacturing facilities, and to establish a licensing fee; adding s. 500.16(3)(f), Florida Statutes, 1980 Supplement; exempting I.A.T. blood fractions from the state approval process for new drugs; providing an effective date.

—was read the first time by title and SB 347 was laid on the table.

On motion by Senator Trask, by two-thirds vote CS for SB 347 was read the second time by title.

Senator Trask moved the following amendment:

**Amendment 1**—On page 2, line 9, strike everything after the enacting clause and insert:

Section 1. Section 402.36, Florida Statutes, is amended to read:

402.36 ~~Cancer Controlled substances~~ therapeutic research.—

(1) **SHORT TITLE.**—The provisions of this section shall be known and may be cited as the “~~Cancer Controlled Substances Therapeutic Research Act of 1981.~~”

(2) **LEGISLATIVE INTENT; PURPOSE.**—

(a) The Legislature finds that recent research has shown that the use of cannabis may alleviate the nausea and ill-effects of cancer chemotherapy and may alleviate the ill-effects of glaucoma. The Legislature further finds that there is a need for further research and experimentation with regard to the use of cannabis under strictly controlled circumstances. ~~It is for this purpose that the Controlled Substances Therapeutic Research Act is hereby enacted.~~

(b) *The Legislature also finds that certain unconventional therapies have been developed for the detection and treatment of cancer in humans. It is therefore the intent of the Legislature to allow such methods to be made available in Florida under strictly controlled circumstances.*

(c) *The purpose of this section shall not exceed the intent hereby expressed.*

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

(a) “Secretary” means the Secretary of the Department of Health and Rehabilitative Services, or his designee.

(b) “Cannabis” means those substances defined as such in s. 893.02(2), tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols.

(c) “Practitioner” means a physician licensed pursuant to chapter 458 or chapter 459, provided such physician holds a valid federal controlled substance registry number.

(d) *“Unconventional therapies” means any method used for the control or cure of cancer which has not been approved by the federal Food and Drug Administration for human use, provided, however, that until July 1, 1982, “unconventional therapies” means the use of human blood fractions for the control or cure of cancer.*

(4) **CANCER CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH PROGRAM.**—

(a) There is established within the Department of Health and Rehabilitative Services a controlled substances therapeutic research program. The program shall be administered by the secretary. The department shall adopt rules necessary for the proper administration of this section. In adopting rules, the department shall take into consideration pertinent rules and regulations promulgated by the federal Drug Enforcement Administration, the Food and Drug Administration, and the National Institute on Drug Abuse.

(b) Except as provided in paragraph (c) or (5)(e)(d), the ~~cancer controlled substances~~ therapeutic research program shall be limited to cancer chemotherapy patients and glaucoma patients, who are certified to the Patient Qualification Review Board by a practitioner as being involved in a life-threatening or sense-threatening situation and who are not responding to conventional controlled substances or where the conventional controlled substances administered have proven to be effective but where the patient has incurred severe side effects.

(c) *Unconventional therapies shall be available to persons in the state, who are certified to the Patient Qualification Review Board by a practitioner as having been medically determined and diagnosed by said practitioner as having cancer.*

(5) **PATIENT QUALIFICATION REVIEW BOARD.**—

(a) The secretary shall appoint a Patient Qualification Review Board to serve at his pleasure. The board shall be comprised of:

1. A physician licensed pursuant to chapter 458 and certified by the American Board of Ophthalmology;

2. A physician licensed pursuant to chapter 458 and certified by the American Board of Internal Medicine and also certified in the subspecialty of medical oncology;

3. A physician licensed pursuant to chapter 458 and certified by the American Board of Psychiatry; ~~and~~

4. A physician licensed pursuant to chapter 459 and certified by the American Osteopathic Association Board of Ophthalmology and Otorhinolaryngology or by the American Osteopathic Association Board of Internal Medicine and certified in the subspecialty of medical oncology;

5. A pharmacist licensed pursuant to chapter 465;

6. A pathologist licensed pursuant to chapter 458;

7. Two lay members.

(b) Members of the board may be reimbursed for their attendance at meetings as authorized by s. 112.061.

(c) The Patient Qualification Review Board shall review all applicants for the ~~cancer controlled substances~~ therapeutic research program and their ~~licensed~~ practitioners and certify their participation in the program.

(d) The board shall additionally certify practitioners and state-operated licensed pharmacies, ~~state licensed hospital pharmacies, or federally operated pharmacies~~ for participation regarding the distribution of cannabis pursuant to subsection (6).

(e)(d) The Patient Qualification Review Board may include other disease groups for participation in the controlled substances therapeutic research program after pertinent medical data have been presented by a practitioner to both the secretary and the board.

(6) **DISTRIBUTION OF CONTROLLED SUBSTANCE.**—

(a) The secretary shall apply to contract with the ~~appropriate federal agency National Institute on Drug Abuse~~ for receipt of cannabis pursuant to regulations promulgated by the National Institute on Drug Abuse, the Food and Drug Administration, and the Drug Enforcement Administration.

(b) The secretary shall cause such analyzed cannabis to be transferred to a certified state-operated pharmacy, ~~state licensed hospital pharmacy, or federally operated pharmacy~~ for distribution to a certified patient upon the written prescription of the certified practitioner pursuant to this section.

(7) **MANAGEMENT OF RESOURCES USED IN UNCONVENTIONAL THERAPIES.**—

(a) *Practitioners wishing to use unconventional therapies shall prescribe or administer such therapies in accordance with research protocols which are reviewed and approved by the Patient Qualification Review Board. Such protocols shall encompass reporting of information including but not limited to diagnosis, stage of disease, medical history, laboratory data, tissue diagnosis, other methods of treatment and follow-up data on each cancer patient receiving treatment.*

(b) *The management of distribution of the materials and information needed for unconventional therapies shall be specified through rules promulgated by the Patient Qualification Review Board; provided, such rules shall make unconventional therapies available to any patient who requests, through his practitioner, such treatment in accordance with s. 402.36 (4)(c).*

(c) *Except where prohibited by federal regulation, practitioners who participate in the provisions of this section shall be exempt from obtaining a federal investigational new drug number for materials which are manufactured and used in the state in conjunction with unconventional therapies as specified in this section.*

(d) *Any material used in unconventional therapies shall be clearly marked "For investigational use only."*

(e) *As provided in this section, the manufacture, distribution, delivery, possession, sale, and use of materials for unconventional therapies is lawful within the state.*

(f) *Prior to prescribing or administering materials for unconventional therapies to any person, a practitioner shall inform the person in writing of any alternative method of treatment and any complication, side effect or probable result of undergoing such treatment. The practitioner shall also inform the patient in writing that materials for unconventional therapies are not approved as a treatment or cure for cancer by the Food and Drug Administration of the United States, Department of Health and Human Services. Any person who requests a practitioner to prescribe or administer materials for unconventional therapies shall sign a written statement releasing from liability the physician who prescribed or administered the substance or, when applicable, the hospital or health facility at which such substance was administered.*

(8) **RULES.**—*The department shall promulgate rules specifying minimum standards of cleanliness and sanitation for facilities used to manufacture, store, or dispense materials for unconventional therapies and shall license manufacturers who meet those minimum standards. The department shall conduct, at least annually and in the interest of public health, unannounced inspections of facilities used to manufacture, store, or dispense materials for unconventional therapies and shall fix and collect a minimum licensing fee of not less than \$500 per year from each manufacturer to defray the total cost of licensing such manufacturer and inspecting such facilities. The department shall be allowed to inspect any materials used in preparing, compounding, processing, and packaging materials for unconventional therapies.*

(9) ~~(7)~~ **REPORT.**—*The secretary, in conjunction with the Patient Qualification Review Board, shall report his findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives, regarding the effectiveness of the cancer controlled substances therapeutic research program prior to April 1 of each year.*

(10) ~~(8)~~ **EXCEPTIONS TO CHAPTER 893.**—

(a) *The enumeration of cannabis, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols in s. 893.03(1) as a Schedule I controlled substance does not apply to the use of cannabis, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols by certified patients pursuant to the provisions of this section.*

(b) *Cannabis, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols shall be considered Schedule II substances as enumerated in s. 893.03(2) only for the purposes enumerated in this section.*

(11) ~~(9)~~ **CONFIDENTIALITY OF PATIENT'S IDENTITY.**—*The identity of any patient certified pursuant to this section for participation in the cancer controlled substances therapeutic research program shall be confidential and shall not be disclosed under any circumstances except with the patient's written consent.*

(12) **EXEMPTION.**—*This section shall be exempt from the provisions of s. 500.16, Florida Statutes.*

Section 2. This act shall take effect October 1, 1981.

Senator Anderson moved the following amendment to Amendment 1:

Amendment 1A—On page 3, line 15, strike the period following "cancer" and insert: unless the Board of Medical Examiners or Board of Osteopathic Medical Examiners, in a hearing conducted under the provisions of Chapter 120, Florida Statutes, makes a formal finding that human blood fractions are harmful or ineffective for the detection, prevention, control or cure of cancer.

Amendment 1A failed. The vote was:

Yeas—13

Anderson	Hill	McKnight	Stuart
Carlucci	Jenne	Renick	
Dunn	Johnston	Scott	
Hair	Margolis	Steinberg	

Nays—25

Barron	Jenkins	Peterson	Trask
Beard	Jennings	Poole	Vogt
Childers, D.	Kirkpatrick	Rehm	Ware
Frank	Lewis	Skinner	Winn
Gordon	Maxwell	Stevens	
Grizzle	McClain	Thomas	
Henderson	Neal	Tobiassen	

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

Amendment 1B—On page 7, line 3, insert between "shall" and "promulgate": within six months of the effective date of this section.

Amendment 1 was adopted.

Senator Trask moved the following amendment which was adopted:

Amendment 2—On pages 1 and 2 in title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to cancer therapeutic research; amending s. 402.36, Florida Statutes, expanding the scope of the controlled substances therapeutic research act; authorizing the patient qualification review board to permit qualified patients to obtain unconventional therapies for the control and cure of cancer; increasing the membership of the board; authorizing the distribution of cannabis under the act by additional types of pharmacies; requiring practitioners using unconventional therapies to prescribe or administer such therapies in accordance with certain protocols; providing for rules governing the distribution of such materials; exempting practitioners under the act from obtaining a federal investigational new drug number for such materials; requiring a practitioner to notify the patient of certain information about such materials and requiring the patient to sign a written release; providing for rules; providing for inspections and a license fee upon manufacturers of such materials; providing an effective date.

Pending further consideration of CS for SB 347 as amended, on motion by Senator Trask, the rules were waived and by two-thirds vote CS for HB 747 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Trask—

CS for HB 747—A bill to be entitled An act relating to cancer therapeutic research; amending s. 402.36, Florida Statutes, expanding the scope of the controlled substances therapeutic research act; authorizing the patient qualification review board to permit qualified patients to obtain unconventional therapies for the control and cure of cancer; increasing the membership of the board; authorizing the distribution of cannabis under the act by additional types of pharmacies; requiring practitioners using unconventional therapies to prescribe or administer such therapies in accordance with certain protocols; providing for rules governing the distribution of such materials; exempting practitioners under the act from obtaining a federal investigational new drug number for such materials; requiring a practitioner to notify the patient of certain information about such materials and requiring the

patient to sign a written release; providing for rules; providing for inspections and a license fee upon manufacturers of such materials; providing an effective date.

—a companion measure, was substituted for CS for SB 347 and read the second time by title.

Senator Johnston moved the following amendment which failed:

Amendment 1—On page 7, line 16, insert following “therapies”: The Department of Health and Rehabilitative Services shall require each physician or osteopathic physician utilizing human blood fraction treatment regimens to report to the department on a form prescribed by rule as to the precise method of treatment and results obtained for each patient.

The vote was:

Yeas—16

Anderson	Grizzle	Lewis	Steinberg
Carlucci	Hair	Margolis	Stevens
Dunn	Jenne	McKnight	Stuart
Frank	Johnston	Neal	Ware

Nays—21

Barron	Jennings	Poole	Trask
Beard	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Winn
Henderson	Maxwell	Skinner	
Hill	McClain	Thomas	
Jenkins	Peterson	Tobiassen	

Senator Trask moved that the rules be waived and CS for HB 747 be read the third time by title. The motion was adopted. The vote was:

Yeas—27

Beard	Jenkins	Peterson	Thomas
Childers, D.	Jennings	Poole	Tobiassen
Dunn	Kirkpatrick	Rehm	Trask
Gordon	Langley	Renick	Vogt
Grizzle	Lewis	Scott	Ware
Henderson	Maxwell	Skinner	Winn
Hill	McClain	Stevens	

Nays—11

Anderson	Hair	Margolis	Steinberg
Carlucci	Jenne	McKnight	Stuart
Frank	Johnston	Neal	

CS for HB 747 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Beard	Jenkins	Peterson	Thomas
Childers, D.	Jennings	Poole	Tobiassen
Dunn	Kirkpatrick	Rehm	Trask
Gordon	Langley	Renick	Vogt
Grizzle	Lewis	Scott	Ware
Henderson	Maxwell	Skinner	Winn
Hill	McClain	Stevens	

Nays—11

Anderson	Hair	Margolis	Steinberg
Carlucci	Jenne	McKnight	Stuart
Frank	Johnston	Neal	

CS for SB 347 was laid on the table.

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 Amendment 2; has amended

Senate Amendment 1, concurred in same as amended and passed HB 1230, as amended, and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Patterson—

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.

Amendment 1 to Senate Amendment 1—On page 1, lines 29-31, and on page 2, lines 1-5, strike all of section 23

Amendment 2 to Senate Amendment 1—On page 1, line 21, strike “600” and insert: 300

On motions by Senator Tobiassen, the Senate concurred in the House amendments to the Senate amendment.

HB 1230 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Peterson

SPECIAL ORDER, continued

By the Committee on Governmental Operations and Senators Lewis, Stevens, Trask, Maxwell, Rehm, Renick, Beard, Skinner, Jenne, Hill, Winn, Margolis, Peterson, Kirkpatrick, Grizzle, Jenkins, Langley, D. Childers, McClain and Ware—

CS for SB 335—A bill to be entitled An act relating to real estate; adding subsection (10) to s. 20.30, Florida Statutes, creating the Florida Real Estate Commission; amending s. 215.37(1), (2), (3), and (4), Florida Statutes, providing for fees collected by the commission; providing for the funding of the commission; adding subsection (5) to s. 455.201, Florida Statutes, exempting the commission from certain regulations; amending ss. 475.03, 475.05, 475.10, 475.125, 475.175, 475.181, 475.23, 475.24, 475.25, 475.28, 475.31(2), 475.37, 475.42(1)(g), (h) and (i), 475.452(2) and (3), 475.453(1), (2) and (3)(b), 475.455, 475.483(1)(b), 475.4835 and 475.486, Florida Statutes; amending ss. 475.01(1) and (5), 475.17(2), 475.451(1), (2) and (3), 475.4511(5), 475.482 and 475.484(1), (2) and (6), Florida Statutes, 1980 Supplement; changing the terms “board” and “department” to “commission” throughout chapter 475, Florida Statutes; amending s. 475.02(1) and (3), Florida Statutes, and adding subsections (4), (5), (6), (7), (8), (9) and (10) thereto, providing for the organization of the commission; amending s. 475.04, Florida Statutes, relating to the duty of the commission to educate members of the profession; creating s. 475.061, Florida Statutes, providing for the accountability and liability of commission members; creating s. 475.071, Florida Statutes, authorizing the commission to designate executive offices; creating s. 475.081, Florida Statutes, providing for the

compensation of commission members; creating s. 475.091, Florida Statutes, authorizing the commission to employ certain persons; creating s. 475.111, Florida Statutes, creating the Florida Real Estate Commission Trust Fund; creating s. 475.121, Florida Statutes, providing for the payment of expenses of the commission; creating s. 475.1815, Florida Statutes, relating to denial of licensure; amending s. 475.182, Florida Statutes, 1980 Supplement, authorizing the commission to accept certain substitute educational courses for required continuing education courses; amending s. 475.183, Florida Statutes, providing substitute educational courses with respect to certain licensees; creating s. 475.261, Florida Statutes, relating to disciplinary proceedings; creating s. 475.2615, Florida Statutes, providing injunctive relief; creating s. 475.263, Florida Statutes, relating to public inspection of records; creating s. 475.264, Florida Statutes, relating to display of notice of regulation; repealing s. 20.30(4)(x), Florida Statutes, eliminating the Board of Real Estate within the Department of Professional Regulation; providing legislative intent; providing for review and repeal in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—was read the first time by title and SB 335 was laid on the table.

On motion by Senator Lewis, by two-thirds vote CS for SB 335 was read the second time by title.

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

**Amendment 1**—On page 5, line 27, strike "1982" and insert: 1984

**Amendment 2**—On page 37, line 15, strike "1982" and insert: 1984

**Amendment 3**—On page 37, line 25, strike "1985" and insert: 1987

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Lewis:

**Amendment 4**—On page 37, line 27, strike "1981" and insert: 1983

Senator Lewis moved the following substitute amendment which was adopted:

**Amendment 5**—On page 37, line 27, strike "July 1, 1981" and insert: October 1, 1981

On motion by Senator Dunn, debate on CS for SB 335 and all pending amendments was limited to five minutes.

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

**Amendment 6**—On page 6, line 23, strike "a" and insert: an annual or

**Amendment 7**—On page 25, lines 11-26, strike all of section 29 and renumber subsequent sections.

**Amendment 8**—In title on page 2, lines 25-26, strike all of said lines after "records;"

Pending further consideration of CS for SB 335 as amended, on motions by Senator Lewis, by two-thirds vote CS for CS for HB 687 was withdrawn from the Committees on Governmental Operations, Commerce and Appropriations.

On motion by Senator Lewis—

CS for CS for HB 687—A bill to be entitled An act relating to real estate; adding subsection (10) to s. 20.30, Florida Statutes, creating the Florida Real Estate Commission; amending s. 215.37(1), (2), and (3), Florida Statutes, and adding

a new subsection (4) thereto, providing for fees collected by the commission; providing for the funding of the commission; adding subsection (5) to s. 455.201, Florida Statutes, exempting the commission from certain regulations; amending ss. 475.03, 475.05, 475.10, 475.125, 475.175, 475.181, 475.23, 475.24, 475.25, 475.28, 475.31(2), 475.37, 475.42(1)(g), (h) and (i), 475.452(2) and (3), 475.453(1), (2) and (3)(b), 475.455, 475.483(1)(b), 475.4835 and 475.486, Florida Statutes; amending ss. 475.01 (1) and (5), 475.17(2), 475.451(1), (2) and (3), 475.4511(5), 475.482 and 475.484(1), (2) and (6), Florida Statutes, 1980 Supplement; changing the terms "board" and "department" to "commission" throughout chapter 475, Florida Statutes; amending s. 475.02(1) and (3), Florida Statutes, and adding subsections (4), (5), (6), (7), (8), (9) and (10) thereto, providing for the organization of the commission; amending s. 475.04, Florida Statutes, relating to the duty of the commission to educate members of the profession; creating s. 475.061, Florida Statutes, providing for the accountability and liability of commission members; creating s. 475.071, Florida Statutes, authorizing the commission to designate executive offices; creating s. 475.081, Florida Statutes, providing for the compensation of commission members; creating s. 475.091, Florida Statutes, authorizing the commission to employ certain persons; creating s. 475.121, Florida Statutes, providing for the payment of expenses of the commission; creating s. 475.1815, Florida Statutes, relating to denial of licensure; amending s. 475.182, Florida Statutes, 1980 Supplement, authorizing the commission to accept certain substitute educational courses for required continuing education courses; amending s. 475.183, Florida Statutes, providing substitute educational courses with respect to certain licensees; creating s. 475.261, Florida Statutes, relating to disciplinary proceedings; creating s. 475.2615, Florida Statutes, providing injunctive relief; creating s. 475.263, Florida Statutes, relating to public inspection of records; repealing s. 20.30(4)(x), Florida Statutes, eliminating the Board of Real Estate within the Department of Professional Regulation; providing legislative intent; 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 335 and by two-thirds vote read the second time by title. On motion by Senator Lewis, by two-thirds vote CS for CS for HB 687 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	Stevens
Beard	Jenne	McKnight	Thomas
Carlucci	Jennings	Neal	Tobiasen
Childers, D.	Johnston	Peterson	Trask
Frank	Kirkpatrick	Poole	Vogt
Gordon	Langley	Rehm	Ware
Grizzle	Lewis	Renick	Winn
Henderson	Margolis	Scott	

Nays—4

Dunn	Hair	Steinberg	Stuart
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Vote after roll call:

Yea—W. D. Childers

CS for SB 335 was laid on the table.

On motion by Senator Dunn, debate on all measures taken up for the remainder of today's session was limited to four minutes per measure.

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 with amendments—

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.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, between lines 2 and 3 insert new Section 2 and renumber subsequent section: Section 2. Section 316.700, Florida Statutes, is created to read:

**316.700 Department of Transportation; authority to adopt and enforce safety rules.—**

(1) *The Department of Transportation shall establish and revise as necessary by rule such standards as the Department of Transportation determines necessary to assure the safe operation of any nonpublic-sector bus. Such rules shall be adopted, after consideration of their costs and benefits in order to reach their objective in the least costly manner, and shall be directed towards assuring that:*

(a) *Nonpublic-sector buses are safely maintained, equipped, and operated.*

(b) *Nonpublic-sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the Interstate Commerce Commission.*

(c) *Nonpublic-sector buses purchase Florida license tags pursuant to s. 320.38.*

(2) *The Department of Transportation may assess a civil penalty of up to \$5,000 per infraction against any person who violates any provision of this section or who violates any rule or order of the department.*

Section 3. Subsection (7) is added to section 316.515, Florida Statutes, to read:

**316.515 Maximum width, height, length.—**

(7) *Anything in this chapter to the contrary notwithstanding, no bus shall exceed a length of 50 feet for single unit coaches or 65 feet for articulated coaches. No bus shall exceed a width of 102 inches at the roadway and 108 inches starting at a point at least 84 inches above the roadway exclusive of safety equipment.*

Section 4. Paragraph (b) of subsection (6) of section 320.08, Florida Statutes, is amended to read:

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

(6) **AUTOMOBILES FOR HIRE.—**

(b) *Nine passengers and over: \$12.50 flat plus \$1.50 per cwt. plus \$19 per passenger.*

Section 4. Section 341.102, Florida Statutes, is created to read:

**341.102 Nonpublic-sector buses.—**No county or municipality shall unduly restrict or impose any economic regulation upon the use of nonpublic-sector buses engaged in intercity transportation, and any existing restrictions shall be invalid, provided, however, a county or municipality may enact necessary safety and traffic ordinances.

Section 6. Section 627.7286, Florida Statutes, 1980 Supplement, is amended to read:

**627.7286 Renewal of policy and setting of rates; certain experience not a factor.—**

(1) *No insurer providing motor vehicle liability coverage shall refuse to renew any policy providing coverage for a personal motor vehicle of any person based solely on such person's experience while operating a vehicle as a part of his employment as a law enforcement officer or firefighter or for any local transit system or as a part of his employment*

*as a bus operator for any nonpublic-sector bus company certified by the Interstate Commerce Commission or the Florida Public Service Commission or while operating a motor vehicle operating under a certificate of the Interstate Commerce Commission or the Florida Public Service Commission, if the motor vehicle has attached or displays a valid certificate number issued by the Interstate Commerce Commission or the Florida Public Service Commission, and no points assessed against such person under s. 322.27 in connection with such experience shall be considered as a factor in the setting of such person's personal motor vehicle liability insurance rates. The burden of demonstrating that such points were assessed in connection with such experience shall lie with the insured.*

(2) *In addition to any other insurance requirements, nonpublic-sector buses must carry proof of ability to respond in damages for liability on account of accidents arising out of the use of a nonpublic-sector bus.*

(a) *In the amount of \$100,000 because of bodily injury to, or death of, one person in any accident;*

(b) *Subject to said limits for one person, in the amount of \$300,000 because of bodily injury to, or death of, two or more persons in any one accident; and*

(c) *In the amount of \$50,000 because of injury to, or destruction of, property of others in any one accident.*

(d) *Or a policy of insurance providing for bodily liability insurance and property damage liability for a sum not less than \$300,000.*

Section 7. School buses subject to the provisions of Chapter 234 or Section 316.615, Florida Statutes, are exempt from the provision of this act.

Section 8. Each section within chapter 627, Florida Statutes, which is added or amended by this act, is repealed on July 1, 1982, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Renumber Subsequent Sections.

Amendment 2—In title on page 1, line 5 insert after the semicolon “,”: creating s. 316.700, Florida Statutes, authorizing the Department of Transportation to adopt rules relating to bus safety; adding a subsection to s. 316.515, Florida Statutes, relating to maximum width, height, and length of buses; amending s. 320.08(6)(b), Florida Statutes, deleting certain per passenger license taxes; creating s. 341.102, Florida Statutes, to preempt local regulation of nonpublic-sector buses; amending s. 627.7286, Florida Statutes, 1980 Supplement, requiring buses to carry additional insurance; providing for review and repeal in accordance with the Regulatory Reform Act of 1976;

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

SB 1121 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

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 passed as amended HB 166 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Foster and others—

**HB 166**—A bill to be entitled An act relating to public health; creating s. 381.4985, Florida Statutes, providing that certain counties which have no hospitals shall be issued certificates of need under certain circumstances; providing an effective date.

—was read the first time by title and on motion by Senator Langley, the rules were waived and HB 166 was placed on the calendar.

On motions by Senator Langley, by unanimous consent HB 166 was taken up and by two-thirds vote 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—28

Anderson	Henderson	McClain	Steinberg
Barron	Hill	Neal	Stevens
Beard	Jenne	Peterson	Thomas
Childers, D.	Jennings	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Grizzle	Langley	Renick	Ware
Hair	Lewis	Scott	Winn

Nays—5

Frank Gordon	Johnston	McKnight	Stuart
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SB 677 was laid on the table.

On motion by Senator Thomas, by two-thirds vote HB 1157 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Thomas, by unanimous consent—

**HB 1157**—A bill to be entitled An act relating to the Governor's Mansion; amending s. 272.185(1)(b), Florida Statutes, to provide for the purchase of insurance for the contents of the mansion; providing for inventory of certain state owned artifacts; providing for recommendations as to insurance on inventory items; providing for a report to the legislature; providing an effective date.

—was taken up and by two-thirds vote 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—35

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

Nays—None

SB 703 was laid on the table.

#### SPECIAL ORDER, continued

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

**CS for SB 944**—A bill to be entitled An act relating to immunization of school children; amending s. 232.032, Florida Statutes, 1980 Supplement; modifying the list of communicable diseases for which immunizations are required; providing for immunization by local county health units; requiring certification of immunization on forms provided by the Department of Health and Rehabilitative Services; providing for permanent records; modifying exemptions from immunization; exempting school authorities and employees from certain liability; providing responsibility of parents; requiring annual reports to the county health unit; authorizing declaration of a communicable disease emergency, under certain conditions; providing for temporary exclusion of nonimmunized children from school during

such emergency; authorizing schools to refuse admittance or attendance without certification of immunization, according to a schedule provided in the act; exempting adult education classes; providing an effective date.

—was read the first time by title and SB 944 was laid on the table.

On motion by Senator Gordon, by two-thirds vote CS for SB 944 was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

**Amendment 1**—On page 2, lines 29-31, and on page 3, line 1, strike “and further the governing authority of each nonpublic shall have the duty to cause each nonpublic school child to be examined at the proper time for scoliosis.” and insert: and further shall provide for appropriate screening of its pupils for scoliosis at the proper age.

**Amendment 2**—On page 3, line 20, strike “School health nurses” and insert: The public school health nurse or authorized non-public school official

**Amendment 3**—On page 4, line 8, insert after the word immunized: or for the failure to diagnose scoliosis

Pending further consideration of CS for SB 944 as amended, on motion by Senator Gordon, the rules were waived and by two-thirds vote CS for HB 559 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Gordon—

**CS for HB 559**—A bill to be entitled An act relating to immunization of school children; amending s. 232.032, Florida Statutes, 1980 Supplement; modifying the list of communicable diseases for which immunizations are required; providing for immunization by local county health units; requiring certification of immunization on forms provided by the Department of Health and Rehabilitative Services; providing for scoliosis screening in nonpublic schools; providing for permanent records; modifying exemptions from immunization; exempting school authorities and employees from certain liability; providing responsibility of parents; requiring annual reports to the county health unit; authorizing declaration of a communicable disease emergency, under certain conditions; providing for temporary exclusion of nonimmunized children from school during such emergency; authorizing schools to refuse admittance or attendance without certification of immunization, according to a schedule provided in the act; exempting adult education classes; providing an effective date.

—a companion measure, was substituted for CS for SB 944 and read the second time by title.

Senator Gordon moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 29, insert: Section 1. Section 458.346, Florida Statutes, is created to read:

**458.346 Medicare assignment.**—The department shall require from each person applying for licensure or renewal of licensure under this chapter a response to the question of whether or not the physician will accept Medicare assignment for services to patients eligible for Medicare reimbursement. In cooperation with the Department of Health and Rehabilitative Services, the department shall provide to the Department of Health and Rehabilitative Services district offices a list of all persons licensed under this chapter in the respective district who will accept Medicare assignment. Each district office shall make such information available to the public upon request.

**Section 2.** Section 459.0211, Florida Statutes, is created to read:

**459.0211 Medicare assignment.**—The department shall require from each person applying for licensure or renewal of licensure under this chapter a response to the question of whether or not the osteopathic physician will accept Medicare assignment for services to patients eligible for Medicare reimbursement. In cooperation with the Department of Health

and Rehabilitative Services, the department shall provide to the Department of Health and Rehabilitative Services district offices a list of all persons licensed under this chapter in the respective district who will accept Medicare assignment. Each district office shall make such information available to the public upon request.

Section 3. Section 460.416, Florida Statutes, is created to read:

460.416 Medicare assignment.—The department shall require from each person applying for licensure or renewal of licensure under this chapter a response to the question of whether or not the chiropractic physician will accept Medicare assignment for services to patients eligible for Medicare reimbursement. In cooperation with the Department of Health and Rehabilitative Services, the department shall provide to the Department of Health and Rehabilitative Services district offices a list of all persons licensed under this chapter in the respective district who will accept Medicare assignment. Each district office shall make such information available to the public upon request.

Section 4. After consultation with the Department of Professional Regulation, the Department of Health and Rehabilitative Services shall adopt such rules as are necessary to implement this act.

Amendment 2—In title on page 1, line 2, strike “immunization of school children” and insert: creating ss. 458.346, 459.0211, 460.416, Florida Statutes; requiring applicants for licensure or renewal of licensure as a physician, osteopath, or chiropractor to provide information on Medicare assignment; requiring the Department of Professional Regulation in cooperation with the Department of Health and Rehabilitative Services to prepare lists of licensed practitioners who accept Medicare assignment; requiring adoption of rules;

On motion by Senator Gordon, by two-thirds vote CS for HB 559 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Poole

CS for SB 944 was laid on the table.

On motions by Senator Frank, the rules were waived and by two-thirds vote HB 25 was withdrawn from the Committees on Agriculture and Commerce.

On motion by Senator Frank—

HB 25—A bill to be entitled An act relating to cruelty to animals; amending s. 828.122, Florida Statutes; prohibiting any person using animals to train greyhounds from baiting or using any animal for the purpose of fighting or baiting any other animal, from owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal, from promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals, and from attending the fighting or baiting of animals; providing penalties; providing for seizure and disposition of animals involved in such violations; providing an effective date.

—a companion measure, was substituted for SB 180 and read the second time by title. On motion by Senator Frank, by two-thirds vote HB 25 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Beard	Hair	Margolis	Scott
Carlucci	Henderson	Maxwell	Steinberg
Childers, D.	Jenne	McClain	Stevens
Dunn	Johnston	McKnight	Stuart
Frank	Kirkpatrick	Neal	Trask
Gordon	Langley	Peterson	Winn
Grizzle	Lewis	Rehm	

Nays—3

Anderson	Hill	Renick
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Vote after roll call:

Nay to Yea—Renick

SB 180 was laid on the table.

Senator McKnight presiding

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.

—was taken up on third reading.

On motion by Senator Maxwell, by two-thirds vote CS for HB 701 was placed back on second reading.

On motion by Senator Maxwell, the Senate reconsidered the vote by which Amendment 1 was adopted. By permission, Amendment 1 was withdrawn.

Senator Maxwell moved the following amendment which was adopted:

Amendment 2—On page 2, strike lines 20-26, and insert: of the general public, and one full-time student representing the postsecondary education system of the State of Florida. Each member shall be appointed by the Governor, approved by three members of the State Board of Education other than the Governor, and subject to confirmation by the Senate. Members shall serve staggered 4-year terms, except for the full-time student member, who shall serve for one year; however, of the initial non-student appointees, two shall hold 1-year terms, three shall hold 2-year terms, three shall hold 3-year terms, and three shall hold 4-year terms. The student members shall be selected annually with the qualification that the student 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, in Chapter 240, Florida Statutes, relating to public community colleges and universities, or in Chapter 246, Florida Statutes, relating to non-public colleges, universities, and vocational schools. The members of the

Senator Peterson moved the following amendment which was adopted:

Amendment 3—On page 1, line 23, insert: Section 1. Section 228.072, Florida Statutes, is created to read:

228.072 Adult General Education.—

(1) SHORT TITLE.—This section shall be known and may be cited as the “Florida Adult General Education Act.”

(2) LEGISLATIVE INTENT.—

(a) The intent of this section is to provide educational opportunities for adults in Florida and to encourage provision of education services which will:

1. Enable all adults to acquire basic skills necessary to function effectively in society.

2. Enable adults who so desire to continue their education to at least the level of completion of secondary school.

3. Make available to adults the means to secure training that will enable them to become more employable, productive, and responsible citizens.

(b) It is further intended that such educational opportunities shall be available for those adults who have not received a high school diploma and for those adults who have received a high school diploma but whose level of achievement, based on standard measures, indicates that additional basic skills are necessary in order to function effectively in everyday life situations, to enter the job market, or to enter a job training program.

(3) **PURPOSE.**—The purpose of this section is to provide state leadership and financial support to encourage and assist local educational agencies and other governmental and non-governmental agencies in the establishment and maintenance of adult education programs.

(4) **DEFINITIONS.**—The following terms, wherever used or referred to in this section, have the following meanings:

(a) "Adult general education" means a program of courses designed to serve the general educational needs of adults as individuals, as parents, as members of a family, and as citizens. Such programs shall serve as a linking agent to lifelong learning opportunities and shall include:

1. Basic skills education courses in the language arts (including English for persons who speak another language), mathematics, natural and social sciences, health, and consumer education, as well as courses that will enable adults to acquire basic skills necessary to function in society.

2. Secondary education courses for high school credit leading to award of a high school diploma by the local educational agency, as well as courses of training that will enable adults to become more employable, productive, and responsible citizens.

3. Review courses in preparation for taking the general educational development tests to earn a Florida high school diploma.

4. Courses and activities available for certificate of completion recipients by participation in the statewide assessment program with utilization of state minimum performance standards and the adult performance literacy model.

(b) "Commissioner" means the Commissioner of Education.

(c) "Department" means the Department of Education.

(d) "Local educational agency" means the school board of a public school district or the board of trustees of a community college when that board is responsible for administrative control and direction of adult education within the agency's service area.

(5) **FINANCIAL ASSISTANCE.**—

(a) **State support.**—The annual allocation to finance operation of the adult education program in each school district under provisions of the Florida Education Finance Program shall be determined in accordance with s. 236.081. The annual allocation to finance operation of the adult education program in each community college under provisions of the state community college program fund shall be determined in accordance with s. 240.359.

(b) **Student fees.**—

1. Fees, including tuition, registration, books, or materials fees, may not be charged adult students enrolled in basic skills education programs identified in subsection (4)(a)1.

2. Fees may be charged adult students enrolled in secondary education courses or review courses in preparation for taking the general educational development tests only as authorized by, and pursuant to, rules of the state board.

(6) **TECHNICAL ASSISTANCE.**—The department is authorized to provide such technical assistance as is necessary to develop and maintain adult education programs. The department may use its own staff or such consultants as may be necessary to accomplish this purpose.

(7) **RECOMMENDATIONS BY COMMISSIONER.**—The commissioner shall recommend the levels of funding for public school and community college adult education each fiscal year and make other recommendations or reports as he deems necessary or as required by rules of the state board.

(8) **BUDGET.**—The department shall include in its legislative budget funds necessary to implement this section.

(9) **USE OF FACILITIES.**—The buildings, land, equipment and other property owned by a local educational agency may be used for the conduct of the adult education program. The local educational agency may also use the buildings, land, equipment and other property owned or leased by cooperating public or private agencies, organizations, and institutions in the conduct of the adult education program.

(Renumber subsequent sections.)

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

**Amendment 4**—In title on page 1, line 2, strike "postsecondary education;" after the word "to" and insert: education; creating s. 228.072, Florida Statutes, the Florida Adult General Education Act; providing intent, purpose, and definitions; providing for financial and technical assistance; authorizing use of facilities; providing an effective date.

On motion by Senator Maxwell, by two-thirds vote CS for HB 701 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Lewis

Senator Peterson moved that pursuant to Rule 2.17, CS for SB 529 be set as a special and continuing order of business at 2:35 p.m. The motion failed to receive the required two-thirds vote.

On motion by Senator Beard, the rules were waived and by two-thirds vote HB 1049 was withdrawn from the Committee on Appropriations.

On motion by Senator Beard—

**HB 1049**—A bill to be entitled An act relating to sheriffs; amending s. 145.071(2)(a), Florida Statutes, 1980 Supplement; providing a special qualification salary for sheriffs who meet requirements established by the Department of Law Enforcement; repealing s. 943.21(2), Florida Statutes, 1980 Supplement, relating to salary incentive for sheriffs; providing an effective date.

—a companion measure, was substituted for SB 310 and read the second time by title. On motion by Senator Beard, by two-thirds vote HB 1049 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Anderson	Frank	Jenne	Margolis
Barron	Gordon	Jennings	McClain
Beard	Grizzle	Kirkpatrick	McKnight
Carlucci	Hair	Langley	Neal
Dunn	Hill	Lewis	Peterson

Poole	Steinberg	Thomas	Winn
Renick	Stevens	Trask	
Scott	Stuart	Vogt	

thirds vote HB 1152 was read the third time by title, passed and certified to the House. The vote on passage was:

Nays—None

Yeas—33

Vote after roll call:

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

Yea—Rehm

SB 310 was laid on the table.

HB 147—A bill to be entitled An act relating to insurance; amending s. 627.702(7), Florida Statutes, 1980 Supplement, amending provisions authorizing property insurers to repair or replace damaged property at their own expense; creating a new section s. 627.706, Florida Statutes, 1980 Supplement, requiring property insurers to make available coverage for insurable sink-hole losses; providing an effective date.

—was read the second time by title.

Nays—None

Vote after roll call:

Yea—Poole

SB 564 was laid on the table.

The Committee on Commerce recommended the following amendment which was moved by Senator Stuart and failed:

Amendment 1—On page 2, line 14, after the period (.) insert: If the insured purchases such coverage, it shall be added to the policies of property insurance, and an appropriate premium may be charged for the coverage.

On motion by Senator Stuart, by two-thirds vote HB 147 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

On motion by Senator Stuart, the following discussion of intent was printed in the Journal:

Senator Stuart: The House bill is silent on the question of the charge. It is clearly our intent and the intent of the sponsor in the House and in the Senate that if the insured decides to accept the coverage, it shall be added to the policies of property insurance and appropriate premium may be charged for that coverage. That will clearly be our intent.

Senator Anderson: Is that the intent, also, of the Insurance Commissioner's office in enforcing the statute?

Senator Stuart: That has been agreed to by the Insurance Commissioner's office and the insurance industry.

Senator Stuart presiding

On motions by Senator Gordon, the rules were waived and by two-thirds vote HB 1152 was withdrawn from the Committees on Agriculture and Appropriations.

On motion by Senator Gordon—

HB 1152—A bill to be entitled An act relating to small farms; establishing the Governor's Conference on the Future of Small Farms in Florida; providing for determination of participants; providing a list of topics for discussion at the conference; requiring that a report of the findings of the conference be forwarded to the Governor and the presiding officer of both houses of the Legislature; providing for an appropriation; providing an effective date.

—a companion measure, was substituted for SB 564 and read the second time by title. On motion by Senator Gordon, by two-

By the Committee on Corrections, Probation and Parole—

CS for SB 214—A bill to be entitled An act relating to mentally disordered sex offenders; amending ss. 917.011-917.019, Florida Statutes; creating s. 917.017, Florida Statutes, to provide for entry into program pursuant to this act only; creating s. 917.021, Florida Statutes, to provide for an annual report on sex offender treatment programs by the Department of Health and Rehabilitative Services; providing for the submission of a joint mental health plan by the Department of Health and Rehabilitative Services and the Department of Corrections; amending s. 945.12(6), Florida Statutes; delaying the repeal of said sections; providing a retroactive effective date.

—was read the first time by title and SB 214 was laid on the table.

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 214 was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 1, lines 20-31, through page 9, lines 1-5, strike all of said lines and insert: Section 1. Subsection (5) is added to section 394.461, Florida Statutes, 1980 Supplement, to read:

394.461 Facilities; transfers of patients.—

(5) *MENTALLY DISORDERED SEX OFFENDER PROGRAMS.*—The Department of Health and Rehabilitative Services is hereby authorized to continue to operate a mentally disordered sex offender treatment program on the grounds of the South Florida State Hospital in Pembroke Pines.

Section 2. Subsection (2) of section 917.011, Florida Statutes, is amended to read:

917.011 Mentally disordered sex offenders committed to Department of Health and Rehabilitative Services before July 1, 1979; disposition.—

(1) Upon completion of the treatment program, the Department of Health and Rehabilitative Services shall return those mentally disordered sex offenders committed to its custody pursuant to this chapter, as this chapter existed prior to July 1, 1979, to the committing court for recommencement of criminal proceedings. The court shall have the following alternatives for disposition of such offenders:

(a) The court may suspend the sentence of the offender and place the offender on probation subject to such terms and conditions as provided in s. 917.016.

(b) The court may sentence the offender and commit him to the custody of the Department of Corrections.

(c) The court may make any other suitable disposition of the offender as provided by law.

(2) The provisions of this section shall stand repealed on July 1, 1982 ~~1981~~.

Section 3. Subsection (2) of section 917.012, Florida Statutes, is amended to read:

917.012 Mentally disordered sex offenders; procedures for handling and treatment.—

(1) On July 1, 1979, and thereafter, the following procedures shall apply to the handling and treatment of mentally disordered sex offenders:

(a) The Department of Corrections shall establish, for each offender who has been sentenced for a violation of law involving a sex offense and placed in its custody, procedures for the classification of the offender based on the type of offense he committed. Such classification shall include the following sex offenses:

1. Sexual battery or attempted sexual battery.
2. Incest or attempted incest.
3. An unnatural and lascivious act or an attempted unnatural and lascivious act.
4. Lewd and lascivious behavior.
5. Assault or aggravated assault when a sexual act is completed or attempted.
6. Battery or aggravated battery when a sexual act is completed or attempted.

(b) The Department of Corrections, jointly with the Department of Health and Rehabilitative Services, shall by rule establish procedures to identify those offenders who have been sentenced for the commission of a crime involving a sex offense, who are not psychotic, and who suffer from a psychosexual disorder, but are competent and amenable to treatment. From such group of offenders, the Department of Corrections and the Department of Health and Rehabilitative Services, jointly, shall also identify those offenders who may be treated by the Department of Corrections and those offenders who require the specialized services of the Department of Health and Rehabilitative Services, using professional psychiatric and psychological teams of the respective agencies.

(c) Each offender who is identified as needing the specialized services of the Department of Health and Rehabilitative Services shall be evaluated at a Department of Corrections facility and may be transferred to the Department of Health and Rehabilitative Services pursuant to the provisions of s. 945.12.

(d) An offender transferred from the Department of Corrections to the Department of Health and Rehabilitative Services under s. 945.12 shall be evaluated by the treatment facility during the first 90 days after admission as to his amenability to treatment. If the Department of Health and Rehabilitative Services determines at any time that the offender does not meet the definition of an offender identified in paragraph (b), or that the treatment program to which the offender was assigned by the department has exhausted all appropriate treatment for the offender, a written report to that effect shall be furnished by the Department of Health and Rehabilitative Services to the Department of Corrections, which shall be responsible for the immediate transportation of the offender to an appropriate corrections facility.

(e) The Department of Health and Rehabilitative Services shall determine, for each offender transferred pursuant to paragraph (c), the manner and sequence of treatment based on his length of sentence and his presumptive parole eligibility date, however, no such offender shall participate in a community furlough or work-release program while he is in a formal treatment program of the department.

(f) No person previously committed to the Department of Health and Rehabilitative Services as a sex offender under this act who commits a subsequent offense shall be again committed for treatment pursuant to this act.

(g) The Department of Health and Rehabilitative Services shall determine which facility shall provide necessary care, treatment, and rehabilitation for an offender committed to the department under this act. Decisions on treatment modalities for all offenders committed or transferred to the Department of Health and Rehabilitative Services under this act shall be made by the Department of Health and Rehabilitative Services.

(h) The Department of Health and Rehabilitative Services shall cause each offender transferred pursuant to paragraph (c) to be examined at least once annually to determine the progress of the treatment and shall file a written report of each examination with the Department of Corrections not less than once a year.

(2) The provisions of this section shall stand repealed on July 1, 1983 ~~1981~~.

Section 4. Subsection (2) of section 917.014, Florida Statutes, is amended to read:

917.014 Credit for time spent in treatment program.—

(1) Time spent in the treatment programs of the Department of Health and Rehabilitative Services shall be considered time served on the sentence imposed upon the offender by the court.

(2) The provisions of this section shall stand repealed on July 1, 1983 ~~1981~~.

Section 5. Subsection (2) of section 917.016, Florida Statutes, is amended to read:

917.016 Probation; revocation; treatment programs.—

(1) A judge who suspends the sentence of an offender convicted of a crime involving a sex offense and places the offender on probation:

(a) May at any time, for cause, revoke the order placing such offender on probation and impose such sentence of commitment as might have been imposed at the time of conviction.

(b) May require that such sex offender who is placed on probation be provided regular treatment in a community-based mental health program approved or operated by the Department of Health and Rehabilitative Services. The agency or person treating the offender shall make written reports at least every 6 months to the court and to the probation officer supervising the offender. If the agency or person providing treatment exhausts treatment for the offender, or if such agency or person determines that the offender will make no progress in the treatment program, the court, upon notification of such fact, shall terminate mandatory probation visits by the offender to that treatment program. The court may require the offender to be provided further treatment in another suitable community-based program approved by the Department of Health and Rehabilitative Services or may make such other disposition as provided by law.

(2) The provisions of this section shall stand repealed on July 1, 1983 ~~1981~~.

Section 6. Section 917.017, Florida Statutes, is created to read:

917.017 Entry of Offenders.—

(1) The Department of Health and Rehabilitative Services shall not permit the entry of any offender into a residential sex offender treatment program operated by the Department of Health and Rehabilitative Services under any procedure other than as specified in s. 917.012.

(2) The provisions of this section shall stand repealed on July 1, 1983.

Section 7. Subsection (2) of section 917.018, Florida Statutes, is amended to read:

917.018 Escape from treatment program; penalties.—

(1) An offender transferred to the Department of Health and Rehabilitative Services under the provisions of this act who escapes or attempts to escape from the department is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The provisions of this section shall stand repealed on July 1, 1983 ~~1981~~.

Section 8. Subsection (2) of section 917.019, Florida Statutes, is amended to read:

917.019 Training in postdischarge treatment of mentally disordered sex offenders.—

(1) The Department of Health and Rehabilitative Services may establish, within available appropriations, a program to train persons to provide postdischarge treatment for mentally disordered sex offenders.

(2) The provisions of this section shall stand repealed on July 1, 1983 ~~1981~~.

Section 9. Section 917.021, Florida Statutes, is created to read:

*917.021 Annual report.—*

(1) *No less than 30 days prior to the opening of each annual session of the legislature, the Department of Health and Rehabilitative Services shall file a written report with the Speaker of the House of Representatives and the President of the Senate. Such report shall contain, but is not limited to, the following information: treatment services being rendered, number of offenders in the program and current status of said offenders, and costs involved in operating the programs. Additionally, the Department of Health and Rehabilitative Services shall maintain information and statistics on the rate of recidivism for previously treated offenders and shall include such information in the report.*

(2) *The provisions of this section shall stand repealed on July 1, 1983.*

Section 10. The Department of Health and Rehabilitative Services and the Department of Corrections shall submit jointly on December 1, 1981, a plan for the delivery of mental health services to persons within the custody of their respective jurisdictions. The plan:

(1) Shall provide for the identification and cost of existing and future services to patients and inmates in both residential and nonresidential programs.

(2) Shall evaluate the unique and shared characteristics of each jurisdiction and propose complementary systems for achieving common objectives and which improve services and minimize costs.

(3) Shall review and evaluate all existing federal and state statutory authority and judicial mandates affecting the delivery of services and propose those amendments or new provisions which would affirmatively achieve common objectives.

(4) Shall review the organizational delivery apparatus of each agency and evaluate the appropriateness of single agency versus dual agency service delivery approaches in mental health.

(5) Shall review all mental health related service components within each agency to include alcohol, substance abuse, retardation, physical health, and mental health; incompetency, services to those found not guilty by reason of insanity and mentally disordered sex offenders; and the level of organizational involvement which each agency should bring on addressing those components on its own.

(6) Shall be a joint undertaking of both agencies and its conclusions and recommendations shall be quantified and included in their respective legislative budget requests for the ensuing fiscal year.

(7) Shall include provisions to convert the North Florida Evaluation and Treatment Center to a facility solely for the treatment of mentally disordered sex offenders, no later than six months after the opening of the South Florida Evaluation and Treatment Center.

The plan shall be accomplished within existing resources provided to each agency through the General Appropriations Act.

Section 11. Subsection (6) of section 945.12, Florida Statutes, is amended to read:

*945.12 Transfers for rehabilitative treatment.—*

(6)(a) A prisoner who has been determined by the Department of Health and Rehabilitative Services and the Department of Corrections to be amenable to rehabilitative treatment for sexual deviation, and who has voluntarily agreed to participate in such rehabilitative treatment, may be transferred to the Department of Health and Rehabilitative Services provided that appropriate bed space is available.

(b) The provisions of this subsection shall stand repealed on July 1, 1983 ~~1981~~.

Section 12. This act shall take effect July 1, 1981, but if it becomes a law after that date, it shall operate retroactively to July 1, 1981.

**Amendment 2**—In title on page 1, lines 2-16, strike all of said lines and insert: An act relating to mentally disordered sex offenders; adding subsection (5) to s. 394.461, Florida Statutes; 1980 Supplement, authorizing the Department of Health and Rehabilitative Services to operate and continue to operate certain mentally disordered sex offender treatment programs at described locations; amending ss. 917.011(2), 917.012(2), 917.014(2), 917.016(2), 917.017(2), 917.019, and 945.12(6), Florida Statutes, delaying the repeal of provisions of law for the commitment of mentally disordered sex offenders into a treatment program operated by the Department of Health and Rehabilitative Services until July 11, 1983; creating s. 917.017, Florida Statutes, relating to the entry of mentally disordered sex offenders into the program; creating s. 917.021, requiring annual reports to the Legislature; providing an effective date.

Pending further consideration of CS for SB 214 as amended, on motion by Senator Kirkpatrick, by two-thirds vote HB 1120 was withdrawn from the Committee on Corrections, Probation and Parole.

**On motions by Senator Kirkpatrick—**

**HB 1120**—A bill to be entitled An act relating to mentally disordered sex offenders; adding subsection (5) to s. 394.461, Florida Statutes, 1980 Supplement, authorizing the Department of Health and Rehabilitative Services to operate and continue to operate certain mentally disordered sex offender treatment programs at described locations; amending ss. 917.011(2), 917.012(2), 917.014(2), 917.016(2), 917.018, 917.019 and 945.12(6), Florida Statutes, delaying the repeal of provisions of law for the commitment of mentally disordered sex offenders into a treatment program operated by the Department of Health and Rehabilitative Services until July 1, 1983; creating s. 917.017, Florida Statutes, relating to the entry of mentally disordered sex offenders into the program; creating s. 917.021, requiring annual reports to the Legislature; providing an effective date.

—a companion measure, was substituted for CS for SB 214 as amended and by two-thirds vote read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1120 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—36**

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

**Nays—None**

CS for SB 214 was laid on the table.

On motions by Senator Dunn, the rules were waived and by two-thirds vote CS for HB 546 was withdrawn from the Committee on Commerce and by two-thirds vote placed on the special order calendar.

**CS for HB 546**—A bill to be entitled An act relating to pari-mutuel permits; amending s. 550.33(1) and (2)(a), Florida Statutes, 1980 Supplement, relating to the issuance and revocation of quarter horse permits; adding subsection (9) to s. 550.33, Florida Statutes, 1980 Supplement, relating to the conversion or transfer of quarter horse permits; providing an effective date.

—was read the second time by title. On motion by Senator Anderson, by two-thirds vote CS for HB 546 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—32

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

Nays—None

Vote after roll call:

Yea—Langley

On motion by Senator Carlucci, the rules were waived and by two-thirds vote HB 1003 was withdrawn from the Committee on Commerce.

On motion by Senator Carlucci—

HB 1003—A bill to be entitled An act relating to the Beverage Law; amending s. 561.15(3), Florida Statutes, 1980 Supplement; authorizing the Division of Alcoholic Beverages and Tobacco to suspend, revoke, or refuse to issue a beverage license under certain circumstances; providing exceptions; providing that certain shopping centers shall not be considered as having an interest; amending s. 561.17(1), Florida Statutes, and adding subsection (3) to said section; providing that certain persons be qualified by the division as a condition for the issuance of a license; providing exceptions; providing that certain shopping centers shall not be considered as having an interest; requiring approval from the division before any transfer, divestiture, or resignation of certain financial interests or change of directors or officers in certain businesses holding a license; amending s. 561.29(1)(e), Florida Statutes, and adding paragraphs (f), (g) to said subsection; authorizing the division to revoke or suspend the license of a corporation upon violation, by an officer or stockholder, of certain laws or rules; authorizing the revocation or suspension of a beverage license under certain circumstances; amending s. 561.32, Florida Statutes; prescribing procedure and conditions for enforcement of liens or security interests; providing for the imposition of penalties against appropriate license holders; providing for denial of the right to transfer a license or interest in a license, or to change officers or directors, under certain circumstances; amending s. 561.321, Florida Statutes; providing for the expiration of temporary beverage licenses; providing an effective date.

—a companion measure, was substituted for CS for SB 337 and read the second time by title. On motion by Senator Carlucci, by two-thirds vote HB 1003 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—26

Beard	Jenne	McClain	Stuart
Carlucci	Jennings	McKnight	Tobiassen
Childers, D.	Johnston	Neal	Vogt
Dunn	Kirkpatrick	Rehm	Ware
Frank	Langley	Renick	Winn
Grizzle	Lewis	Steinberg	
Henderson	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—Peterson, Scott, Skinner, Thomas, Trask

SB 337 and CS for SB 337 were laid on the table.

Consideration of CS for SB 1019 was deferred.

On motion by Senator McClain, the rules were waived and by two-thirds vote CS for HB's 285 and 308 was withdrawn from the Committee on Commerce.

On motion by Senator McClain—

CS for HB's 285 and 308—A bill to be entitled An act relating to insurance; repealing subsection (6) of s. 626.241, Florida Statutes, and amending subsection (7) thereof; modifying the

scope of examination of certain adjusters; amending s. 626.-869(1), Florida Statutes, removing a current restriction providing that only insurance company employees may obtain limited licenses as adjusters; providing for the review and repeal of parts I-V of chapter 626, Florida Statutes, in accordance with the Regulatory Reform Act of 1976; providing an effective date.

—a companion measure, was substituted for CS for SB's 46 and 53 and read the second time by title. On motion by Senator McClain, by two-thirds vote CS for HB's 285 and 308 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—34

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

Nays—None

SB 46, SB 53 and CS for SB's 46 and 53 were laid on the table.

## The President presiding

On motion by Senator Stuart, the rules were waived and by two-thirds vote HB 799 was withdrawn from the Committee on Corrections, Probation and Parole.

On motion by Senator Stuart—

HB 799—A bill to be entitled An act relating to probation; adding a new subsection (2) to s. 948.03, Florida Statutes, requiring counseling as a term or condition of probation for persons having committed certain crimes; indicating where such counseling shall be obtained; requiring that the plan for counseling be provided to the court for review; providing an effective date.

—a companion measure, was substituted for CS for SB 919 and read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 799 was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—36

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

Nays—None

SB 919 and CS for SB 919 were laid on the table.

## Senator Stuart presiding

On motion by Senator Gordon, by two-thirds vote HB 46 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Gordon—

HB 46—A bill to be entitled An act relating to landlord and tenant law; amending s. 83.43(2), Florida Statutes, expanding the term "dwelling unit" to include structures furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place; amending s. 83.46, Florida

Statutes, providing for the duration of a tenancy at such a dwelling place; amending s. 83.57, Florida Statutes, providing for the termination of such a tenancy; providing an effective date.

—a companion measure, was substituted for SB 951 and by two-thirds vote read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 46 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Anderson	Hair	McKnight	Trask
Barron	Henderson	Rehm	Vogt
Beard	Hill	Renick	Ware
Carlucci	Jenne	Steinberg	Winn
Dunn	Johnston	Stuart	
Gordon	Margolis	Thomas	
Grizzle	Maxwell	Tobiassen	

Nays—9

Childers, D.	McClain	Scott	Stevens
Jenkins	Neal	Skinner	
Jennings	Poole		

Vote after roll call:

Nay—Peterson

SB 951 was laid on the table.

On motion by Senator Hair, the rules were waived and by two-thirds vote CS for HB's 344 and 741 was withdrawn from the Committee on Commerce.

On motion by Senator Hair—

CS for HB's 344 and 741—A bill to be entitled An act relating to insurance; amending s. 625.121(4)-(10), Florida Statutes, and adding new subsections (5) and (11), changing the minimum standards for valuation of certain life insurance policies and annuity contracts; providing standards for interest rates used in determining such standards; changing provisions relating to the calculation of reserves for certain life insurance policies; amending s. 627.458(1)(a), Florida Statutes, providing for the interest rate applicable to loans made on certain life insurance policies; creating s. 627.4585, Florida Statutes, providing for the maximum rate of interest on loans made with respect to life insurance policies issued on or after the effective date of the act; amending s. 627.459, Florida Statutes, providing for an interest rate figure for reinstatement in keeping with s. 627.4585, Florida Statutes; amending s. 627.476, Florida Statutes, 1980 Supplement, changing nonforfeiture provisions for life insurance policies; providing for determination of cash surrender value of certain life insurance policies; exempting certain life insurance policies from provisions relating to adjusted premiums, equivalent uniform amount, and mortality tables; providing for calculation of adjusted premiums of new life insurance policies; providing for calculation of nonforfeiture net level premiums, adjusted premiums and present values, expense allowances, recalculated nonforfeiture net level premiums, and nonforfeiture interest rates, and providing the operative date for such calculations; providing for determination of minimum values for certain policies which provide for future premium determination; providing for determination of cash surrender values on certain policies; changing the types of policies exempt from nonforfeiture provisions; 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's 664 and 666 and read the second time by title. On motion by Senator Hair, by two-thirds vote CS for HB's 344 and 741 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Barron	Dunn	Grizzle	Hill
Beard	Frank	Hair	Jenkins
Carlucci	Gordon	Henderson	Jenne

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

Nays—3

Childers, D.	Scott	Vogt
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Vote after roll call:

Yea—Anderson

Yea to Nay—Jennings

SB 664, SB 666 and CS for SB's 664 and 666 were laid on the table.

On motion by Senator Thomas, the rules were waived and by two-thirds vote HB 1131 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Thomas by unanimous consent—

HB 1131—A bill to be entitled An act relating to saltwater commercial fishing permits; creating s. 370.0822, Florida Statutes; requiring permits for the taking of certain fish with a net in Wakulla County; requiring a commercial fishing permit in Wakulla County in certain cases; providing for collection and deposit of permit fee; providing a penalty; providing an effective date.

—was taken up and read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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 receded from House Amendments 1 and 2 to SB 19 and passed, as amended.

*Allen Morris, Clerk*

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has concurred in the Senate Amendment to House Amendment 3 and receded from House Amendment 4 to SB 700 and passed, as amended.

*Allen Morris, Clerk*

*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 1025, as amended.

*Allen Morris, Clerk*

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has concurred in the Senate Amendment to House Amendment 2 and passed CS for SB 558, as amended.

*Allen Morris, Clerk*

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 3, 4, 5 and 6 and passed SB 633, as amended.

*Allen Morris, Clerk*

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 4 to SB 189, and passed as amended.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered engrossed and then enrolled.

*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 House Bills 563, 1226, 869, 755, 413, 327, 644, 338, 136, 249, 1175, 602, CS for CS for HB 1095, CS for HB 701, CS for HB 277, CS for HB's 665, 666, 667, 668, 669 and 670, CS for HB 559, CS for HB 309.

*Allen Morris, Clerk*

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 4 was corrected and approved as follows:

Page 507, column 2, from bottom, strike lines 1 through 22 and on page 508, column 1, strike lines 1 through 5 and insert:

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 jurisdiction 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 of-

fenses; 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.

Page 508, column 1, line 8, before "HB" insert: CS for CS for

Page 513, column 1, line 9, strike "lawful" and insert: unlawful

Page 515, column 2, strike lines 21 through 23 and insert:

—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

Page 521, column 2, between lines 5 and 6 insert: 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.

Page 523, column 2, from bottom, strike lines 1 through 4 and insert: 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.

Page 523, column 1, from bottom, line 26, before "On" insert: Senator Tobiasen 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 semi-colon: amending subsection (1)(d) of section 559.801, Florida Statutes; providing that certain sales training courses shall not be included within the definition of "business opportunity";

Page 525, column 2, between lines 27 and 28 insert:

*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 228 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Page 525, column 2, from bottom, between lines 10 and 11 insert: On motion by Senator Tobiassen, by two-thirds vote HB 1230 was withdrawn from the Committee on Rules and Calendar.

Page 533, column 1, line 33, strike "SB" and insert: HB

The Journal of June 3 was further corrected and approved as follows:

Page 459, column 2, from bottom, strike lines 18 through 21 and insert: —was read the first time by title and SB 324 was laid on the table. On motions by Senator Steinberg, by two-thirds vote CS for SB 324 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:

Page 464, column 1, from bottom, at end of line 11 add: *except that the State Board of Education shall adopt criteria for eligibility for the initial temporary certificate for nondegree teachers of vocational education. Such teachers may delay examination requirements specified in subsection (2) (b) and (c) until professional educational requirements as established by law or rule are met; however, all examination requirements shall be met prior to the beginning of the fourth year of employment.*

Page 468, column 1, from bottom, strike line 2 and insert: and therefore requires a certificate of need for such services.

The Journal of June 2 was further corrected and approved as follows:

Page 437, column 2, strike lines 19 through 37 and insert: On motion by Senator Dunn, by two-thirds vote HB 1099 was withdrawn from the Committee on Judiciary-Criminal. On motion by Senator Dunn, by unanimous consent—HB 1099—A bill to be entitled An act relating to sheriffs; amending s. 30.24, Florida Statutes; providing for actual and necessary expenses for return of prisoners from out of state; authorizing sheriffs to contract for the transportation of prisoners; requiring liability insurance for prisoner transportation companies; exempting prisoner transport personnel from training and bond requirements; providing an effective date. —was taken up out of order.

The Journal of June 1 was further corrected and approved as follows:

Page 384, column 1, from bottom, between lines 20 and 21 insert: **Amendment 3**—On page 1, line 12, after the colon insert: Section 1. Subsection (1) of section 443.101, Florida Statutes, 1980 Supplement, is amended to read: 443.101 Disqualification for benefits.—An individual shall be disqualified for benefits: (1)(a) For the week in which he has voluntarily left his employment without good cause attributable to his employer or in which he has been discharged by his employing unit for misconduct connected with his work, if so found by the division.

1.(a) Disqualification for voluntarily quitting shall continue for the full period of unemployment next ensuing after he has left his work voluntarily without good cause and until such individual has become reemployed and has earned wages equal to or in excess of 17 times his weekly benefit amount; "good cause" as used in this subsection shall include only such cause as is attributable to the employer or which consists of illness

or disability of the individual requiring separation from his employment. An individual shall not be disqualified under this subsection for voluntarily leaving temporary employment to return immediately when called to employment by the permanent employer who temporarily terminated his employment within the previous 6 calendar months.

2.(b) Disqualification for being discharged for misconduct connected with his work shall continue for the full period of unemployment next ensuing after having been discharged and until such individual has become reemployed and has earned wages not less than 17 times his weekly benefit amount and for not more than 52 weeks which immediately follow such week, as determined by the division in each case according to the circumstances in each case or the seriousness of the misconduct, pursuant to rules of the division enacted for determinations of disqualification for benefits for misconduct.

(b) For any week with respect to which the division finds that his unemployment is due to a suspension for misconduct connected with his work.

(c) For any week with respect to which the division finds that his unemployment is due to a leave of absence, if such leave was voluntarily initiated by such individual.

(Renumber subsequent sections.)

Page 384, column 1, from bottom, line 14, after "2" insert: , 3

Page 388, column 1, from bottom, line 3, before "shall" insert: in the performance of his official duties; however, no information shall be disclosed to the Auditor General or his authorized agent, or the Comptroller or his authorized agent, if such disclosure is prohibited by federal law. The Auditor General and his authorized agent, and the Comptroller and his authorized agent,

Page 408, column 2, from bottom strike lines 12 through 17 and insert: CS for HB 537—A bill to be entitled An act relating to the Florida Retirement System; adding subsection (5) to s. 121.0515, Florida Statutes, providing certain members of the special risk class of the system with retirement credit for prior service with an employer under the provisions of chapter 122, Florida Statutes; providing that certain service counted towards attainment of the normal retirement date under the special risk class; providing an effective date.

Page 416, column 1, from bottom, line 16, after "bodies" insert: of municipalities

The Journal of May 28 was further corrected and approved as follows:

Page 366, column 2, from bottom, strike lines 26 through 28 and insert: public defenders; providing an effective date.

Page 368, column 2, from bottom, strike lines 8 through 15 and insert: CS for HB's 1142 and 334—A bill to be entitled An act relating to state attorneys and public defenders; amending s. 27.25(1) and (2), Florida Statutes, and s. 27.53(1), Florida Statutes, 1980 Supplement; removing the maximum limitation on salaries that may be paid to personnel employed by a state attorney or a public defender; requiring state attorneys and public defenders to annually submit a classification and pay plan; providing that the executive director's salary shall not exceed 90 percent of the state attorney's salary; amending s. 27.181(4), Florida Statutes, 1980 Supplement, removing the maximum limitation on salaries paid to assistant state attorneys; amending s. 27.5301(2), Florida Statutes, 1980 Supplement, removing the maximum limitation on salaries paid to assistant public defenders; providing an effective date.

Page 368, column 2, from bottom, line 7, strike "HB 1142" and insert: CS for HB's 1142 and 334

Page 369, column 1, from bottom, between lines 20 and 21 insert:

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 992 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Page 503, column 2, line 20, strike "SB" and insert: HB

On motion by Senator Dunn, the Senate adjourned sine die at 2:51 p.m.