



Journal of the Senate

Number 13

Wednesday, February 17, 1982

BILL ACTION SUMMARY

Wednesday, February 17, 1982

H	0178	Substituted for SB 104; Passed
S	0015	Passed
S	0026	Passed as amended
S	0046	Passed as amended
S	0066	Amendment pending
S	0087	Passed
S	0104	Iden./Sim. House Bill substituted; passed, refer to HB 178
S	0120	Passed as amended
S	0121	Passed as amended
S	0150	Passed
S	0168	Reconsidered; C/S passed as amended; Immediately certified
S	0276	Passed
S	0303	Passed
S	0305	Passed as amended
S	0317	Passed
S	0322	Passed as amended; Reconsidered; Amendments adopted; Passed as amended
S	0386	Passed
S	0509	Reconsidered; Passed as amended
S	0547	C/S passed
S	0636	C/S passed as amended
S	0639	Amendment pending
S	0672	Passed as amended
S	0713	Passed as amended
S	0780	Passed
S	0792	Passed as amended
S	0814	C/S passed
S	0973	Passed

By Representative Young and others—

HCR 500—A concurrent resolution proposing legislative adoption of specific goals for public education.

—was referred to the Committees on Education, and 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 80 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Kelly and others—

CS for HB 80—A bill to be entitled An act relating to children; creating a statewide committee to study the problem of missing children and law enforcement methods used in ascertaining their whereabouts; providing for a report; requiring law enforcement officers receiving a missing child report to take certain actions with respect to the report; providing an effective date.

—was referred to the Committees on Judiciary-Criminal, Appropriations, and Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed House Bills 109, 361 and 631 and requests the concurrence of the Senate.

Allen Morris, Clerk

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.

By Senator Kirkpatrick—

SB 1015—A bill to be entitled An act relating to Alachua County, Florida; authorizing Alachua County to obtain repayment of certain public assistance funds from recipients thereof; providing that the county may require such recipients to execute liens in favor of the county on their real and personal property or interest therein; providing for the satisfaction, settlement, or enforcement of such liens; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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 adopted as amended HCR 500 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Martinez and others—

HB 109—A bill to be entitled An act relating to inspection warrants; creating ss. 933.20-933.30, Florida Statutes; providing for the issuance of inspection warrants for suspected violations of any state or local law or rule relating to municipal or county building, fire, safety, plumbing, electrical, health, minimum housing, or zoning standards; providing restrictions; providing penalties for refusing to permit an authorized inspection and for maliciously causing the issuance or execution of an inspection warrant; providing construction with respect to powers of state or local government to conduct inspections; providing restrictions on user of inspection warrant; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

By the Committee on Regulatory Reform—

HB 361—A bill to be entitled An act relating to independent colleges and universities; declaring ss. 246.011-246.151, Florida Statutes, as part I of chapter 246, Florida Statutes, and ss. 246.201-246.231, Florida Statutes, as part II of said chapter; amending ss. 246.011(1) and (3), 246.021, and 246.031(1)(a), (2), (3), and (4), amending s. 246.041(1) and (2)(e), and adding a paragraph (g), and amending ss. 246.051, 246.061, 246.071, 246.081, 246.091(1), 246.095, 246.101, 246.111, 246.121, 246.131, 246.141, and 246.151, all Florida Statutes; correcting chapter references; modifying legislative purpose; modifying the definitions of "college," "agent," and "colleges whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning" and defining "license" for purposes of the part; clarifying references to "educational in-

stitutions" where such term means colleges only; providing a limitation with respect to selection of members of the Board of Independent Colleges and Universities; removing obsolete provisions; providing for the annual selection of a chairperson and a vice chairperson; authorizing certain delegation of board authority to the chairperson; modifying reporting requirements; modifying certain provisions relating to solicitation of college enrollment; clarifying provisions relating to colleges which may apply for exclusion from licensing requirements; modifying license fees; modifying agents' fees; further restricting use of the term "university" or "college"; saving from sunset repeal ss. 246.011-246.151, Florida Statutes, as amended; providing for future review and repeal in accordance with the Regulatory Sunset Act; providing a directive to the statute editors; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Health & Rehabilitative Services—

HB 631—A bill to be entitled An act relating to the human rights advocacy committees; amending s. 20.19(6)(f) and (7)(g), Florida Statutes, providing the committees access to client records which are in the physical custody of the Department of Health and Rehabilitative Services; providing for review and repeal in accordance with the Sundown Act; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services—

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 156 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Lippman and others—

CS for HB 156—A bill to be entitled An act relating to controlled substances; adding a paragraph to s. 893.03(1), Florida Statutes, and amending subsection (2)(c), transferring methaqualone from a Schedule II to a Schedule I substance; amending s. 893.13(1)(a), (c), and (d), Florida Statutes, increasing one and conforming other applicable penalty provisions; 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 CS for HB 14 and HB 328 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representatives L. J. Smith and Lippman—

CS for HB 14—A bill to be entitled An act relating to public lodging and food service establishments; amending s. 509.221(9), Florida Statutes, relating to the promulgation of rules by county health officers with respect to employment in a public lodging or food service establishment, state-owned or state-operated institution, public school food service, or nonpublic school food service; deleting authority of the Division of Hotels and Restaurants of the Department of Business Regulation to require health certificates of an establishment, at its discretion; providing for repeal and review in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By Representatives Wetherell and Clements—

HB 328—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, Florida Statutes, providing for a fine; amending s. 828.122(4), Florida Statutes, increasing the penalty and providing fines for attending, or betting or wagering on, the fighting or baiting of animals; amending s. 828.13(2), Florida Statutes; prohibiting the causing of pain or

suffering to an animal, or the causing of the death of an animal, in a certain manner; increasing the penalty for certain specified activities deemed cruelty to animals from a second degree misdemeanor to a first degree misdemeanor; providing an effective date.

—was referred to the Committee on Agriculture.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended House Bills 107 and 178 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Meffert—

HB 107—A bill to be entitled An act relating to municipal improvements; amending s. 170.09, Florida Statutes; revising interest rate and number of yearly installments for payment of special assessments for municipal improvements under chapter 170, Florida Statutes; amending s. 170.17, Florida Statutes, revising specified denomination and interest rate for improvement bonds; providing an effective date.

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

By Representative Gordon and others—

HB 178—A bill to be entitled An act relating to weapons and firearms; creating s. 790.29, Florida Statutes; creating the State Anti-Paramilitary Training Act; prohibiting paramilitary training; providing a penalty; providing an exemption; 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 House Bills 1030 and 1031 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Reapportionment—

HB 1030—A bill to be entitled An act relating to legislative apportionment; repealing ss. 10.003-10.08, Florida Statutes, to delete provisions relating to the 1972 legislative apportionment; providing an effective date.

—was referred to the Committee on Apportionment.

By the Select Committee on Reapportionment—

HB 1031—A bill to be entitled An act relating to the Florida Statutes; amending ss. 10.001 and 11.242(4), Florida Statutes; providing for publication in the Florida Statutes of the joint resolution or order of apportionment adopted or entered pursuant to s. 16 of Art. III of the State Constitution; providing an effective date.

—was referred to the Committee on Apportionment.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed House Bills 53, 68, 308 and 945 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Pajcic—

HB 53—A bill to be entitled An act relating to cemeteries; amending ss. 559.41 and 559.441(3)(a), Florida Statutes, providing an exemption for certain nonprofit cemetery corporations from certain trust requirements related to the establishment of care and maintenance trust funds; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

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

By Representatives Woodburn and Lehman—

HB 68—A bill to be entitled An act relating to witnesses; amending s. 914.04, Florida Statutes; eliminating provision for transactional immunity; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Agriculture & General Legislation—

HB 308—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 581.212, Florida Statutes; providing for deposit of certain moneys received by the department into the Nursery Inspection Trust Fund; providing an effective date.

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

By the Committee on House Administration—

HB 945—A bill to be entitled An act relating to the Legislature; amending s. 11.25(2), Florida Statutes; clarifying provisions relating to legislative employment practices; authorizing creation of a legislative group insurance program and authorizing terminal payment for sick leave; providing an exemption; providing an effective date.

—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 HB 370, CS for HB's 235 and 351 and HB 430 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Pajcic—

HB 370—A bill to be entitled An act relating to process; amending s. 30.231(2) and (3), Florida Statutes, requiring parties seeking service of process to provide the sheriff with certain information; providing that the sheriff's duty of exercising due diligence will not be excused if service is not perfected at the address provided; clarifying a restriction upon additional fees for certain service; amending s. 30.30(1), Florida Statutes, requiring instructions for levy by sheriffs to disclose the balance due on the writ; amending s. 48.031(2), Florida Statutes, changing requirements for service of witness subpoenas in misdemeanor cases; amending s. 56.22, Florida Statutes, providing for the disposition of property not sold at the initial sheriff's sale; amending s. 56.23, Florida Statutes, providing for sale of property at an advertised location; amending ss. 56.275 and 116.21(1) and (2), Florida Statutes, conforming provisions relating to the sheriff's disposition of unclaimed moneys from sheriff's sales to general provisions relating to the disposition of unclaimed moneys; amending s. 210.14(1) and (2), Florida Statutes, changing the procedure for the filing of warrants with the clerk of the circuit court for collection of delinquent cigarette taxes; repealing s. 56.11, Florida Statutes, removing the authority of defendants in execution to substitute property for that which has been levied upon; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Criminal Justice and Representative Gordon and others—

CS for HB's 235 & 351—A bill to be entitled An act relating to criminal mischief; adding s. 806.13(3), Florida Statutes; providing penalties for the desecration of places of religious worship and certain items located therein; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Nuckolls (by request)—

HB 430—A bill to be entitled An act relating to the Department of Corrections; amending s. 945.025(1), Florida Statutes,

providing reference to specific institutions under jurisdiction of the department; repealing ss. 944.031, 944.032, 944.034, 944.04, 944.05, 944.06, 944.061, 944.062, and 944.064, Florida Statutes, all relating to the existence, location, and purpose of specific correctional institutions; providing an effective date.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 515 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hodes—

HB 515—A bill to be entitled An act relating to taxation; amending s. 336.021(1), Florida Statutes; providing that provisions relating to refunds do not apply to the county motor fuels and special fuels tax; authorizing a county to settle certain claims arising from such refunds; 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 444 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Martin—

HB 444—A bill to be entitled An act relating to formation of local governments; amending s. 165.051(1), Florida Statutes, providing for initiation of dissolution procedures for municipalities by petition; 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 HB 180 and CS for HB 431 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives C. F. Jones and R. C. Johnson—

HB 180—A bill to be entitled An act relating to unemployment compensation; amending s. 443.111(1), Florida Statutes, providing for reporting for and payment of benefits by mail; providing effective and expiration dates.

—was referred to the Committee on Commerce.

By the Committee on Corrections, Probation & Parole and Representative Nuckolls—

CS for HB 431—A bill to be entitled An act relating to corrections; amending s. 944.28, Florida Statutes; providing circumstances and procedures for forfeiture of gain-time and the right to earn gain-time in the future; reenacting s. 944.275(2)(d), Florida Statutes, to incorporate the amendment to s. 944.28, Florida Statutes, in a reference thereto; providing an effective date.

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

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 239 and HB 643 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Health Care Cost Containment & Planning, the Committee on Tourism & Economic Development and Representative Danson and others—

CS for CS for HB 239—A bill to be entitled An act relating to the practice of medicine; creating s. 458.348, Florida Statutes; requiring physicians to submit to the Board of Medical Examiners a notice of intent to enter into an established protocol with a physician's assistant, an emergency medical technician, or an advanced registered nurse practitioner for the performance of certain medical acts; providing for establishment of minimum standards for content of certain of such protocols and for physician supervision; adding a paragraph to s. 458.331(1), Florida Statutes, providing grounds for disciplinary action for failure to adequately supervise such activities; amending s. 464.003(3)(c), Florida Statutes, modifying within the definition of "advanced or specialized nursing practice" the composition of the joint committee; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Representatives Morgan and Price—

HB 643—A bill to be entitled An act relating to landlord and tenant; amending s. 83.801, Florida Statutes, eliminating the "Mini-self-storage Landlord and Tenant Act" and creating the "Self-storage Facility Act"; amending s. 83.803, Florida Statutes, providing definitions; amending s. 83.805, Florida Statutes, providing a lien for certain obligations due under the act; creating s. 83.8055, Florida Statutes, providing for denial of access to personal property located in a self-storage facility under certain circumstances; amending s. 83.806, Florida Statutes, providing for enforcement of liens, for notice and for sale of property; providing for advertisement of sale; providing for the sale or disposition of property governed by the act; creating s. 83.808, Florida Statutes, relating to contractual liens and agreements; creating s. 83.809, Florida Statutes, providing for the application of the act; repealing ss. 83.802, 83.804, and 83.807, Florida Statutes, relating to application of the part, to obligations created by the act, and to postjudgment procedures under the "Mini-self-storage Landlord and Tenant Act"; providing for severability; providing an effective date.

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

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

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

Prayer by the Rev. Steve Gooch, University Church of Christ, Tallahassee:

Our Father in Heaven, it's great to be able to pause for a few minutes this morning to approach your throne and we pray that we will do that with sincere hearts, with a tremendous amount of gratitude for all that you have done for us and given to us. We thank you for our wives, our families, our husbands; for the joy we share in having them and help us to appreciate them and to be responsible as spouses or mothers or fathers. We thank you for the opportunity we have to serve this state. We pray that we will do so conscientiously and sincerely as men and women of integrity and honesty. We thank you most of all for your Son who loved us and he gave himself for us; that he bore our sins in his body on the cross. By his blood we have been redeemed and forgiven. Help us never to forget that. Help us never to have an attitude that we don't need you; that we should always depend on you and rely on you for our strength and guidance. We pray that each day we will take time to meditate on his cross; that it will be central in our lives and that it will be a motivating force to live our lives no longer for ourselves, but for him. Help us to recognize you as our creator; that you made us that we should live for you. Father, we thank you for the life that you've provided for us in Christ. Help us to look at it

in a positive way. It is an abundant life. Help us to consider it, to strive to live that life each day we are here. Bless the decisions that are made this day and help them to be done in the best interest of the citizens of this state. We pray all these things in your Son's name. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be added to the bottom of the Special Order Calendar for Thursday, February 18, 1982: CS for SB 594, SB 619, SB 171, SB 267, SB 309, SB 439, SB 539, SB 641

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

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 730

The bill with committee substitute attached was placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

February 17, 1982

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: SB 14, SB 55, SB 76, SB 91, SB 130, SB 208, SB 210, SB 217, SB 253, SB 323, SB 329, SB 356, SB 373, SB 409, SB 468, SJR 478, SB 507, SB 572, SB 598, SJR 605, SJR 626, SB 627, SB 635, SB 665, SB 671, SB 685, SB 690, SB 699, SB 720, SB 750, SB 755, SB 762, SB 809, CS for HB 34

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: SB 606, SB 647, SB 662, SB 717, SB 747, SB 748, SB 763, SB 764, SB 785, SB 788, SB 797, SB 798, SB 826, SB 849, SB 876, SB 895, SB 204, SB 214, SB 327, SB 352, SB 367

MATTERS ON RECONSIDERATION

On motion by Senator Skinner, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SB 168—A bill to be entitled An act relating to the mining of certain solid minerals; prohibiting the Department of Environmental Regulation from issuing permits for any activity relating to the mining of certain solid minerals if the activity will degrade air or water quality; providing an exception; renumbering s. 403.087(7), Florida Statutes, and adding a new subsection (7) to said section; providing an effective date.

—passed February 16.

Senators Skinner and W. D. Childers offered the following amendment which was moved by Senator Skinner and adopted by two-thirds vote:

Amendment 2—On page 1, line 25, after the period (.) insert: *In the event the Federal Government prohibits the mining and/or leasing of solid minerals on federal parks or forest lands, then, and to the extent of such prohibition, this act shall not apply.*

CS for SB 168 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator Skinner, the rules were waived and CS for SB 168 after being engrossed was ordered immediately certified to the House.

The motion by Senator McClain on February 16 that the Senate reconsider the vote by which—

SB 509—A bill to be entitled An act relating to pupil and student records; amending s. 228.093(3), Florida Statutes; granting certain pupils and students the right of access to their academic records; providing an effective date.

—failed to pass February 16, was taken up and adopted; and the Senate reconsidered.

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

Amendment 1—On page 2, line 2, strike “in accordance with the” and insert: once a year pursuant to rules established by the governing authority and the

Senators Langley and Trask offered the following amendment which was moved by Senator Langley and failed:

Amendment 2—On page 2, line 1, after “state universities” insert: *who are over the age of 18 years or who have the written consent of their parents or legal guardian*

SB 509 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Hair	Lewis	Skinner
Childers, D.	Henderson	Margolis	Steinberg
Dunn	Hill	Maxwell	Stuart
Frank	Jenne	McClain	Tobiassen
Gersten	Jennings	Poole	Vogt
Gordon	Johnston	Rehm	Ware
Grizzle	Kirkpatrick	Renick	

Nays—11

Anderson	Jenkins	Neal	Thomas
Beard	Langley	Peterson	Trask
Carlucci	McKnight	Stevens	

SPECIAL ORDER

SB 713—A bill to be entitled An act relating to theft, robbery and related crimes; amending s. 812.014, Florida Statutes; providing that intent to permanently deprive another of his property is not a necessary element of theft; repealing s. 812.041, Florida Statutes, relating to unauthorized temporary use of motor vehicles, aircraft, boats, and boat motors; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 16-25 and insert:

(1) A person is guilty of theft if he knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to either temporarily or permanently:

(a) ~~To~~ Deprive the other person of a right to the property or a benefit therefrom.

(b) ~~To~~ Appropriate the property to his own use or to the use of any person not entitled thereto.

Amendment 2—In title on page 1, strike all of lines 4-6 and insert: providing that intent to permanently or temporarily deprive another of his property is an element of theft; providing that intent to permanently or temporarily appropriate the property of another is an element of theft; repealing s. 812.041, Florida

On motion by Senator Dunn, by two-thirds vote SB 713 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	Hair	Margolis	Steinberg
Anderson	Henderson	Maxwell	Stevens
Beard	Hill	McClain	Stuart
Carlucci	Jenkins	McKnight	Tobiassen
Childers, D.	Jenne	Neal	Trask
Dunn	Jennings	Peterson	Vogt
Frank	Johnston	Poole	Ware
Gersten	Kirkpatrick	Rehm	
Gordon	Langley	Renick	
Grizzle	Lewis	Skinner	

Nays—None

SB 639—A bill to be entitled An act relating to environmental regulation; providing a short title; amending s. 403.081, Florida Statutes; providing that the Department of Environmental Regulation establish coordination procedures with the Game and Fresh Water Fish Commission and the Department of Natural Resources to obtain certain advisory studies and reports; amending s. 403.087(4), Florida Statutes; requiring that permitted installations not interfere with conservation of animal, plant, or aquatic life; amending s. 403.813(2)(b) and (e), Florida Statutes, and adding paragraphs (p) and (q) to said subsection; modifying permit exemptions for installation and repair of certain mooring pilings, dolphins, private docks, and piers, and for repair and restoration of seawalls, and providing exemptions for installation and removal of duck blinds and for installation and maintenance of certain structures in artificially created water bodies by commercial forestry operations; amending s. 403.817(3), Florida Statutes; providing that the department may adopt amendments to certain vegetation or soil indices without legislative approval under certain conditions; repealing s. 253.76, Florida Statutes, which authorizes the Board of Trustees of the Internal Improvement Trust Fund to hear appeals of decisions of the department under chapter 253, Florida Statutes; providing an effective date.

—was taken up with pending Amendment 2A, which was adopted:

Amendment 2A—On page 2, strike all of lines 2-28 and renumber subsequent sections.

The vote was:

Yeas—25

Mr. President	Johnston	Neal	Stevens
Anderson	Kirkpatrick	Peterson	Thomas
Beard	Langley	Poole	Tobiassen
Hair	Lewis	Rehm	Trask
Hill	Maxwell	Scott	
Jenkins	McClain	Skinner	
Jenne	McKnight	Steinberg	

Nays—14

Carlucci	Gersten	Jennings	Vogt
Childers, D.	Gordon	Margolis	Ware
Dunn	Grizzle	Renick	
Frank	Henderson	Stuart	

On motion by Senator Vogt, further consideration of SB 639 was deferred.

SB 792—A bill to be entitled An act relating to private wells; amending s. 381.272(8), Florida Statutes; providing for a minimum distance between an individual sewage disposal system and a private well to supply water for human consumption or other domestic use; providing for a minimum distance between an individual sewage disposal system and a private well to supply water not for human consumption or domestic use; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 28, strike “use” and insert: *purpose*

On motion by Senator Peterson, by two-thirds vote SB 792 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea to Nay—Johnston, McKnight

SB 305—A bill to be entitled An act relating to the Farm Labor Registration Law; amending ss. 450.28(2), 450.30(1), (3), 450.31, 450.32(1), 450.33(1), (6), (8), (9), 450.35-450.37, Florida Statutes; changing administrator of the Farm Labor and Rural Manpower Section to the Division of Employment Security; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, lines 26-31 and on page 4, lines 1-3, strike all of said lines.

Senator Peterson moved the following amendments which were adopted:

Amendment 2—On page 2, line 17, strike “and regulations”

Amendment 3—On page 3, line 4, strike “and regulations”

Amendment 4—On page 3, line 11, after (8) strike “, and (9)” and insert: after (6), and

Amendment 5—On page 4, line 15, strike “and regulations”

Amendment 6—On page 4, line 17, strike “and regulations”

Amendment 7—On page 1, line 4, strike “(9),”

On motion by Senator Peterson, by two-thirds vote SB 305 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Langley, Tobiassen

By the Committee on Agriculture and Senators Peterson, Thomas, Kirkpatrick, Trask, Skinner, Carlucci, Renick, Langley, D. Childers, Beard, Dunn, Tobiassen, Lewis, Barron, Ware, Rehm and Poole—

CS for SB 547—A bill to be entitled An act relating to farming; amending s. 823.14, Florida Statutes; creating the “Florida Right to Farm Act”; providing legislative findings and purpose; providing definitions; providing that a farm operation shall not be or become a public or private nuisance under described circumstances; providing for the effect of the act on certain existing farm operations; providing an effective date.

—was read the first time by title and SB 547 was laid on the table.

On motions by Senator Peterson, by two-thirds vote CS for SB 547 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Tobiassen

SB 780—A bill to be entitled An act relating to state parks and preserves; creating s. 258.082, Florida Statutes; designating certain lands in Orange County as the William Beardall-Tosohatchee State Preserve; providing an effective date.

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

Yeas—39

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

Nays—None

Consideration of CS for SB's 298 and 101 was deferred.

SB 15—A bill to be entitled An act relating to the detention of alleged tuberculous infected persons; amending s. 392.27(2), Florida Statutes; providing for such persons to be detained at certain hospitals; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote SB 15 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Tobiassen

SB 303—A bill to be entitled An act relating to hospital records; amending s. 395.202, Florida Statutes; including x-rays as part of the hospital record which must be furnished to patients upon request; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 303 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

By the Committee on Health and Rehabilitative Services and Senators McKnight and Jenne—

CS for SB 636—A bill to be entitled An act relating to public assistance; amending s. 409.266, Florida Statutes; providing for the confidentiality of complaints and information obtained pursuant to a Medicaid fraud and abuse investigation; amending s. 409.185(2), (3), Florida Statutes; providing for periodic review of eligibility for public assistance; providing criteria to be excluded from determination of eligibility; amending s. 409.235(2), Florida Statutes; lowering to age 19 the maximum age for which monthly assistance may be paid to certain children; amending s. 409.365(1), Florida Statutes; deleting a requirement that counties file public assistance reports with the Department of Health and Rehabilitative Services; amending s. 409.508(1)(a), (2), Florida Statutes; changing terminology with respect to certain low-income home energy assistance; providing an effective date.

—was read the first time by title and SB 636 was laid on the table.

On motion by Senator McKnight, by two-thirds vote CS for SB 636 was read the second time by title.

Senator McKnight moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 23 and 24, insert new sections 1 and 2 and renumber subsequent sections:

Section 1. Paragraph (f) of subsection (6) and paragraph (g) of subsection (7) of section 20.19, Florida Statutes, 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.—

(f) The responsibilities of the 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 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 the clients are receiving services through and the files and reports are in the physical custody of 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 re-

garding 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 examinations 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 is 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 to carry out the purposes of this subsection, which bylaws are developed in consultation with the secretary and include at least the following:

- The responsibilities of the committee;
- The organization and operation of the committee, including procedures for replacing a member;
- Procedures for receiving and investigating reports of abuse of constitutional or human rights;
- The relationship of the committee to the district human rights advocacy committee;
- The 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;
- Provisions for cooperation with the State Nursing Home and Long-Term Care Facility Ombudsman Committee; and

g. 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.

(7) DISTRICT HUMAN RIGHTS ADVOCACY COMMITTEES.—

(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 area of jurisdiction of the committee. For the purposes of such investigation, the committee shall have access to all client files and reports when the clients are receiving services through and the files and reports are in the physical custody of 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 is 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 responsibilities of the committee;
- b. The organization and operation of the committee, including procedures for replacing a member;
- c. Procedures for receiving and investigating reports of abuse of constitutional or human rights;
- d. The relationship of the committee to the statewide Human Rights Advocacy Committee;
- e. The 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 2. Subsections (6) and (7) of section 20.19, Florida Statutes, as amended by this act, are repealed on October 1, 1987, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Amendment 2—In title on page 1, line 2, strike "An act relating to public assistance;" and insert: An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19(6)(f) and (7)(g), Florida Statutes, providing the committees access to client records which are in the physical custody

of the Department of Health and Rehabilitative Services; providing for review and repeal in accordance with the Sundown Act;

On motion by Senator McKnight, by two-thirds vote CS for SB 636 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Carlucci

SB 672—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; creating s. 400.6145, Florida Statutes, prohibiting the adoption of certain rules relating to the regulation of hospices by the department; amending s. 400.615, Florida Statutes, relating to rulemaking authority of the department, to conform; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 29, after the word "personnel" insert: , exclusive of the patient care coordinator

Senator Vogt moved the following amendment which was adopted:

Amendment 2—On page 2, line 3, strike "that a hospice designation" and insert: the designation of

On motion by Senator Vogt, by two-thirds vote SB 672 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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

CS for SB 814—A bill to be entitled An act relating to tuberculosis examination; amending ss. 392.26 and 392.27, Florida Statutes, authorizing appointment of a county health officer, in lieu of an examining committee, as the examiner of an alleged tuberculosis-infected person; modifying provisions relating to the entering of a court order directing such person to submit himself for examination for tuberculosis, to conform; modifying provisions relating to disposition of the case when it is determined that the person has active tuberculosis and is dangerous to the public health; modifying provisions relating to detention of such persons pending the hearing on the report of

the county health officer or hearing committee; providing an effective date.

—was read the first time by title and SB 814 was laid on the table.

On motions by Senator McClain, by two-thirds vote CS for SB 814 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 26—A bill to be entitled An act relating to state motor vehicles; requiring the use of certain energy-saving devices, equipment, and additives in specified state motor vehicles; providing an effective date.

—was read the second time by title.

Senator Vogt moved the following amendment which was adopted:

Amendment 1—On page 1, line 12, strike “all”

On motion by Senator Vogt, by two-thirds vote SB 26 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Rehm

SB 66—A bill to be entitled An act relating to drivers' licenses; amending s. 322.07(2), Florida Statutes; limiting the period during which certain temporary drivers' permits are valid; providing an effective date.

—was read the second time by title.

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

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

Section 1. Subsection (2) of section 322.16, Florida Statutes, is amended and a new paragraph (b) is added to said section to read:

322.16 Restricted licenses.—

(2) The department may issue a ~~non-renewable special restricted operator license or may set forth such restrictions upon the usual license form, or the department may issue a restric-~~

~~tive license to operate a motor driven cycle as defined; provided that:~~

(a) In no instance shall a restricted license be issued to a minor under 15 16 years of age. ~~except on condition that such minor~~

(b) ~~Any person holding a restricted operator license when operating a motor vehicle, other than a motorcycle, motor driven cycle scooter, or moped motorbike, shall be accompanied at all times by a licensed operator or chauffeur who is not less than 18 years of age and who is actually occupying the front seat beside such restricted operator minor;~~

(c) ~~Any restricted operator under the age of 15 years 10 months may operate a motor vehicle during daytime hours only. During the last 60 days before the licensee's 16th birthday, the restricted operator licenseholder may, subject to the above conditions, operate a motor vehicle after dark; and~~

(d) ~~A restricted operator licensee under 16 years of age shall not be permitted to rent a motorcycle, motor driven cycle, moped scooter, motor bike, or other motor-driven vehicle the operation of which does not require that such restricted operator minor be accompanied by a licensed operator or chauffeur under this section.~~

Section 2. Subsection (5) of section 322.18, Florida Statutes, is amended and subsection (9) is added to said section to read:

322.18 Original applications, licenses and renewals; expiration of licenses; delinquent licenses.—

(5) All renewal operators', ~~restricted operators'~~, or chauffeurs' licenses may be issued after the applicant licensee has been issued a certificate of eligibility by the department.

(9)(a) ~~An applicant qualifying for an original restricted operator license on or after October 1, 1982, shall be issued a restricted operator license which expires 18 months after the date of issue. Restricted operator licenses issued prior to October 1, 1982, shall expire as designated on the license.~~

(b) ~~A restricted operator license shall not be issued to any person who has previously held a restricted operator license issued by this state.~~

(c) ~~An original restricted operator license shall not be renewable.~~

Section 3. Subsection (1) of section 322.21, Florida Statutes, is amended and a new paragraph (c) is added to said section to read:

322.21 Fees to be paid for licenses and machinery for handling and collecting the same.—

(1) The fee for:

(a) An operator's ~~or a restricted operator's~~ license is \$4, in addition to the fees for driver education, as provided by s. 233.063, and a color photograph, as provided by s. 322.142.

(c) ~~A restricted operator license is \$1.00 in addition to the fees for driver education and a color photograph, provided by ss. 233.063 and 322.142.~~

(d) ~~The renewal of a license is the same as for its original issue set forth in paragraphs (a) and (b), except that a delinquent fee of \$1 shall be added for a renewal made not more than 12 months after the license expiration date, unless the applicant elects to take and passes the written examination.~~

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

Senator Grizzle moved the following substitute amendment:

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

Section 1. Subsection (2) of section 322.16, Florida Statutes, is amended to read:

322.16 Restricted licenses.—

(2) The department may issue a ~~non-renewable special restricted operator license or may set forth such restrictions upon the usual license form, or the department may issue a restrictive license to operate a motor driven cycle as defined;~~ provided that:

(a) In no instance shall a restricted license be issued to a minor under 15 16 years of age. ; ~~except on condition that such minor~~

(b) Any person holding a restricted operator license when operating a motor vehicle, other than a motorcycle, motor driven cycle ~~secoer~~, or moped ~~motorbike~~, shall be accompanied at all times by a licensed operator or chauffeur who is not less than 18 years of age and who is actually occupying the front seat beside such ~~restricted operator minor~~;

(c) ~~(b)~~ Any restricted operator under the age of 15 years 10 months may operate a motor vehicle during daytime hours only. During the last 60 days before the licensee's 16th birthday, the restricted operator ~~licenseholder~~ may, subject to the above conditions, operate a motor vehicle after dark; and

(d) ~~(c)~~ A restricted operator licensee under 16 years of age shall not be permitted to rent a motorcycle, motor driven cycle, moped ~~secoer~~, motor ~~bike~~, or other motor-driven vehicle the operation of which does not require that such ~~restricted operator minor~~ be accompanied by a licensed operator or chauffeur under this section.

Section 2. Subsection (5) of section 322.18, Florida Statutes, is amended and subsection (9) is added to said section to read:

322.18 Original applications, licenses and renewals; expiration of licenses; delinquent licenses.—

(5) All renewal operators', ~~restricted operators~~, or chauffeurs' licenses may be issued after the applicant licensee has been issued a certificate of eligibility by the department.

(9) (a) A restricted operator license shall not be issued to any person who has previously held a restricted operator license issued by this state.

(b) An original restricted operator license shall not be renewable.

Section 3. This act shall take effect July 1, 1982.

Further consideration of SB 66 was deferred.

SB 150—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. 327.22, 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.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote SB 150 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 276—A bill to be entitled An act relating to the certification of construction contractors by the Department of Transportation; amending s. 337.14(2), Florida Statutes; providing eligibility requirements for certain contractors; providing an effective date.

—was read the second time by title. On motion by Senator Stevens, by two-thirds vote SB 276 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Dunn, the rules were waived and all former Senators were accorded privileges of the floor.

Senator Stuart presiding

SB 317—A bill to be entitled An act relating to drivers' licenses; amending s. 322.251(2), Florida Statutes; providing for proof of notice of cancellation, suspension, or revocation by entry in the records of the Department of Highway Safety and Motor Vehicles; providing for admissibility of notice in courts; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 317 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

SB 322—A bill to be entitled An act relating to public records; adding s. 119.07(3)(1), Florida Statutes; providing that information concerning the identity of certain persons is exempt from disclosure provisions of the public record law; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 15, strike "revealing" and insert: which is provided to the Department of Transportation for the purpose of forming ridesharing arrangements which reveals

Senator Steinberg moved the following amendment which was adopted:

Amendment 2—On page 1, strike all of lines 19 and 20 and insert:

Section 2. Subsection (5) of section 341.031, Florida Statutes, is amended and subsection (6) is added to said section to read:

341.031 Definitions.—As used in ss. 341.011-341.051:

(5) "Ridesharing" means an arrangement between persons with a common destination, or destinations, within the same proximity, to share the use of a motor vehicle on a recurring basis for round-trip transportation to and from their place of employment or other common destination. ~~such destination, or~~

destination. Transportation under such arrangement shall be limited to a single round trip daily, in a motor vehicle manufactured for the transportation of 15 or fewer persons. Ridesharing, as herein defined, is specifically intended to distinguish this activity from public transit services such as shared ride programs which are provided for hire by governmentally owned or privately owned providers of such services.

(6) For purposes of ridesharing, "employment" shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall terminate when the employee leaves the employer's place of employment, excluding areas not under their control of the employer. However, the employee shall be deemed to be within the course of employment when the employee is engaged in the performance of duties assigned or directed by the employer, or acting in the furtherance of the business of the employer, irrespective of location.

Section 3. Section 341.103, Florida Statutes, is created to read:

341.103 Employer liability limits; ridesharing.—No employer shall be liable for injuries or damages sustained by operators, passengers, or other persons resulting from the operation of a motor vehicle while being used in a ridesharing arrangement between a place of residence and place of employment or terminus near such places, nor shall such employer be liable for injuries or damages sustained to operators, passengers, or other persons because such employer provides information or incentives, or otherwise encourages employees to participate in ridesharing arrangements. However, this section shall not apply to motor vehicles owned or leased by an employer nor to acts by an employee within the scope of his or her employment as defined in s. 341.031(6).

Section 4. This act shall take effect upon becoming a law.

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

Amendment 3—In title on page 1, lines 4 and 5, strike all of line 4 and "persons" on line 5 and insert: certain information given to the Department of Transportation for the purpose of forming ridesharing arrangements

On motion by Senator Steinberg, by two-thirds vote SB 322 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 386—A bill to be entitled An act relating to motor vehicle license tags; amending s. 320.04(2), Florida Statutes; exempting certain license plate agencies from certain prohibitions against charging notary public fees; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote SB 386 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Grizzle	Jennings	Maxwell
Carlucci	Hair	Johnston	McClain
Childers, D.	Henderson	Kirkpatrick	McKnight
Dunn	Hill	Langley	Neal
Frank	Jenkins	Lewis	Peterson
Gersten	Jenne	Margolis	Rehm

Renick	Steinberg	Tobiassen	Vogt
Scott	Stuart	Trask	
Skinner	Thomas		

Nays—None

On motions by Senator Jennings, by two-thirds vote SB 27 was removed from the special order calendar and indefinitely postponed.

SB 46—A bill to be entitled An act relating to tax on sales, use and other transactions; adding s. 212.02(20), Florida Statutes; defining "factory-built building"; amending s. 212.06(1) (b), Florida Statutes; providing that persons who manufacture such buildings for their own use in the performance of contracts for construction or improvement of real property shall pay tax only on the cost of materials used in such manufacture; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 18, strike "cost of material" and insert: persons' cost price of items

Amendment 2—In title on page 1, lines 9 and 10, strike "of materials" and insert: cost price of items

On motion by Senator Vogt, by two-thirds vote SB 46 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hill

SB 87—A bill to be entitled An act relating to victims of crimes; amending s. 960.03(7), Florida Statutes, 1980 Supplement, as amended, and adding a new subsection (2), providing a definition; redefining "victim"; amending s. 960.09(3), Florida Statutes, clarifying certain notice requirements; assessing certain appellate costs; providing appellate procedural rules; clarifying authority of deputy commissioners when conducting hearings on claims; creating s. 960.095, Florida Statutes, providing for the appointment of guardians for minors or incompetents; amending s. 960.13(2), (3) and (6), Florida Statutes, and adding a new subsection (4), prohibiting awards for emotional or mental injury; clarifying language; providing an effective date.

—was read the second time by title. On motion by Senator Carlucci, by two-thirds vote SB 87 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 104—A bill to be entitled An act relating to weapons and firearms; creating s. 790.29, Florida Statutes; creating the State Civil Obedience Act; prohibiting paramilitary training; providing a penalty; providing an exemption; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Margolis and adopted:

Amendment 1—On page 1, lines 13 and 16, strike the words "State Civil Obedience Act" and insert: State Anti-Paramilitary Training Act

Senator Margolis moved the following amendment which was adopted:

Amendment 2—On page 1, line 21, after the word "individual" and before the period; and on page 1 line 27 and on page 2 line 1 after the word "disorder" and before the comma insert: within the United States

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Margolis and adopted:

Amendment 3—In title on page 1, line 4, strike the words "State Civil Obedience Act" and insert: State Anti-Paramilitary Training Act

Pending further consideration of SB 104 as amended, on motion by Senator Margolis the rules were waived and by two-thirds vote HB 178 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Margolis—

HB 178—A bill to be entitled An act relating to weapons and firearms; creating s. 790.29, Florida Statutes; creating the State Anti-Paramilitary Training Act; prohibiting paramilitary training; providing a penalty; providing an exemption; providing an effective date.

—a companion measure, was substituted for SB 104 and by two-thirds vote read the second time by title. On motion by Senator Margolis, by two-thirds vote HB 178 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Anderson	Hair	Margolis	Rehm
Carlucci	Henderson	Maxwell	Renick
Dunn	Hill	McClain	Scott
Frank	Jenne	McKnight	Steinberg
Gersten	Jennings	Neal	Stuart
Gordon	Kirkpatrick	Peterson	Vogt
Grizzle	Lewis	Poole	Ware

Nays—6

Jenkins	Langley	Tobiasen	Trask
Johnston	Skinner		

SB 104 was laid on the table.

On motion by Senator Steinberg, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 322—A bill to be entitled An act relating to public records; adding s. 119.07(3)(1), Florida Statutes; providing that information concerning the identity of certain persons is exempt from disclosure provisions of the public record law; providing an effective date.

—as amended passed this day.

On motion by Senator Steinberg, the Senate reconsidered the vote by which SB 322 was read the third time.

On motion by Senator Steinberg, the Senate reconsidered the vote by which Amendment 1 was adopted.

Senator Steinberg moved the following substitute amendment for Amendment 1 which was adopted:

Amendment 4—On page 1, line 15, strike "revealing" and insert: *which is provided to any agency of state government or of a political subdivision for the purpose of forming ride-sharing arrangements which reveals*

On motion by Senator Steinberg, the Senate reconsidered the vote by which Amendment 3 was adopted.

Senator Steinberg moved the following substitute amendment for Amendment 3 which was adopted:

Amendment 5—In title on page 1, strike all of line 6 and insert: the public record law; amending s. 341.031(5), Florida Statutes and adding s. 341.031(6) to said section; amending definition of ridesharing and adding definition of employment; creating s. 341.103, Florida Statutes; limiting liability of employers for injuries or damages sustained by persons participating in ridesharing programs; providing an effective

On motion by Senator Steinberg, by two-thirds vote SB 322 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Anderson	Hill	Maxwell	Steinberg
Carlucci	Jenkins	McClain	Stuart
Childers, D.	Jenne	McKnight	Tobiasen
Frank	Jennings	Neal	Trask
Gersten	Johnston	Poole	Vogt
Grizzle	Kirkpatrick	Rehm	Ware
Hair	Langley	Renick	
Henderson	Lewis	Scott	

Nays—None

The Senate resumed consideration of—

SB 639—A bill to be entitled An act relating to environmental regulation; providing a short title; amending s. 403.081, Florida Statutes; providing that the Department of Environmental Regulation establish coordination procedures with the Game and Fresh Water Fish Commission and the Department of Natural Resources to obtain certain advisory studies and reports; amending s. 403.087(4), Florida Statutes; requiring that permitted installations not interfere with conservation of animal, plant, or aquatic life; amending s. 403.813(2)(b) and (e), Florida Statutes, and adding paragraphs (p) and (q) to said subsection; modifying permit exemptions for installation and repair of certain mooring pilings, dolphins, private docks, and piers, and for repair and restoration of seawalls, and providing exemptions for installation and removal of duck blinds and for installation and maintenance of certain structures in artificially created water bodies by commercial forestry operations; amending s. 403.817(3), Florida Statutes; providing that the department may adopt amendments to certain vegetation or soil indices without legislative approval under certain conditions; repealing s. 253.76, Florida Statutes, which authorizes the Board of Trustees of the Internal Improvement Trust Fund to hear appeals of decisions of the department under chapter 253, Florida Statutes; providing an effective date.

Senator McKnight moved that the Senate reconsider the vote by which Amendment 2A was adopted.

Further consideration of SB 639 was deferred.

The President presiding

The President declared the Senate in informal recess at 10:30 a.m.

The Senate was called to order by the President at 10:35 a.m. A quorum present.

Special Ceremony

The following former members of the Senate in attendance for the 1982 Senate reunion were welcomed by the President:

Tom Adams	Cliff Herrell
Lynwood Arnold	Randolph Hodges
Merrill Barber	Beth Johnson
William D. (Wig) Barrow	Dewey M. Johnson
C. W. (Bill) Beaufort	Thomas H. Johnson
W. E. Bishop	Frederick B. Karl
Lew Brantley	Paul Kickliter
Lawton Chiles, Jr.	Gerald A. Lewis
LeRoy Collins	Philip Lewis
C. Welborn Daniel	Hal Y. Maines
Richard J. Deeb	John M. McCarty
John L. Ducker	T. Truett Ott
Robert Elrod	Kenneth A. Plante
Vince Fechtler, Jr.	Houston W. Roberts
George Firestone	Charles A. Savage
John J. Fisher	Tom Slade
Elmer O. Friday	Bruce Smathers
Tom Gallen	Guy Spicola
Sam Gibbons	Russell E. Sykes
William M. Gillespie	Sam Teague
Bill Gorman	George W. Tedder, Jr.
Tom Greene	Dave Thomas
Ben Hill Griffin	Lori Wilson
Bill Gunter	William G. Zinkil
Horry Hair	

The following special guests were welcomed:

LeRoy Adkison, former Sergeant at Arms
 Grace Dansby, widow of Senator L. P. "Pete" Gibson
 Jackie Fraser, widow of Senator Edwin G. Fraser, former Secretary of the Senate
 Esther Horne, widow of Senator Raeburn C. Horne
 Cathryn Sheldon, widow of Senator Raymond Sheldon
 Leila Cofield and Catharine Turnbull, former Senate staff

SPECIAL ORDER, continued

SB 120—A bill to be entitled An act relating to approval of the Division of Building Construction and Property Management prior to construction or substantial improvement of state-owned buildings; amending s. 255.25(6), Florida Statutes; requiring the division to approve such construction for mitigation of flood hazards in compliance with rules of the United States Department of Housing and Urban Development and of the Federal Emergency Management Agency or any other applicable rules or regulations of any federal agency; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 29 and 30, strike "or any other rules or regulations of any federal agency applicable thereto"

Amendment 2—In title on page 1, lines 11-13, strike "or any other applicable rules or regulations of any federal agency"

On motion by Senator Henderson, by two-thirds vote SB 120 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	Henderson	McClain	Stevens
Anderson	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	
Hair	Maxwell	Steinberg	

Nays—None

SB 121—A bill to be entitled An act relating to surplus property; adopting the temporary plan as the legislative plan; providing for amending the plan; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, lines 4-8, strike everything after the "." (period) on line 4 and all of lines 5 through 8

Amendment 2—In title on page 1, line 4, strike "providing for amending the plan;"

On motion by Senator Henderson, by two-thirds vote SB 121 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	Hair	McClain	Stevens
Anderson	Henderson	McKnight	Stuart
Barron	Hill	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiassen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	
Grizzle	Maxwell	Steinberg	

Nays—None

On motions by Senator Peterson, the rules were waived and by two-thirds vote SB 973 was withdrawn from the Committee on Agriculture and by two-thirds vote placed next on the special order calendar.

SB 973—A bill to be entitled An act relating to the Lake Alfred, Florida, Agricultural Research and Education Center; naming the new research facility at such center the "Ben Hill Griffin, Jr., Citrus Hall"; providing an effective date.

—was read the second time in full. On motion by Senator Peterson, by two-thirds vote SB 973 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

CO-INTRODUCERS

Senators Anderson and Stevens—SB 547; Senator Dunn—SB 696; Senator Gersten—SB 227

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 16 was corrected and approved.

The Journal of February 11 was further corrected and approved as follows:

Page 153, column 1, line 29, after "Department" insert: *of Health and Rehabilitative Services shall be required for ad valorem tax exemption hereunder only if the home (a) furnishes medical facilities or nursing services to its residents, or (b) qualifies as an adult congregate living facility under Part II,*

Page 154, column 2, line 26, strike "s" and insert: *or the law enforcement agency's*

On motion by Senator Dunn, the Senate adjourned at 11:30 a.m. to reconvene at 9:00 a.m., Thursday, February 18.