



# Journal of the Senate

Number 23

Tuesday, March 9, 1982

## BILL ACTION SUMMARY

Tuesday, March 9, 1982

H 16	Substituted for C/S SB 336, Passed as amended	S 529	Adopted
H 89	Substituted for SB 828, Passed	S 541	C/S passed as amended
H 196	Substituted for SB 16, Passed as amended	S 548	C/S passed as amended
H 296	Substituted for C/S SB 737, Passed	S 583	Passed
H 319	Passed	S 597	Passed
H 346	Substituted for SB 454, Passed	S 599	C/S passed, Immediately certified
H 405	Substituted for SB 802, Passed	S 630	C/S passed
H 415	Substituted for SB 319, Passed	S 647	C/S passed as amended
H 643	Substituted for C/S SB 909, Passed	S 671	Passed
H 766	Substituted for C/S SB 746, Passed as amended	S 674	Passed as amended
S 16	Iden./Sim. House Bill substituted; refer to HB 196	S 705	C/S passed
S 29	Passed	S 706	Passed as amended
S 51	C/S passed as amended	S 729	Passed
S 106	C/S passed as amended	S 735	C/S passed, Immediately certified
S 183	C/S passed as amended	S 737	Iden./Sim. House Bill substituted, passed; refer to C/S for C/S HB 296
S 184	C/S passed	S 742	Passed as amended, Immediately certified
S 209	Passed	S 746	Iden./Sim. House Bill substituted, passed; refer to C/S HB 766
S 216	Passed as amended	S 802	Iden./Sim. House Bill substituted, passed; refer to HB 405
S 269	C/S passed as amended	S 810	Concurred in amendments totaling 3, Refused to concur in one amendment; Further action required for final passage
S 271	Passed	S 828	Iden./Sim. House Bill substituted, passed; refer to HB 89
S 281	Passed as amended	S 860	C/S passed as amended
S 282	Failed to pass	S 863	Concurred, C/S passed as amended, Ordered engrossed, then enrolled
S 284	C/S passed as amended	S 902	C/S passed as amended
S 319	Iden./Sim. House Bill substituted, passed; refer to HB 415	S 909	Iden./Sim. House Bill substituted, passed; refer to HB 643
S 335	Concurred, C/S passed as amended, Ordered engrossed, then enrolled	S 922	Passed as amended
S 336	Iden./Sim. House Bill substituted; refer to HB 16	S 939	Passed as amended
S 344	Concurred, C/S passed as amended, Ordered engrossed, then enrolled	S 951	Passed
S 381	Passed	S 981	C/S passed, Immediately certified
S 386	Concurred, Passed as amended, Ordered engrossed, then enrolled	S 983	C/S passed
S 392	Passed as amended	S 1026	Adopted, Immediately certified
S 395	C/S passed as amended		
S 454	Iden./Sim. House Bill substituted, passed; refer to HB 346		
S 490	C/S passed, Immediately certified		
S 507	Passed		

## 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 Beard—

SCR 1023—A concurrent resolution commending the sheriffs and citizenry of the State of Florida and the Florida Sheriffs Youth Fund for the establishment in 1957 and maintenance of the Florida Sheriffs Boys Ranch for twenty-five years.

—was referred to the Committee on Rules and Calendar.

By Senators Jennings and Stuart—

SCR 1024—A concurrent resolution recognizing the City of Winter Park on the occasion of the centennial celebration of the founding of the city.

—was referred to the Committee on Rules and Calendar.

By Senators Skinner and Kirkpatrick—

SB 1025—A bill to be entitled An act relating to Lake City Community College; authorizing the board of trustees of the community college to own, operate and enter into such lease purchase agreements as may be necessary to continue in those certain dormitories located on and adjacent to the campus of the community college; authorizing the board to use capital outlay and debt service funds for specified purposes in connection with the dormitories; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Education, and 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 passed as amended House Bills 52 and 1011 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

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

**HB 1011**—A bill to be entitled An act relating to financial matters; amending s. 215.45, Florida Statutes, relating to sale or exchange of securities under chapter 215, Florida Statutes; establishing the authorized sales price for sales under call options; creating s. 215.455, Florida Statutes; authorizing the loan of securities; amending s. 215.47(3), Florida Statutes, adding subsections (6) and (7) to said section, and adding paragraphs (1)(l) and (m) and (2)(i) and (j) to said section; authorizing the investment of public funds in prime commercial paper and banker's acceptances; authorizing investment in certain interests in real and related personal property; increasing the percentage of state trust funds and agency funds which can be invested in common stocks; revising the criteria for investment in common stock; authorizing the use of options in selling or purchasing portfolio securities; authorizing repurchase agreements and reverse repurchase agreements; adding subsection (5) to s. 215.50, Florida Statutes; authorizing registration of certain securities in the name of a third party; providing circumstances under which the State Treasurer is not personally liable; adding subsection (3) to s. 215.515, Florida Statutes; providing for investment of the State Board of Administration Administrative Expense Trust Fund; amending s. 218.407(1), Florida Statutes; conforming a cross reference; 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 16 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Thomas—

**HB 16**—A bill to be entitled An act relating to the protection of natural resources; 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 land; amending s. 403.061, Florida Statutes, providing restrictions on rules regarding improvement or natural conditions and federal regulations; amending s. 403.091, Florida Statutes, providing for inspection by the Department of Environmental Regulation of certain property on which a hazardous waste generator, transporter or facility or other air or water contaminant source is located; 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 proceed without a hearing under certain circumstances; amending s. 403.72(1), Florida Statutes, making discretionary with the department certain considerations in adopting rules; adding subsection (7) to s. 403.725, Florida Statutes, placing a limitation on the use of certain moneys in the Hazardous Waste Management Trust Fund; amending s. 403.727(4), Florida Statutes, providing certain defenses available to a person alleged to be in violation of the Florida Resource Recovery and Management Act; amending s. 403.8055(4), Florida Statutes, and adding subsection (6) thereto, requiring specific reference to federal regulations where such regulations are adopted as a rule by the Department of Environmental Regulation; amending s. 403.814(1) and (2), Florida Statutes, providing a time period for the commencement of work under a general permit issued by the Department of Environmental Regulation for projects governed by chapter 253 or chapter 403, Florida Statutes; amending s. 403.061, Florida Statutes, providing for publication of application for permit regarding chronology of agency action; amending s. 403.087, Florida Statutes, providing for denial of permits with certain state and national lands, providing for preemption by federal action; 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 House Bills 1015 and 1016 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations—

**HB 1015**—A bill to be entitled An act relating to issuance of revenue bonds; amending s. 375.051, Florida Statutes; requiring legislative approval of any revenue bonds issued for the acquisition of lands, water areas, and related resources secured by the revenues of the Land Acquisition Trust Fund; providing an effective date.

—was referred to the Committees on Appropriations; Finance, Taxation and Claims; and Rules and Calendar.

By the Committee on Appropriations—

**HB 1016**—A bill to be entitled An act relating to state lands; amending s. 253.01, Florida Statutes, and repealing s. 375.043, Florida Statutes, to provide that the revenues accruing from the sale of certain state lands shall be deposited in the Internal Improvement Trust Fund rather than the Land Acquisition Trust Fund; providing the purposes for which such revenues may be used; amending s. 253.02(1), Florida Statutes, relating to powers of the Board of Trustees of the Internal Improvement Trust Fund; amending ss. 253.031(4), 270.22, 270.23, and 403.813(1)(f) and (2)(f), Florida Statutes, relating to the receipt by the board of certain funds and proceeds, to conform to this act; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation, 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 737 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Sadowski and others—

**HB 737**—A bill to be entitled An act relating to voting and civil rights; setting forth certain voting rights; prohibiting the deprivation of, or interference with, the exercise of same; providing a penalty; providing an effective date.

—was referred to the Committees on Judiciary-Civil, 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 HB 191 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Lehman—

**HB 191**—A bill to be entitled An act relating to local occupational license taxes; creating s. 205.1955, Florida Statutes, prohibiting issuance of occupational licenses to physicians, chiropractors, osteopaths, dentists and podiatrists under certain circumstances; 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 as amended HB 268 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Ewing and Danson—

**HB 268**—A bill to be entitled An act relating to condominiums; amending s. 718.112(2)(j), Florida Statutes, providing for the assessment by a condominium association of fees relating to the approval of certain transactions; requiring the Division of Florida Land Sales and Condominiums to establish procedures to provide notice to an association under certain conditions; 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 296 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

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

CS for CS for HB 296—A bill to be entitled An act relating to the prevention of child abuse and neglect; creating s. 827.075, Florida Statutes; providing legislative intent; requiring a state plan for a comprehensive approach to the prevention of child abuse and neglect; providing for state and local coordination; providing for district plans; providing that funding for child abuse and neglect prevention efforts be based upon the state plan; requiring biennial revisions of the state plan; providing for distribution of funds; 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 HB 104 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

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

CS for HB 104—A bill to be entitled An act relating to public retirement systems; creating s. 112.3176, Florida Statutes, providing legislative intent; providing definitions; requiring the forfeiture of certain benefits under any public retirement system by any officer or employee convicted of a felony involving the use of such office or employment or other specified offense; providing for notice of such conviction; providing for a forfeiture hearing and for appeal from a forfeiture order; providing for the return of certain benefits; providing that said forfeiture provisions shall be supplemental to any other forfeiture provisions of law; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 865 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Rosen and Lippman—

HB 865—A bill to be entitled An act relating to pharmacists; amending s. 465.003(4), Florida Statutes, allowing duly licensed pharmacists to fill prescriptions by practitioners licensed to practice in a jurisdiction, rather than a state, other than Florida; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

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

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended, by the required constitutional three-fifths vote of the membership of the House HJR 911 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Price and Morgan—

HJR 911—A joint resolution proposing an amendment to Section 5 of Article II of the State Constitution relating to salaries of county officers.

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

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed HB 319 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Brown and others—

HB 319—A bill to be entitled An act relating to the St. Johns River Water Management District; reenacting and amending s. 373.0693(8)(b), Florida Statutes, 1979, relating to the creation and functioning of the Greater St. Johns River Basin encompassing all or parts of Alachua, Baker, Bradford, Brevard, Clay, Duval, Flagler, Indian River, Lake, Marion, Nassau, Okeechobee, Orange, Osceola, Putnam, St. Johns, Seminole and Volusia Counties; prescribing that powers, duties, functions and responsibilities of the basin shall be the same as are authorized for other subdistricts and basins; prescribing the composition of the governing board of the basin; confirming and ratifying past actions; providing an effective date.

Proof of publication of the required notice was attached.

—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 772 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Kiser and others—

HB 772—A bill to be entitled An act relating to pilotage; creating s. 310.145, Florida Statutes, requiring licensed state pilots of vessels passing under bridges which are equipped with electronic navigation protection equipment to use such equipment, and dictating pilot response upon the malfunction of such equipment; providing for review and repeal in accordance with the Regulatory Sunset Act; 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 CS for CS for HB 222 and HB 1062 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

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

CS for CS for HB 222—A bill to be entitled An act relating to hearing impaired infants; creating an infant hearing impairment program to screen, diagnose, and manage high risk infants identified as hearing impaired; providing for pilot programs designed to result in a statewide program; establishing a statewide high risk registry; providing exemption from the program; creating the Council for the Newborn Hearing Impairment Program and providing for appointment of members, terms, meetings, and staffing by the Department of Health and Rehabilitative Services; providing duties and responsibilities of the council and the department; providing effective dates.

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

By the Committee on Finance & Taxation—

HB 1062—A bill to be entitled An act relating to the taxation of motor and special fuels; amending ss. 206.05(1) and 206.90(1), Florida Statutes, exempting state and federal agencies licensed as distributors or dealers under chapter 206 from certain bonding requirements; amending s. 206.41(2)(a), Florida Statutes, providing that certain sales made by consignees may qualify the consignee for obtaining a distributor's license under the gas tax laws; amending s. 206.42, Florida Statutes, providing conditions for the exemption of aviation motor fuel from taxation; amending s. 206.64, Florida Statutes, providing a limitation on the amount of refund available for fuel used for agricultural or commercial fishing purposes; amending s. 206.86(8)(h), Florida Statutes, providing that an individual who purchases special fuels for residential purposes does not have to be licensed as a dealer of special fuel even though such individual may own a passenger vehicle which consumes such fuel; amending s. 206.87(2)(c) and (4)(a), Florida Statutes, authorizing the Department of Revenue to assess and collect taxes against certain dealers in special fuels; providing that individuals who purchase special fuel for residential purposes and also own a passenger vehicle which consumes such fuel shall execute a sworn affidavit promising not to use such

tax-free fuel in their vehicles; adding subsection (7) to s. 206.89, Florida Statutes, providing licensing, reporting, and liability requirements for persons acting as dealers in special fuel; amending s. 206.93, Florida Statutes, providing clarifying language; adding subsection (3) to s. 206.94, Florida Statutes, assessing tax, penalty, and interest against certain persons; 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 as amended HB 312 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hodes and others—

**HB 312**—A bill to be entitled An act relating to the hearing impaired; providing legislative intent; creating the Florida Council for the Hearing Impaired; providing for membership and organization thereof; providing duties and responsibilities of the council; providing for expiration of the council; providing an appropriation; providing an effective date.

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

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 7, HB 82, HB 278, HB 623 and CS for HB 765 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committees on Ethics & Elections, Education, K-12 and Representative Lehtinen and others—

**CS for CS for HB 7**—A bill to be entitled An act relating to the district school system; creating s. 230.105, Florida Statutes, providing alternate procedures whereby district school boards may adopt and submit to the electors for approval a proposition for nonpartisan elections of school board members or superintendents of schools; providing for a return to the existing system at the district's option; creating s. 230.106, Florida Statutes, providing for the effect of the act upon districts with existing nonpartisan election of school board members or superintendents of schools; providing for the effect of the act upon existing board members and superintendents of schools; providing an effective date.

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

By Representative Silver and others—

**HB 82**—A bill to be entitled An act relating to mediation of disputes between citizens; authorizing the establishment of Citizen Dispute Settlement Centers; requiring appointment of a council to adopt certain rules for the administration of such a center; prohibiting such a center from making or imposing any adjudication, sanction, or penalty; providing for confidentiality of certain information; providing for referral of disputes to certain agencies; authorizing the seeking and acceptance of funds from certain sources and the expenditure of such funds; providing exemptions for certain existing centers; creating s. 90.5065, Florida Statutes; providing that Citizen Dispute Settlement Center proceeding matter or communications are privileged; providing an effective date.

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

By Representative T. McPherson—

**HB 278**—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.0805(1) and (2)(a), Florida Statutes, providing for the issuance of personalized prestige license plates to certain vehicles; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Bell—

**HB 623**—A bill to be entitled An act relating to the career service system; amending s. 110.205(2)(p), Florida Statutes,

providing for additional exempt positions; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By the Committee on Energy and Representative Thompson—

**CS for HB 765**—A bill to be entitled An act relating to electric power; adding paragraphs (d), (e), (f), and (g) to s. 163.01(3), Florida Statutes, amending paragraph (c) of subsection (7) thereof, and adding subsection (15) thereto, defining the terms "electric project," "person," "electric utility," and "foreign public utility" with respect to the Florida Interlocal Cooperation Act of 1969; providing for the issuance of bonds by any separate legal entity created pursuant to said act whose membership is comprised only of electric utilities; providing certain additional powers and waiving certain rights of sovereign immunity with respect to certain entities which exercise or propose to exercise the powers granted pursuant to part II of chapter 361, Florida Statutes, the Joint Power Act; creating s. 361.09, Florida Statutes, relating to the valuation of electric utility property subject to eminent domain; adding subsections (3) and (4) to s. 361.11, Florida Statutes, defining the terms "person" and "foreign public utility" for the purposes of the Joint Power Act; amending s. 361.12, Florida Statutes, relating to joint electric power supply projects, describing entities which may participate in joint projects; amending s. 361.13, Florida Statutes, relating to powers of electric utilities and other organizations; amending s. 361.14, Florida Statutes, relating to limitations on sales with respect to joint project energy; providing for the additional powers and authority granted in this act to apply to certain preexisting agreements; providing a statement of purpose; providing for severability; providing an effective date.

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

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

Mr. President	Grizzle	Lewis	Scott
Anderson	Hair	Margolis	Skinner
Barron	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

Excused: Senator Barron, periodically, for the purpose of working on the apportionment bill.

Prayer by the Rev. Hank Cribb, Pastor, Trinity United Methodist Church, Winter Haven:

Almighty God, our Father, we give thanks this morning for this great state and for our forefathers who gave of their time, talent, and labor, making it possible for us today to enjoy the life we have in our present age. We thank thee too, for our families and our friends who give to us graciously their full support.

We pray for our Governor and the leaders who are charting our courses for today and the days to come. Give them your guidance in all their deliberations.

May any decisions made this day be made in accordance to your will. Forgive us for our mistaken ambitions and false pride and grant unto us a new vision, a new love, a new understanding of the possibilities that are ours. Give us a true sense of brotherhood toward every man, woman, and child. Give us peace and harmony in the true spirit of all those who love you. Help us, we pray, to move forward in a loving way toward the many goals for which we strive.

This we pray in the name of our Lord and Saviour, Jesus Christ. Amen.

The Senate pledged allegiance to the flag of the United States of America.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, March 9, 1982: CS for SB 981, CS for SB 860, CS for SB 548,

SB 282, SB 939, CS for SB 106, CS for SB 269, SB 392, SB 706, SB 802, SB 29, SB 319, SB 271, SB 454, CS for SB 51, SB 381, CS for SB 541, CS for SB 490, CS for SB 746, SB 16, CS for SB 336, CS for SB 395, SB 951, CS for SB 909, SB 674, SB 729, CS for SB 902, CS for SB 983, SB 597, SB 209, SB 828, SB 742, CS for SB 183, CS for SB 184, SB 216, SB 281, SB 507, SB 671, CS for SB 630, CS for SB 737, SB 583, CS for SB 705, CS for SB 599, CS for SB 647, SB 922, CS for SB 284, CS for SB 735

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

The Committee on Commerce recommends the following pass:  
SB 807

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Commerce recommends the following pass:  
HB 1078

The Committee on Finance, Taxation and Claims recommends the following pass: SB 111, SB 137, SB 232, SB 266 with 2 amendments, CS for SB 280 with 1 amendment, SB 291, CS for SB 704, CS for SB 834 with 1 amendment, SB 863 with 1 amendment, HB 125, HB 322 with 1 amendment, HB 504

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Finance, Taxation and Claims recommends the following not pass: SB 467, SB 754

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 72

The bills contained in the foregoing reports were laid on the table.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 681

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 400, SB 410, SB 415, SB 881

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 763

The Committee on Transportation recommends a committee substitute for the following: SB 231

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 558, SB 895

The bills with committee substitutes attached were referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 977

The bill with committee substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 885

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SCR 797

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 800

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 316, SB 331

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

## REQUESTS FOR EXTENSION OF TIME

March 5, 1982

The Committee on Appropriations requests an extension of 15 days for consideration of the following: SB 5, CS for SB 13 & CS for SB 310, SB 14, CS for SB 17, CS for SB 18, CS for SB 22, SJR 40, SB 71, SB 74, SB 86, SB 95, SB 98, SB 119, SB 122, SB 155, SB 169, SB 172, SB 178, SB 179, SB 195, SB 224, SB 225, CS for SB 227, SB 229, SB 230, SB 233, CS for SB 236, SB 237, SB 248, SB 250, SB 258, SB 259, SB 283, SB 290, SB 296, CS for SB 300, CS for SB 304, SB 307, CS for SB 318, SB 323, CS for CS for SB 330, CS for SB 338, CS for SB 354, SB 365, SB 371, CS for SB 379, SB 384, SB 385, CS for SB 389, CS for SB 391, SB 402, SB 409, SB 423, SB 427, SB 436, CS for SB 446, SB 449, CS for SB 471, CS for SB 472, SB 476, SB 489, CS for SB 506, SB 523, CS for SB 526, SB 530, SB 531, SB 543, CS for CS for SB 544, CS for SB 546, CS for SB 556, SB 557, CS for CS for SB 559, CS for SB 578, SB 589, SB 596, SB 609, SB 614, SB 627, SB 631, SB 640, SB 648, CS for SB 653, SB 657, CS for SB 662, SB 667, SB 670, SB 693, SB 714, SB 715, SB 716, CS for SB 717, SB 727, SB 731, SB 736, CS for SB 741, CS for SB 747, SB 748, CS for SB 760, SB 798, SB 803, SB 824, CS for SB 844, CS for SB 849, CS for SB 870, SB 886, SB 889, SB 890, SB 894, SB 897, SB 900, SB 904, CS for SB 905, SB 910, SB 911, SB 913, SB 915, SB 918, SB 929, SB 931, CS for SB 934, CS for SB 936, CS for SB 937, SB 940, SB 953, SB 964, CS for SB 969, CS for SB 971, CS for SB 974, SB 976, SB 985, CS for SB 991, CS for HB 80, HB 193, HB 294, HB 391

The Committee on Commerce requests an extension of 15 days for consideration of the following: SB 6, SB 21, SB 30, SB 31, SB 32, SB 33, SB 45, SB 64, SB 135, SB 157, SB 252, SB 264, SB 270, SB 292, SB 370, SB 398, SB 406, SB 413, SB 431, SB 463, SB 464, SB 465, SB 466, SB 485, SB 502, SB 517, SB 534, SB 552, SB 553, SB 564, SB 576, SB 588, SB 611, SB 612, SB 660, SB 677, SB 744, SB 753, SB 766, SB 769, SB 782, SB 796, SB 807, SB 817, SB 827, SB 840, SB 841, SB 856, SB 862, SB 864, SB 882, SB 926, SB 948, SB 950, SB 959, SB 967, SB 968, SB 982

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: SB 138, SB 262, SB 625, SB 642, SB 675, SB 707, SB 728, SB 738, SB 771, SB 799, SB 816, SB 872, SB 873, SB 874, SB 875, SB 942

March 8, 1982

Appropriations Subcommittee A requests an extension of 15 days for consideration of the following: SB 408, SB 676

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: SB 24, SJR 47, SJR 102, SJR 125, SM 132, SJR 133, SB 151, SJR 176, SR 196, SM 203, SR 205, SM 220, SB 343, SM 378, SB 503, SB 514, SB 515, SB 516, SM 520, SR 529, SM 542, SM 571, CS for SB 605, SB 643, SB 695, SCR 765, SB 791, SB 960, SM 986, SR 993, SR 994, SR 995, SB 1000, HB 176, SCR 618, SB 826, SB 795, HCR 500

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: SB 721

The Special Master for Claims requests an extension of 15 days for consideration of the following: SB 740

The Committee on Apportionment requests an extension of 15 days for consideration of the following: SB 949, SB 527

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The Committee on Agriculture requests an extension of 15 days for consideration of the following: SB 28, SB 191, SB 382, SB 533, SB 616, SB 830, HB 75

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: SB 50, SB 52, SB 97, SB 131, SB 251, SB 405, SB 433, SB 461, SB 480, SB 555, SB 699, SB 710, SB 779, SB 786, SB 961

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator McKnight, by two-thirds vote SB 948 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Hair, the rules were waived and by two-thirds vote SB 135 was withdrawn from the Committee on Commerce.

On motion by Senator Steinberg, the rules were waived and by two-thirds vote SB 807 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Frank, the rules were waived and by two-thirds vote SB 701 was withdrawn from the Committee on Education.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 172 and 296 and CS for SB 506 were withdrawn from the Committee on Appropriations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 731 and CS for SB 736 were withdrawn from Appropriations Subcommittee C and the Committee on Appropriations.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 635 was withdrawn from the Committee on Judiciary-Civil.

**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 SB 156, SB 245, CS for SB 459, SB 896, SB 56, SB 317, CS for SB 879, SB 80, SB 425, SB 450, SB 219 and SB 477.

*Allen Morris, Clerk*

The bills contained in the above message were ordered enrolled.

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed CS for HB 421, as amended.

*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—

CS for SB 335—A bill to be entitled An act relating to education; creating s. 232.46, Florida Statutes; exempting all school employees from liability for reporting suspected drug abuse by pupils; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 13, after "liability," strike lines 13-17 and insert: "All school personnel shall be exempt from civil liability when reporting in good faith suspected unlawful uses, possession, or sales of drugs by students to the proper school authority. Only the principal or his/her designee shall contact the parent or legal guardian regarding this situation."

**Amendment 2**—On page 1, line 17, after the period insert: Section 2. Subsection (5) of section 233.067, Florida Statutes, is amended to read:

233.067 Comprehensive health education.—

(5) PROGRAM DEVELOPMENT.—Pursuant to policies and regulations to be adopted by the Commissioner of Education, each district school board, and each school principal through the district school board, may submit to the commissioner a proposed program designed to effectuate an exemplary comprehensive health education project in the district or school. The proposal shall include a statement of the nature of the comprehensive health education program proposed, a provision

for a sequential program of instruction in comprehensive health education, including nutrition education and drug abuse education, at the four progressional levels, k-3, 4-6, 7-9, and 10-12, the number of teachers and students to be involved, a provision stating how the involvement of governmental agencies and private organizations will be enlisted in order to ensure the use of all available resources in the implementation of the program, an estimate of the cost, a plan for evaluation of the project, the number of years for which the project is to be funded, a plan for integration of the project into the general curricular and financial program of the district at the end of the funded term of years, and such other information as the commissioner shall by regulation require.

(and number the subsequent section)

**Amendment 3**—On page 1, line 5 in title after the semicolon insert: amending s. 233.067(5) providing for drug abuse education;

**Amendment 4**—On page 1, line 18, insert: Section 2. The provisions of section 232.39, Florida Statutes, shall not be construed to relate to any junior organization or society sponsored by the Police Athletic League.

—renumber sections accordingly

**Amendment 5**—On page 1, line 5 in title insert: authorizing Police Athletic League sponsorship of junior organizations;

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

CS for SB 335 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Frank

Vote after roll call:

Yea—Hair, Rehm

Nay to Yea—Frank

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 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.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 27 insert:

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 320.0805, Florida Statutes, are 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, 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.

(2) Each request for specific numbers or letters or combinations thereof shall be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for such vehicle, as set forth in s. 320.08(1), (2), (3)(a), (c), or (9)(e) or (d);

Applications and fees shall be received by the department no later than 60 days prior to the first day of the applicant's registration period.

—and renumber subsequent section

**Amendment 2**—On page 1, line 6 after the semicolon “;” insert:

amending s. 320.0805(1) and (2)(a), Florida Statutes, providing for the issuance of personalized prestige license plates to certain vehicles;

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

SB 386 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

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 810**—A bill to be entitled An act relating to education; amending ss. 228.041(18), 229.834, 232.01(1)(f), Florida Statutes; redefining “exceptional student”; changing “mentally retarded” to “mentally handicapped”; deleting the “socially maladjusted”; deleting requirement of uniform schedule of fees and fee collection for testing children who are not in public schools; providing that exceptional children must reach age 3 by September 1, not January 1, to enter special programs; changing “trainable mentally retarded” to “trainable mentally handicapped”; adding “profoundly handicapped”; substituting “special program” for “home instruction program”; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 2, lines 4 and 5, strike “crippled and other health-impaired, the emotionally disturbed” and insert: *physically handicapped crippled* and other health-impaired, the emotionally *handicapped disturbed*

**Amendment 2**—On page 2, between lines 21 and 22, insert: Section 3. Subsection (5) of section 230.2312, Florida Statutes, is amended to read:

230.2312 Florida Primary Education Program.—

(5) **DISMISSAL CRITERIA.**—Third grade students may be eligible for promotion from the Florida Primary Education Program to grade four upon satisfactory attainment of the minimum student performance standards required by s. 229.565; however, a student who has been properly classified in accord-

ance with rules established by the state board as “mentally ~~handicapped retarded~~,” “deaf,” “specific learning disabled,” “emotionally handicapped,” or “profoundly handicapped” and who is assigned to a full-time special program for such students may be exempted from this requirement. Non-English-speaking children may be permitted to demonstrate mastery of skills in their native language. At the end of grade three, there shall be three alternatives provided for each student:

(a) The student has met the minimum performance standards and shall enter the fourth grade;

(b) The student shall continue in an extension of the program experience for no more than 1 year in order to have an additional opportunity to meet the minimum performance standards of grade three at which time he shall progress according to the district's student progression plan; or

(c) The student shall be referred to exceptional student education if it appears that he requires the services of exceptional student education.

(Renumber subsequent sections accordingly.)

**Amendment 3**—On page 3, lines 7 and 8, strike all of said lines and insert:

Section 5. Section 232.247, Florida Statutes, is amended to read:

232.247 Special high school graduation requirements for certain exceptional students.—A student who has been properly classified in accordance with rules established by the state board, as “educable mentally ~~handicapped retarded~~,” “trainable mentally ~~handicapped retarded~~,” “deaf,” “specific learning disabled,” “physically handicapped whose ability to communicate orally or in writing is seriously impaired,” or “emotionally handicapped” shall not be required to meet all requirements of s. 232.246 and shall, upon meeting all applicable requirements prescribed by the school board pursuant to s. 232.245, be awarded a special diploma in a form prescribed by the state board; provided, however, that such special graduation requirements prescribed by the school board shall include minimum graduation requirements as prescribed by the state board. Any such student who meets all special requirements of the district school board for his exceptionality, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the state board. Nothing provided in this section, however, shall be construed to limit or restrict the right of an exceptional student solely to a special diploma. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 232.246 through the standard procedures established therein and thereby qualify for a standard diploma upon graduation.

Section 6. Paragraph (c) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—The annual allocation from the Florida Education Finance Program to each district for operation of schools shall be determined as follows:

(1) **COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.**—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) **Determination of programs.**—Cost factors based on desired relative cost differences between the following programs are hereby established for the fiscal years 1979-1980 and 1980-1981. However, the application of cost factors in part-time programs for exceptional students shall be limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall be determined by regulations of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten.

	1979-80 Cost Factor	1980-81 Cost Factor
1. Basic programs.—		
a. Kindergarten and grades 1, 2, and 3	1.234	1.234
b. Grades 4, 5, 6, 7, 8, and 9	1.00	1.00
c. Grades 10, 11, and 12	1.09	1.08
d. Educational alternatives	2.00	2.00
2. Special programs for exceptional students.—		
a. Educable mentally handicapped <del>retarded</del>	2.18	2.12
b. Trainable mentally handicapped <del>retarded</del>	2.85	2.78
c. Physically handicapped	3.51	3.52
d. Physical and occupational therapy part-time	6.01	6.02
e. Speech and hearing therapy part-time	8.26	7.39
f. Deaf	3.81	3.71
g. Visually handicapped part-time	10.77	11.15
h. Visually handicapped	3.54	3.56
i. Emotionally <del>handicapped</del> <del>disturbed</del> part-time	6.23	5.59
j. Emotionally <del>handicapped</del> <del>disturbed</del>	3.41	3.26
k. Specific learning disability part-time	5.81	4.96
l. Specific learning disability	2.32	2.32
m. Gifted part-time	2.71	2.56
n. Hospital and homebound part-time	14.84	14.76
o. Profoundly handicapped	6.50	6.50
3. Special adult general education programs.—		
a. Adult basic education and adult high school	1.15	1.08
4. Special vocational-technical programs-job preparatory.—		
a. Agriculture	2.48	2.26
b. Office	1.87	1.78
c. Distributive	1.65	1.61
d. Diversified	1.48	1.34
e. Health	2.28	2.23
f. Public service	2.68	3.12
g. Home economics	1.83	1.65
h. Technical, trade, and industrial	2.28	2.10
i. Exploratory	1.47	1.49

The State Board of Education may approve up to three cost categories for each special vocational-technical job preparatory program. However, the sum of the weighted full-time equivalent students for the levels of cost for a program may not exceed the product of the statutory cost factor multiplied by un-weighted full-time equivalent students for a program.

5. Special vocational-technical- adult supplemental.—		
a. Agriculture	1.98	1.81
b. Office	1.50	1.42
c. Distributive	1.32	1.29
d. Health	1.82	1.78
e. Public service	2.14	2.50
f. Home economics	1.46	1.32
g. Technical, trade, and industrial	1.82	1.68

Section 7. This act shall take effect July 1, 1982.

Amendment 4—On page 1, lines 2-16, strike all of said lines and insert: An act relating to The Florida School Code; amending ss. 228.041(18), 229.834, 230.2312(5), 232.01(1)(f), 232.247, and 236.081(1)(c), Florida Statutes; changing the terms “mentally retarded,” “crippled,” and “emotionally disturbed” to “mentally handicapped,” “physically handicapped,” and “emotionally handicapped”; removing certain authority of the Department of Education to establish a uniform fee schedule for diagnostic and resource centers; changing the date on or before which certain children become eligible for admission to public special education programs; providing that certain handicapped children below age 5 may be eligible for a “special program,” rather than a “home instruction program”; providing an effective date.

On motions by Senator Peterson, the Senate concurred in House Amendments 1, 2 and 4; refused to concur in House Amendment 3 and the House was requested to recede.

SB 810 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll:

Yea—Hair

*The Honorable W. D. Childers, President*

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

CS for SB 868—A bill to be entitled An act relating to telephone companies; creating s. 364.027, Florida Statutes; providing for the Florida Public Service Commission's access to telephone company records; providing for the confidentiality of certain records and an exemption from s. 119.07(1), Florida Statutes; amending s. 364.055(1), (2)(a) and (b), and (5), Florida Statutes; providing a procedure for setting interim rates or setting revenues subject to refund; amending s. 364.335(4), Florida Statutes, and creating s. 364.337, Florida Statutes; authorizing the commission to grant certificates to certain telephone companies which will be in competition with other telephone companies; authorizing establishment of different requirements or exemption from statutory provisions for companies providing duplicative or competitive services; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 4, lines 9-14, strike through all of said lines

On motion by Senator Stuart, the Senate concurred in the House amendment.

CS for SB 868 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

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—

CS for SB 344—A bill to be entitled An act relating to the "Florida Motor Vehicle Noise Prevention and Control Act of 1974"; amending s. 403.415(4), Florida Statutes; relating to maximum noise levels allowable with respect to certain motor vehicles; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 1-3 strike everything after the enacting clause and insert:

Section 1. Subsection (4) of section 403.415, Florida Statutes, is amended to read:

403.415 Motor vehicle noise.—

(4) NEW VEHICLE NOISE LIMITS.—No person shall sell, offer for sale, or lease a new motor vehicle that produces a maximum sound level exceeding the following limits at a distance of 50 feet from the center of the lane of travel under test procedures established under subsection (5):

(a) For motorcycles other than motor-driven cycles:

Date of manufacture	Sound level limit
From January 1, 1973,	
to December 31, 1974 .....	86 dB A
On or after <del>From</del> January 1, 1975,	
to December 31, 1981 .....	83 dB A
<del>From January 1, 1982,</del>	
to December 31, 1983 .....	80 dB A
<del>From January 1, 1984,</del>	
On or after January 1, 1986 .....	75 dB A
to December 31, 1985 .....	78 dB A

(b) For any motor vehicle with a GVWR over 10,000 pounds, all school buses and for any multipurpose passenger vehicle, which is defined as a motor vehicle with motive power designed to carry 10 persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation:

Date of manufacture	Sound level limit
From January 1, 1973,	
to December 31, 1976 .....	86 dB A
On or after <del>From</del> January 1, 1977,	
to December 31, 1981 .....	83 dB A
<del>From January 1, 1982,</del>	
to December 31, 1984 .....	80 dB A
On or after January 1, 1985 .....	75 dB A

(c) For motor-driven cycles and any other motor vehicle not included in paragraph (a) or paragraph (b):

Date of manufacture	Sound level limit
On or after <del>From</del> January 1, 1975 <del>1973,</del>	
to December 31, 1974 .....	80 dB A
<del>From January 1, 1975,</del>	
to December 31, 1984 .....	80 dB A
On or after January 1, 1985 .....	75 dB A

(5) TEST PROCEDURES.—The test procedures for determining compliance with this section shall be established by regulation of the Department of Environmental Regulation and in cooperation with the Department of Highway Safety and Motor Vehicles in substantial conformance with applicable standards and recommended practices established by the Society of Automotive Engineers, Inc., or its successor bodies, and the American National Standards Institute, Inc., or its successor bodies, for the measurement of motor vehicle sound levels. Regulations establishing these test procedures shall be promulgated no later than December 1, 1974.

Section 2. This act shall take effect July 1, 1982.

Amendment 2—On page 1 strike the entire title and insert: A bill to be entitled An act relating to the "Florida Motor Vehicle Noise Prevention and Control Act of 1974"; amending

s. 403.415(4), Florida Statutes, relating to maximum noise levels allowable with respect to certain motor vehicles; providing an effective date.

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

CS for SB 344 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

The bill was ordered engrossed and then enrolled.

On motion by Senator Dunn, by two-thirds vote HB 319 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Dunn, by unanimous consent—

HB 319—A bill to be entitled An act relating to the St. Johns River Water Management District; reenacting and amending s. 373.0693(8)(b), Florida Statutes, 1979, relating to the creation and functioning of the Greater St. Johns River Basin encompassing all or parts of Alachua, Baker, Bradford, Brevard, Clay, Duval, Flagler, Indian River, Lake, Marion, Nassau, Okeechobee, Orange, Osceola, Putnam, St. Johns, Seminole and Volusia Counties; prescribing that powers, duties, functions and responsibilities of the basin shall be the same as are authorized for other subdistricts and basins; prescribing the composition of the governing board of the basin; conforming and ratifying past actions; providing an effective date.

—was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 319 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Jenkins Langley

Vote after roll call:

Yea—Hair

SPECIAL ORDER

By the Committee on Education and Senators Maxwell, Peterson, Margolis and Kirkpatrick—

CS for SB 981—A bill to be entitled An act relating to postsecondary education; creating the Florida Higher Education Loan Authority Act; authorizing the creation of higher education loan authorities; providing definitions; providing membership and duties of authorities; providing powers relating to

loans to qualified institutions of higher learning for specified purposes; providing for student educational loans; providing for the authorization and issuance of bonds; providing conditions and procedures; providing for trust funds; providing tax exemptions; providing severability; providing an effective date.

—was read the first time by title and SB 981 was laid on the table.

On motions by Senator Maxwell, by two-thirds vote CS for SB 981 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	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	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	

Nays—1  
Jenkins

On motion by Senator Maxwell, the rules were waived and CS for SB 981 was ordered immediately certified to the House.

By the Committee on Education—

CS for SB 860—A bill to be entitled An act relating to non-public postsecondary schools; amending ss. 246.011(1), (3), 246.021(1), (4), (5), and adding subsection (9) to said section; amending ss. 246.031, 246.041, 246.051, 246.061, 246.071, 246.081, 246.091(1), 246.095, 246.111, 246.121, 246.131, 246.141, 246.151, Florida Statutes; creating ss. 246.085, 246.125, Florida Statutes; dividing chapter 246, Florida Statutes, into parts; providing purpose; 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 institutions”; providing membership of the State Board of Independent Colleges and Universities; providing for meetings; providing powers and duties of the board; providing for the annual selection of a chairperson and a vice chairperson; authorizing certain delegation of board authority to the chairperson; deleting obsolete language; providing exemptions from licensing requirements; limiting use of designations “college” and “university”; providing for collection and dissemination of information; reviving and readopting, notwithstanding the Regulatory Sunset Act, ss. 246.011-246.151, Florida Statutes; providing for legislative review; providing an effective date.

—was read the first time by title and SB 860 was laid on the table.

On motion by Senator Frank, by two-thirds vote CS for SB 860 was read the second time by title.

Senator Frank moved the following amendments which were adopted:

**Amendment 1**—On page 7, line 22, strike “chairman” and insert: chairperson

**Amendment 2**—On page 12, line 18, strike “institution” and insert: college

**Amendment 3**—On page 12, line 19, after the word “review” insert: and authorization

**Amendment 4**—On page 12, line 20, after the word “the” insert: nonmain

**Amendment 5**—On page 6, lines 16, 18, 20 and 21, strike on line 16 the words “and regulations”, on line 18 the words “and regulations”, on line 20 after the word “rules” strike “and”, on line 21 strike “regulations”

**Amendment 6**—On page 13, line 17, strike “with minimum standards, provided the” and after the word “compliance” insert: . The

**Amendment 7**—On page 13, line 12, strike “institutions” and insert: colleges

**Amendment 8**—On page 13, line 9, after the word “nature” insert: or religious education

**Amendment 9**—On page 13, line 6, after the word “for” insert: education

**Amendment 10**—On page 13, line 7, strike “either”

**Amendment 11**—On page 12, strike lines 20-29 and insert:  
Section 11. Section 246.087, Florida Statutes, is created to read:

246.087 Licensing requirements.—

(1) The minimum standards to be evaluated by the board for the licensing of colleges shall include purpose, administrative organization, educational program and curricula, finances, faculty, library, student personnel services, physical plant and facilities, publications, and disclosure statements about the status of the college in relation to professional certification and licensure.

(2) The minimum standards for the licensing of agents shall include name, residential and business address, background, training, and college to be presented.

(Renumber subsequent sections.)

**Amendment 12**—On page 15, line 29, strike “institutions” and insert: colleges

**Amendment 13**—In title on page 1, line 9, after “246.085,” insert: 246.087,

On motion by Senator Frank, by two-thirds vote CS for SB 860 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	Grizzle	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

Nays—None

Vote after roll call:

Yea—Hair

By the Committee on Education and Senators Peterson, Jennings, McClain, Trask and Frank—

CS for SB 548—A bill to be entitled An act relating to district public schools; amending s. 236.081(1)(b), (c), (d), (2), (6), Florida Statutes; adding s. 236.081(4)(e), Florida Statutes; authorizing the State Board of Education to utilize moneys from the state Working Capital Fund to maintain the authorized base student allocation; providing that the relative cost factors for authorized programs shall be prescribed in the annual appropriations act and deleting such factors from chapter 236, Florida Statutes; providing for the establishment of cost categories in job preparatory programs; including intensive English instruction in alternative education programs; providing that the

reported full-time equivalent students in basic adult education and adult high school education, in excess of prescribed maximums, shall be computed at a cost factor of 0.50; modifying the procedure for calculating the district cost differential; limiting the maximum required local effort for each school district; deleting the commissioner's authority to increase the base student allocation; deleting the provision guaranteeing a minimum level of funding state allocations to school districts; amending s. 236.0841, Florida Statutes; providing enrichment programs for vocational students; amending s. 230.2315(4), Florida Statutes, to include instruction in intensive English in alternative education programs, and prohibiting bilingual education as a part of alternative education; providing an effective date.

—was read the first time by title and SB 548 was laid on the table.

On motion by Senator Peterson, by two-thirds vote CS for SB 548 was read the second time by title.

Senator Tobiassen moved the following amendments which were adopted:

**Amendment 1**—On page 12, line 10, add Section 4. Paragraph (c) of subsection (4) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—The annual allocation from the Florida Education Finance Program to each district for operation of schools shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—Effective July 1, 1980, and each year thereafter, the Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the general appropriations act for each appropriate year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(c) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll, for any one tax year or a cumulative total of more than 10 percent of the simple average nonexempt value of the assessment rolls for multiple tax years where the litigation is not finalized by July 1 of the respective tax year as determined and certified by the property appraiser; the assessed value of the property in contest shall be excluded from the nonexempt assessed valuation for school purposes for purposes of computing the district-required local effort.

(Renumber sections.)

**Amendment 2**—On page 2, line 3, after "education;" insert: amending s. 236.081 (4) (c) Florida Statutes;

On motion by Senator Peterson, by two-thirds vote CS for SB 548 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	Gordon	Kirkpatrick	Renick
Anderson	Grizzle	Langley	Scott
Barron	Hair	Lewis	Steinberg
Beard	Henderson	Margolis	Stevens
Carlucci	Hill	Maxwell	Stuart
Childers, D.	Jenkins	McClain	Thomas
Dunn	Jenne	McKnight	Trask
Frank	Jennings	Neal	Vogt
Gersten	Johnston	Peterson	Ware

Nays—None

Vote after roll call:

Yea—Poole, Rehm, Tobiassen

**SB 282**—A bill to be entitled An act relating to legislators' travel expenses; amending s. 112.062, Florida Statutes; authorizing legislators to incur and be reimbursed for travel expenses for trips to educate and inform the public about their official duties and for trips to accept certain awards; providing an effective date.

—was read the second time by title.

Senator Carlucci moved the following amendment:

**Amendment 1**—On page 1, strike all of lines 24-30 and insert: upon the state, a legislator may incur and be reimbursed for travel expenses pursuant to s. 112.061.

Senator D. Childers moved the following substitute amendment which was adopted:

**Amendment 2**—On page 1, strike all of lines 27-30 and insert: about his official duties.

Senator D. Childers moved the following amendment which was adopted:

**Amendment 3**—In title on page 1, strike lines 7 and 8 and insert: official duties; providing an effective date.

On motion by Senator D. Childers, by two-thirds vote SB 282 as amended was read the third time by title and failed to pass. The vote was:

Yeas—14

Childers, D.	Henderson	Renick	Trask
Dunn	Jenkins	Skinner	Vogt
Gersten	Peterson	Stuart	
Grizzle	Rehm	Tobiassen	

Nays—19

Anderson	Hair	Maxwell	Scott
Beard	Hill	McClain	Steinberg
Carlucci	Jennings	McKnight	Stevens
Frank	Kirkpatrick	Neal	Ware
Gordon	Margolis	Poole	

Vote after roll call:

Nay—Langley

Yea to Nay—Renick

Senator Thomas presiding

**SB 939**—A bill to be entitled An act relating to the Institute of Food and Agricultural Sciences; naming a building; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, lines 21 and 22, strike "Department of Agriculture and Consumer Services" and insert: Institute of Food and Agricultural Sciences

On motion by Senator Anderson, by two-thirds vote SB 939 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Anderson	Gordon	Kirkpatrick	Peterson
Beard	Grizzle	Langley	Rehm
Carlucci	Hair	Lewis	Renick
Childers, D.	Henderson	Margolis	Scott
Dunn	Jenne	Maxwell	Skinner
Frank	Jennings	McKnight	Steinberg
Gersten	Johnston	Neal	Stevens

Stuart           Tobiassen       Vogt           Ware  
Thomas           Trask

Nays—None

Vote after roll call:

Yea—W. D. Childers, Hill, McClain

By the Committee on Governmental Operations and Senator Margolis—

CS for SB 106—A bill to be entitled An act relating to the tax on sales, use, and other transactions; adding paragraph (s) to s. 212.08(7), Florida Statutes; providing that certain nonprofit organizations designated as state theater contract organizations are exempt from such tax; providing an effective date.

—was read the first time by title and SB 106 was laid on the table.

On motion by Senator Margolis, by two-thirds vote CS for SB 106 was read the second time by title.

Senator Maxwell moved the following amendment which was adopted:

Amendment 1—On page 1, line 20, insert:

(s) *Florida Retired Educators Association and affiliated groups.—Also exempt from payment of the tax imposed by this chapter are purchases made by the Florida Retired Educators Association and affiliated groups.*

(Renumber subsequent sections.)

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

Amendment 2—On page 1, between lines 27 and 28 insert a new section 2 and renumber subsequent sections:

Section 2. A new subsection (12) is added to s. 212.08, Florida Statutes, 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.

(12) *There shall be exempt from the tax imposed by this chapter articles of tangible personal property purchased by statewide nonprofit educational organizations providing technical support, curriculum development support and other support services to Florida Future Farmers of America chapters within the Florida public school system.*

Senator Maxwell moved the following amendment which was adopted:

Amendment 3—On page 1, line 4, after the word “that” insert: purchases made by the Florida Retired Educators Association and affiliated groups and

On motion by Senator Margolis, by two-thirds vote CS for SB 106 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Carlucci

Vote after roll call:

Yea—W. D. Childers

By the Committee on Judiciary-Civil and Senator Johnston—

CS for SB 269—A bill to be entitled An act relating to tax administration; amending s. 95.091, Florida Statutes; extending the statute of limitations with respect to certain tax liens to 8 years after the lien is perfected; providing for liens under chapter 197, Florida Statutes; specifying method of perfecting certain liens; providing result of failure to perfect lien within specified period; providing that in cases of multiple filing the warrant first recorded shall be controlling; amending s. 95.11(1), Florida Statutes; providing a statute of limitations upon actions for collection of certain taxes; amending s. 212.18(3), Florida Statutes; specifying that persons who receive value by way of admissions under chapter 212, Florida Statutes, must obtain a certificate of registration from the Department of Revenue; amending s. 213.05, Florida Statutes; specifying the revenue laws which the department has responsibility for administering; amending s. 214.46, Florida Statutes; providing duration of liens with respect to designated nonproperty taxes; repealing s. 205.022(6), Florida Statutes, which defines “department” under the Local Occupational License Tax Act; providing an effective date.

—was read the first time by title and SB 269 was laid on the table.

On motion by Senator Johnston, by two-thirds vote CS for SB 269 was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Johnston and adopted:

Amendment 1—On page 3, lines 23-30 and on page 4, lines 1-3, strike all of said lines and renumber subsequent sections

Amendment 2—In title on page 1, strike lines 12-14 and insert: controlling;

On motion by Senator Johnston, by two-thirds vote CS for SB 269 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, McClain, Stuart

SB 392—A bill to be entitled An act relating to collection of special assessments and service charges; amending s. 197.214, Florida Statutes; providing that special assessments imposed on property in special districts or municipal service taxing or benefit units shall be collected as provided for ad valorem taxes; applying the provisions of chapter 197, Florida Statutes, to the collection of special assessments; authorizing the board of county commissioners to appoint and to compensate the tax collector as its agent in collecting service charges; prohibiting the issuance of tax certificates and tax deeds for nonpayment of service charges; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendments which were moved by Senator Jennings and adopted:

Amendment 1—On page 1, line 22, strike the word “assessment” and insert: *assessments and service charges assessment*

Amendment 2—On page 2, strike all of lines 4-12 and insert:

(3) *The tax collector of each county may act as agent for the county in collecting service charges on property in municipal service taxing or benefit units, if the board of county commissioners of the county and the tax collector establish by agreement a manner in which service charges may be collected. The board of county commissioners shall compensate the tax collector for the actual cost of collecting such service charges. However, tax certificates and tax deeds may not be issued for nonpayment of service charges.*

Amendment 3—In title on page 1, strike all of lines 11-13 and insert: the tax collector to act as an agent for the county in collecting service charges; requiring the board of county commissioners to compensate the tax collector for collecting service charges;

On motion by Senator Jennings, by two-thirds vote SB 392 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 706—A bill to be entitled An act relating to the property appraisal adjustment board; amending s. 194.011(3)(d), Florida Statutes; providing the time for filing of petitions with respect to issues involving denial of exemptions or agricultural classification applications; adding s. 194.032(1)(e), Florida Statutes; authorizing the property appraisal adjustment board to meet prior to the approval of the assessment rolls by the Department of Revenue for purposes of hearing certain appeals; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Margolis:

Amendment 1—On page 2, line 22, insert: a new Section 3.

Section 3. Section 194.032(3), (4), and (5), Florida Statutes, are amended to read:

194.032 Hearing complaints.—

(3) Petitioners before the board may be represented by an attorney or agent and present testimony and other evidence. The property appraiser or his authorized representatives may be represented by an attorney in defending his assessment or opposing an exemption and may present testimony and other evidence. The property appraiser, each petitioner, and all witnesses may be required to, upon the request of either party, testify under oath as administered by the chairman of the board. Hearing shall be conducted in the manner prescribed by rules and regulations of the department. ~~Such hearings shall generally conform to the procedures prescribed for hearings in Chapter 120, including the right for cross-examination of any witness, except nothing herein shall preclude an aggrieved taxpayer from contesting his assessment in the manner provided by section 194.171, whether or not he has initiated an action pursuant to this section. Further, the Board shall provide that no evidence shall be considered by the Board except when presented during the time scheduled for the petitioner's hearing, or at a time when the petitioner has been given reasonable notice, and further that a verbatim record of the proceedings shall~~

be made, and proof of any documentary evidence presented shall be preserved and made available to the Department of Revenue, if requested, and for further judicial proceedings as provided in subsection (6). Notwithstanding the provisions of this subsection, no petitioner shall present, nor shall the board or special master accept, testimony or other evidentiary materials for consideration that were requested of the petitioner in writing by the property appraiser of which the petitioner had knowledge and deliberately denied to the property appraiser.

(4) The board is hereby authorized to appoint special masters for the purpose of taking testimony and making recommendations to the board, which recommendations the board may act upon without further hearing. In counties of 100,000 population or greater, the board, upon the request of the petitioner, shall appoint a special master for the purpose of taking testimony and making recommendations to the board. Such special masters may not be elected or appointed officials or employees of the county but shall be selected from a list of those qualified individuals who are willing to serve as special masters. The clerk of the board shall annually notify such individuals or their professional associations to make known to them that opportunities to serve as special masters exist. A special master shall be either a member of the Florida Bar and knowledgeable in the area of ad valorem taxation or a designated member of a professionally recognized real estate appraisers' organization and have not less than 5 years' experience in property valuation. A special master need not be a resident of the county in which he serves. No special master shall be permitted to represent a person before the board in any tax year during which he has served that board as a special master. The board shall appoint such masters from the list so compiled prior to convening of the board. The expense of hearings before special masters and any compensation of special masters shall be borne three-fifths by the board of county commissioners and two-fifths by the school board.

(5) In each case, except when a complaint is withdrawn by the petitioner or is acknowledged as correct by the property appraiser, the property appraisal adjustment board shall render a written decision. All such decisions shall be issued within 20 calendar days of the last day the board is in session under this section. The decision of the board shall contain findings of fact and conclusions of law and shall include reasons for upholding or overturning the property appraiser's determination, and in the case where a special master has been appointed, the recommendations of the special master shall be considered. The clerk, upon issuance of the decisions, shall, on a form provided by the Department of Revenue, notify by first-class mail each taxpayer, the property appraiser, and the department of the decision of the board.

(Renumber subsequent section.)

The President presiding

Senator Neal moved the following substitute amendment which was adopted:

Amendment 2—On page 2, line 23, insert: Section 3. Subsections (3), (4), and (5) of section 194.032, Florida Statutes, are amended to read:

194.032 Hearing complaints.—

(3) Petitioners before the board may be represented by an attorney or agent and present testimony and other evidence. The property appraiser or his authorized representatives may be represented by an attorney in defending his assessment or opposing an exemption and may present testimony and other evidence. The property appraiser, each petitioner, and all witnesses may be required to, upon the request of either party, testify under oath as administered by the chairman of the board. Hearings shall be conducted in the manner prescribed by rules and regulations of the department. ~~Such hearings shall generally conform to the procedures prescribed for hearings in chapter 120, including the right for cross-examination of any witness, except that nothing herein shall preclude an aggrieved taxpayer from contesting his assessment; in the manner provided by s. 194.171, whether or not he has initiated an action pursuant to this section. Further, the board shall provide that no evidence shall be considered by the board except when presented during the time scheduled for the petitioner's hearing, or at a time when the petitioner~~

has been given reasonable notice, and further that a verbatim record of the proceedings shall be made, and proof of any documentary evidence presented shall be preserved and made available to the Department of Revenue, if requested, and for further judicial proceedings as provided in subsection (6). Notwithstanding the provisions of this subsection, no petitioner shall present, nor shall the board or special master accept, testimony or other evidentiary materials for consideration that were requested of the petitioner in writing by the property appraiser of which the petitioner had knowledge and deliberately denied to the property appraiser.

(4) The board is hereby authorized to appoint special masters for the purpose of taking testimony and making recommendations to the board, which recommendations the board may act upon without further hearing. In counties of 100,000 population or greater, the board, upon the request of the petitioner, shall appoint a special master for the purpose of taking testimony and making recommendations to the board. If the request is made by the petitioner herein, the cost shall be borne by the petitioner. Such special masters may not be elected or appointed officials or employees of the county but shall be selected from a list of those qualified individuals who are willing to serve as special masters. The clerk of the board shall annually notify such individuals or their professional associations to make known to them that opportunities to serve as special masters exist. A special master shall be either a member of The Florida Bar and knowledgeable in the area of ad valorem taxation or a designated member of a professionally recognized real estate appraisers' organization and have not less than 5 years' experience in property valuation. A special master need not be a resident of the county in which he serves. No special master shall be permitted to represent a person before the board in any tax year during which he has served that board as a special master. The board shall appoint such masters from the list so compiled prior to convening of the board. The expense of hearings before special masters and any compensation of special masters shall be borne three-fifths by the board of county commissioners and two-fifths by the school board.

(5) In each case, except when a complaint is withdrawn by the petitioner or is acknowledged as correct by the property appraiser, the property appraisal adjustment board shall render a written decision. All such decisions shall be issued within 20 calendar days of the last day the board is in session under this section. The decision of the board shall contain findings of fact and conclusions of law and shall include reasons for upholding or overturning the property appraiser's determination, and in the case where a special master has been appointed, the recommendations of the special master shall be considered. The clerk, upon issuance of the decisions, shall, on a form provided by the Department of Revenue, notify by first-class mail each taxpayer, the property appraiser, and the department of the decision of the board.

Senator Margolis moved the following amendment which was adopted:

Amendment 3—On page 2, between lines 22 and 23, insert:

Section 3. Subsection (7) of section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.—

(7) The Auditor General shall have the responsibility to perform performance audits of the administration of ad valorem tax laws by the department pursuant to the general authority granted in chapter 11. Such performance audits shall be conducted annually following completion of reviews pursuant to this section and shall include, for at least two counties so reviewed, findings as to the accuracy of assessment procedures used by and computations made by the department no less frequently than once every 3 years. A performance audit of the Ad Valorem Tax Division shall be submitted to the Legislature no later than April 1 of each year October 1, 1981.

Section 4. Section 195.0985, Florida Statutes, is created to read:

195.0985 Annual review.—The Department of Revenue shall annually publish assessment-to-sales ratio studies for each county, not later than 15 days following approval of that county's assessment roll pursuant to s. 193.114.

Section 5. Subsection (10) of section 195.096, Florida Statutes, and subsection (6) of section 195.097, Florida Statutes, are transferred and renumbered as subsections (1) and (2), respectively, of section 195.099, Florida Statutes, which is created to read:

195.099 Periodic reviews.—

(1)(a) The department shall periodically review the assessments of new, rebuilt, and expanded business reported according to s. 193.077(3), to ensure parity of level of assessment with other classifications of property.

(b) The provisions of this subsection shall expire and be void on December 31, 1986.

(2) The department shall review the assessments of new and expanded businesses granted an exemption pursuant to s. 196.1995 to ensure parity of level of assessment with other classifications of property.

Section 6. Sections 14 and 16 of chapter 80-274, Laws of Florida, are hereby repealed.

Section 7. The sum of \$85,836 plus any accrued interest balance for the fund is hereby transferred from the Assessment Review Trust Fund to the Auditor General. Said amount and two positions are hereby appropriated to the Auditor General for 1982-1983 to implement the provisions of this act.

(Renumber subsequent section)

Senator Margolis moved the following amendment:

Amendment 4—On page 2, strike line 23 and insert:

Section 3. Subsections (5), (6), (7), and (8) of section 193.114, Florida Statutes, are transferred, amended, and renumbered as subsections (1), (2), (6), and (7) of section 193.1142, Florida Statutes, and subsections (3), (4), and (5) are added to said section to read:

193.1142 Approval of assessment rolls.—

(1)(5) Each assessment roll shall be submitted to the executive director for review in the manner and form prescribed by the department on or before the first Monday in July. The roll submitted to the department need not contain centrally assessed properties prior to approval under this subsection and subsection (2)(6). Such review by the executive director shall be made to determine if the rolls meet all the appropriate requirements of law ~~this section~~ relating to form and just value. Upon approval of the rolls by the executive director, the hearings required in s. 194.032 may be held.

(2)(6) The executive director shall disapprove all or part of any assessment roll of any county not in full compliance with the administrative order of the executive director issued pursuant to the notice called for in s. 195.097 and shall otherwise disapprove all or any part of any roll not assessed in substantial compliance with law, as disclosed during the department's investigation, including, but not limited to, audits by the Department of Revenue and Auditor General establishing noncompliance.

(3) An assessment roll shall be deemed to be approved if the department has not taken disapproval action within 60 days of a complete submission of the rolls by the property appraiser except as provided in subsection (4). A submission shall be deemed complete if it meets all applicable provisions of law as to form and content, includes or is accompanied by all information which was lawfully requested by the department prior to the initial submission date, and is not an interim roll. The department shall notify the property appraiser of an incomplete submission not later than 10 days after receiving such a submission.

(4) The department is hereby authorized to issue a review notice to a county property appraiser within 30 days after a complete submission of the assessment rolls of that county. In the event that such notice is issued:

(a) The time period specified in subsection (3) shall be 60 days after the issuance of said notice, and

(b) The notice required pursuant to s. 200.069 shall not be issued prior to approval of an assessment roll for the county or institution of interim roll procedures under s. 193.1145.

(5) *In no event shall a formal determination by the department pursuant to this section be made later than 90 days after the first complete submission of the rolls by the county property appraiser.*

(6)(7) Approval or disapproval of all or any part of a roll shall not be deemed to be final until the procedures instituted under s. 195.092 have been exhausted.

(7)(8) Chapter 120 shall not apply to this section.

Section 4. Subsection (9) is added to section 200.065, Florida Statutes, to read:

200.065 Method of fixing millage.—

(9) *Notwithstanding provisions of s. 200.065(2)(b) and 200.069(4)(c) to the contrary, the proposed millage rates provided to the property appraiser by the taxing authority, except for millage rates adopted by referendum and rates required by law to be a specified millage amount, shall be adjusted in the event that a review notice was issued pursuant to s. 193.1142 (4) and the taxable value on the approved roll is at variance with the taxable value certified pursuant to subsection (1). The adjustment shall be made by the property appraiser and shall be such as to provide for no change in the dollar amount of taxes levied from that initially proposed by the taxing authority.*

Section 5. This act shall take effect October 1, 1982, except that sections 3 and 4 shall take effect upon becoming a law and apply with respect to assessment rolls for 1982 and each year thereafter.

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

Amendment 4A—On page 2, lines 24-27, strike all Subsection (b)

Amendment 4 as amended was adopted.

Senator Neal moved the following amendment which was adopted:

Amendment 5—In title on page 1, line 12, after the semicolon (;) insert: amending s. 194.032(3), (4), (5), Florida Statutes; authorizing either party to require each petitioner, all witnesses and the property appraiser to testify under oath; providing for cross-examination of witnesses; providing that no evidence shall be considered by the Board except during the scheduled hearing or when the petitioner is given reasonable notice; authorizing the boards in certain counties to appoint special masters upon request of a petitioner; providing for payment of cost of a special master by a petitioner under certain circumstances;

Senator Margolis moved the following amendments which were adopted:

Amendment 6—In title on page 1, lines 2 and 3, strike the words "the property appraiser adjustment board" and insert: ad valorem taxes

Amendment 7—In title on page 1, line 12, after the word "appeals;" insert: amending s. 195.096(7), Florida Statutes; providing that the Auditor General's performance audits of the Department of Revenue's administration of ad valorem tax laws shall be conducted annually and shall be submitted to the Legislature by April 1; creating s. 195.0985, Florida Statutes; providing that the department shall annually publish assessment-to-sales ratio studies and providing a publication deadline; transferring and renumbering ss. 195.096(10), 195.097(6), Florida Statutes; providing for periodic reviews of the assessments of certain businesses; transferring funds from the Assessment Review Trust Fund and assigning two positions to the Auditor General; repealing s. 14 and s. 16 of chapter 80-274, Laws of Florida, relating to the Assessment Review Trust Fund of the Judicial Branch;

Amendment 8—In title on page 1, line 12, after the word "appeals;" insert: transferring, amending, and renumbering subsections (5), (6), (7), and (8) of s. 193.114, Florida Statutes, as subsections (1), (2), (6), and (7) of s. 193.1142, Florida Statutes, and adding subsections (3), (4), and (5) to said sections; providing procedures for submittal and approval of assessment rolls; providing duties of the Department of Revenue; adding s. 200.065(9), Florida Statutes; providing for

adjustment of proposed millage rates under certain circumstances;

On motion by Senator Margolis, by two-thirds vote SB 706 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	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	

Nays—None

SB 802—A bill to be entitled An act relating to the distribution of the second gas tax; amending s. 206.47(7), (9), (10), Florida Statutes; requiring the State Board of Administration to distribute certain surplus second gas tax funds to the counties and to hold in escrow for the Department of Transportation an amount of such funds sufficient to complete certain projects; amending s. 339.08(6), Florida Statutes; requiring the State Board of Administration to advance to each county certain funds; repealing s. 339.08(5), Florida Statutes, relating to deposit of the 80-percent surplus second gas tax funds with the State Board of Administration and transfer of said funds to the counties; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 21, strike the words "right-of-way, acquisition" and insert: right-of-way acquisition

Pending further consideration of SB 802 as amended, on motions by Senator Beard, the rules were waived and by two-thirds vote HB 405 was withdrawn from the Committees on Transportation; Appropriations; and Finance, Taxation and Claims.

On motion by Senator Beard—

HB 405—A bill to be entitled An act relating to transportation finance; amending s. 339.08(6), Florida Statutes; providing that the State Board of Administration shall assume responsibility for distribution of the counties' 80 percent share of the second gas tax; requiring that funds be made available to the Department of Transportation for certain construction; providing an effective date.

—a companion measure, was substituted for SB 802 and read the second time by title. On motion by Senator Beard, by two-thirds vote HB 405 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Thomas

SB 802 was laid on the table.

SB 29—A bill to be entitled An act relating to the tax on the lease or rental of real property; adding s. 212.031(7), Florida Statutes; exempting from such tax certain property leased or rented by a fair association to a promoter or operator of a carnival or midway attraction; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 29 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Peterson, Scott, Stuart, Ware

SB 319—A bill to be entitled An act relating to contractual services; amending s. 287.057(2), Florida Statutes; providing procedures and maximum rates of payment for travel expenses for contractual services procured by the state; 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 2, lines 6 and 7, strike "*Bills for travel expenses shall be paid at rates up to and including the rates specified in s. 112.061.*" and insert: *Travel expenses may be reimbursed in an amount not to exceed the maximum amount established in s. 112.061.*

Pending further consideration of SB 319, as amended, on motion by Senator Steinberg, the rules were waived and the Senate reverted to—

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended House Bill 415 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Brantley—

HB 415—A bill to be entitled An act relating to contractual services; amending s. 287.057(2), Florida Statutes; providing procedures and maximum rates of payment for travel expenses for contractual services procured by the state; providing an effective date.

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

**SPECIAL ORDER, continued**

On motions by Senator Steinberg, by two-thirds vote HB 415, a companion measure, was withdrawn from the Committee on Governmental Operations and substituted for SB 319. On motions by Senator Steinberg, by two-thirds vote HB 415 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson, Scott, Stuart, Thomas

SB 319 was laid on the table.

SB 271—A bill to be entitled An act relating to banking; amending s. 658.67(6), Florida Statutes, authorizing banks to invest in the stock of subsidiary corporations; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 271 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Thomas

**Disclosure pursuant to Rule 1.39**

Pursuant to rule 1.39, Rules of the Senate, I am filing this disclosure of interest in regard to my vote on Senate Bill 271.

Senate Bill 271 is a general bill by Senator Henderson relating to bank investments in stock of subsidiary corporations. I am on the Board of Directors of a bank that may be affected by the provisions of the bill and voted for Senate Bill 271.

Although I do not feel I have any conflict of interest in voting on this measure, I wish to file this disclosure to avoid any confusion on the part of any Senator.

*James A. Scott, 31st District*

SB 454—A bill to be entitled An act relating to funds invested by clerks of the circuit courts; amending ss. 28.33, 74.051 (3), Florida Statutes; providing that the court clerks' offices shall retain as a service charge 25 percent of interest accruing from moneys deposited in the registry of the court; deleting a superfluous provision which prohibited deducting fees from principal sums deposited by eminent domain petitioners; repealing s. 28.24(14), Florida Statutes, relating to service charges by clerks of the circuit courts for receiving money into the registry of the court; providing an effective date.

—was read the second time by title.

Senators Langley and Hair offered the following amendments which were moved by Senator Langley and adopted:

**Amendment 1**—On page 2, lines 24-29, strike "As to moneys deposited in the registry of the court after June 30, 1982, the clerk shall retain as income of the office of the clerk 25 percent of the interest accruing on those funds, and the balance of such interest shall be allocated in accordance with the interests of

the depositors." and insert: *The clerk may invest moneys deposited in the registry of the court and shall retain as income of the office of the clerk 10 percent of the interest accruing on those funds as a reasonable investment management fee with the balance of such interest being allocated in accordance with the interests of the depositors.*

**Amendment 2**—On page 3, lines 21 and 22, strike all of section 3 and renumber remaining section.

**Amendment 3**—In title on page 1, strike all of lines 2-15 and insert: An act relating to funds invested by clerks of the circuit courts; amending ss. 28.33, 74.051(3), Florida Statutes; providing that the court clerks' offices shall retain as a service charge 10 percent of interest accruing from moneys deposited in the registry of the court; deleting a superfluous provision which prohibited deducting fees from principal sums deposited by eminent domain petitioners; providing an effective date.

Pending further consideration of SB 454, as amended, on motion by Senator Hair, the rules were waived and the Senate reverted to—

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 346 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Melby and Richmond—

**HB 346**—A bill to be entitled An act relating to funds invested by clerks of the circuit courts; amending ss. 28.33, 74.051(3), Florida Statutes; providing that the court clerks' offices shall retain as a service charge 10 percent of interest accruing from moneys deposited in the registry of the court; deleting a superfluous provision which prohibited deducting fees from principal sums deposited by eminent domain petitioners; providing an effective date.

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

#### SPECIAL ORDER, continued

On motions by Senator Hair, the rules were waived and by two-thirds vote HB 346, a companion measure, was withdrawn from the Committee on Judiciary-Civil and substituted for SB 454. On motions by Senator Hair, by two-thirds vote HB 346 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—37

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

Nays—None

Vote after roll call:

Yea—Thomas

SB 454 was laid on the table.

By the Committee on Governmental Operations and Senator Dunn—

**CS for SB 51**—A bill to be entitled An act relating to state employment; providing a short title; providing definitions; authorizing state agencies to provide for the protection of

employees and certain others from terrorist acts while present in foreign countries on state business, or as a result of the diversion of aircraft or other conveyance while on state business; providing for payment of certain moneys to such persons damaged by terrorist acts; requiring the Administration Commission to adopt rules for the payment of specified expenses of such persons; providing an effective date.

—was read the first time by title and SB 51 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 51 was read the second time by title.

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

**Amendment 1**—On page 2, line 9, strike "unlawfully" and insert: unjustly

On motion by Senator Dunn, by two-thirds vote CS for SB 51 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	Skinner
Anderson	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Tobiassen
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Ware
Gersten	Kirkpatrick	Rehm	
Gordon	Langley	Renick	
Grizzle	Lewis	Scott	

Nays—None

Vote after roll call:

Yea—Thomas, Vogt

**SB 381**—A bill to be entitled An act relating to equal accommodations for physically disabled persons; amending s. 413.08(1)(a), (2), and (4), Florida Statutes, and adding a subsection; including otherwise physically disabled persons within a list of certain disabled 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 a definition; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 381 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Grizzle	Lewis	Skinner
Anderson	Hair	Margolis	Steinberg
Barron	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	

Nays—None

Vote after roll call:

Yea—Scott, Thomas

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

**CS for SB 541**—A bill to be entitled An act relating to emergency and nonemergency medical services; reviving and re-adopting, notwithstanding the Regulatory Sunset Act, the Florida Emergency and Nonemergency Medical Services Act;

amending s. 401.21, Florida Statutes; providing a short title; creating s. 401.211, Florida Statutes; providing legislative intent; amending s. 401.23, Florida Statutes; providing definitions; amending s. 401.24, Florida Statutes; providing for a comprehensive state plan; amending s. 401.25, Florida Statutes; providing for basic life support ambulance service licenses and nonemergency medical transportation service licenses; authorizing self-insurance; deleting provisions relating to temporary licenses; creating s. 401.251, Florida Statutes; providing for advanced life support service licenses; requiring a medical director; creating s. 401.252, Florida Statutes; providing for inter-hospital transfer; amending s. 401.26, Florida Statutes; providing for basic life support ambulance service vehicle permits; deleting provisions relating to temporary permits; creating s. 401.265, Florida Statutes; providing for advanced life support service vehicle permits; amending s. 401.27, Florida Statutes; requiring two emergency medical technicians; providing for certification of emergency medical technicians and paramedics; prohibiting an uncertified person from holding himself out as an emergency medical technician or paramedic; providing penalties; creating s. 401.281, Florida Statutes; providing standards for ambulance drivers; amending s. 401.30, Florida Statutes; providing for maintenance of records; amending s. 401.31, Florida Statutes; providing for inspections; amending s. 401.33, Florida Statutes; providing exemptions; amending s. 401.34, Florida Statutes; providing for establishment, collection, and disposition of fees; amending s. 401.35, Florida Statutes; providing for adoption of rules; amending s. 401.36, Florida Statutes; relieving specified persons from liability; amending s. 401.38, Florida Statutes; providing for participation in federal programs; amending s. 401.41, Florida Statutes; specifying offenses and penalties; creating s. 401.411, Florida Statutes; providing for disciplinary actions; creating s. 401.413, Florida Statutes; providing for administrative fines; amending s. 401.43, Florida Statutes; providing penalties for fraudulently obtaining service; amending s. 401.44, Florida Statutes; providing penalties for turning in a false alarm; amending s. 401.45, Florida Statutes; relieving specified persons required to render emergency services from civil liability; allowing to stand repealed under the Regulatory Sunset Act ss. 401.46, 401.47, Florida Statutes, relating to advanced life support services and paramedics; providing for legislative review; providing an effective date.

—was read the first time by title and SB 541 was laid on the table.

On motion by Senator McKnight, by two-thirds vote CS for SB 541 was read the second time by title.

Senator McKnight moved the following amendments which were adopted:

**Amendment 1**—On page 26, line 11, after "district" insert: , or any county or municipally operated emergency medical services provider

**Amendment 2**—On page 26, line 13, after "department" insert: , county, or municipality

**Amendment 3**—On page 26, line 17, insert: (6) Any volunteer emergency medical service provider shall be required to pay only 50 percent of the fees set by the department for licensure, vehicle permits, and personnel certification.

Senator Lewis moved the following amendments which were adopted:

**Amendment 4**—On page 6, between lines 26 and 27, insert: Section 4. Section 401.235, Florida Statutes, is created to read:

401.235 Emergency Medical Services Advisory Council.—

(1) The Secretary of the Department of Health and Rehabilitative Services may appoint an advisory council for the purpose of acting as the advisory body to the emergency medical services program. Not more than 19 members may be appointed to this council. Initially, the secretary shall appoint one-half of the members for terms of 2 years each, and one-half of the members for terms of 1 year each. Thereafter, members shall be appointed for 2-year terms. Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointment. Members may be reappointed to only one subsequent term. Members shall receive no compensation, but shall be reimbursed for per diem and travel expenses 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 this advisory council. Such requests may be combined into a specific appropriation for advisory council 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 the Emergency Medical Services Advisory Council 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 the advisory council's expenses, and the department is prohibited from using any other appropriation for supporting the activities of the Emergency Medical Services Advisory Council.

(2) Representation on the Emergency Medical Services Advisory Council shall include: Seven representatives of statewide emergency medical services provider organizations; four representatives of state governmental agencies which impact on the emergency medical services program; four representatives of statewide physician organizations related to emergency medical services; and four representatives of other professional organizations related to the delivery of emergency medical services. 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 this advisory council.

(3) Each Emergency Medical Services Advisory Council member is accountable to the secretary for the proper performance of the duties of his office. The secretary shall cause to be investigated any complaint or unfavorable report received concerning an action of the advisory council thereon. The secretary shall remove from office any Emergency Medical Services Advisory Council member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to, or being found guilty of, a felony. The secretary shall remove from office any Emergency Medical Services Advisory Council member who fails to attend two consecutive council meetings unless the absence is due to illness of the member or a death in the member's family.

(4) The Emergency Medical Services Advisory Council shall meet no more frequently than quarterly. Minutes shall be recorded for all meetings of such council and be kept on file in the health program office.

(5) No later than December 1 of each year preceding a legislative session in which a biennial budget will be adopted, the department shall present a summary report to the President of the Senate and the Speaker of the House of Representatives documenting compliance with this act and accomplishments and expenditures of the Emergency Medical Services Advisory Council.

(Renumber subsequent sections.)

**Amendment 5**—On page 18, line 28, after "passed" insert: , within 10 days after completing the course required by paragraph (a).

Senator Hill moved the following amendment which failed:

**Amendment 6**—On page 24, lines 16-19, strike all lines and insert: (6) In keeping with the legislative intent of this Act, the Legislature also finds that because of its professionalism, the fire service is providing the public with highly trained emergency medical technicians, paramedics and ambulance drivers in rendering such basic and advanced life support services as required by this Act. Therefore, the minimum requirements and standards of this Act and the rules of the Department of Health and Rehabilitative Services as they pertain to; The qualifications and certifications of the individual firefighter as an emergency medical technician, paramedic or ambulance driver and the licensing of vehicles of a fire department for basic or advanced life support services shall be solely under the jurisdiction and administration of the Division of State Fire Marshal in the State Treasurer's Office. In carrying out this provision, there shall be a type three transfer of four positions from the Department of Health and Rehabilitative Services to the Division of State Fire Marshal of the State Treasurer's Office. In the administration of this Act for the fire services, the Division of State Fire Marshal is authorized to adopt and modify its rules and set such reasonable fees as necessary.

Senator Lewis moved the following amendment which was adopted:

Amendment 7—In title on page 1, line 10, after the word "definitions;" insert: creating s. 401.235, Florida Statutes; authorizing the appointment of an advisory council; providing for membership, expenses, and terms;

On motion by Senator McKnight, by two-thirds vote CS for SB 541 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Kirkpatrick, Peterson, Stuart, Thomas

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

CS for SB 490—A bill to be entitled An act relating to emergency medical services; providing a definition; providing procedures for verification of trauma centers; prohibiting any facility from holding itself out as a trauma center unless verified; specifying duties of the Department of Health and Rehabilitative Services; providing for hearings; requiring periodic review; providing an effective date.

—was read the first time by title and SB 490 was laid on the table.

On motions by Senator Stevens, by two-thirds vote CS for SB 490 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	Scott
Anderson	Henderson	Margolis	Skinner
Beard	Hill	Maxwell	Steinberg
Carlucci	Jenkins	McClain	Stevens
Childers, D.	Jenne	McKnight	Stuart
Frank	Jennings	Neal	Tobiassen
Gersten	Johnston	Peterson	Trask
Gordon	Kirkpatrick	Rehm	Vogt
Grizzle	Langley	Renick	Ware

Nays—None

Vote after roll call:

Yea—Thomas

On motion by Senator Stevens, the rules were waived and CS for SB 490 was ordered immediately certified to the House.

CS for SB 746 was read the first time by title and SB 746 was laid on the table.

On motion by Senator Carlucci, 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 CS for HB 766 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Natural Resources and Representatives Dyer and T. McPherson—

CS/HB 766—A bill to be entitled An act relating to the regulation of infectious waste disposal; adding subsection (7) to s. 395.01, Florida Statutes, defining "solid waste," "liquid waste," and "infectious waste"; creating s. 395.24, Florida Statutes, requiring that each hospital and ambulatory surgical center shall properly identify, segregate, and separate infectious waste from solid waste; requiring that any transporter of infectious waste shall be notified of the existence and locations of such waste; adding a paragraph to s. 403.7045(3), Florida Statutes, providing that infectious waste from hospitals and ambulatory surgical centers shall be separated from other solid waste and disposed of by certain methods; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

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

#### SPECIAL ORDER, continued

On motion by Senator Carlucci, the rules were waived and by two-thirds vote CS for HB 766 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Carlucci CS for HB 766, a companion measure, was substituted for CS for SB 746 and by two-thirds vote read the second time by title. On motion by Senator Carlucci, by two-thirds vote CS for HB 766 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Peterson, Stuart, Thomas

CS for SB 746 was laid on the table.

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

CS for SB 106—A bill to be entitled An act relating to the tax on sales, use, and other transactions; adding paragraph (s) to s. 212.08(7), Florida Statutes; providing that certain nonprofit organizations designated as state theater contract organizations are exempt from such tax; providing an effective date.

—as amended passed this day.

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

Amendment 4—In title on page 1, line 7, after the semicolon ";" insert: adding s. 212.08(12), Florida Statutes; providing that tangible personal property purchased by certain statewide nonprofit educational organizations are exempt from such tax;

On motion by Senator Peterson, by two-thirds vote CS for SB 106 was read by title, passed as amended, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Beard	Dunn	Gersten
Anderson	Childers, D.	Frank	Gordon

Grizzle	Kirkpatrick	Neal	Stevens
Hair	Langley	Peterson	Stuart
Henderson	Lewis	Rehm	Thomas
Hill	Margolis	Renick	Tobiassen
Jenne	Maxwell	Scott	Trask
Jennings	McClain	Skinner	Vogt
Johnston	McKnight	Steinberg	Ware

Nays—None

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

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable W. D. Childers, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 196 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Davis—

**HB 196**—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.05, Florida Statutes, requiring positive proof of identification as a prerequisite to inspection of registration records; requiring the Department of Highway Safety and Motor Vehicles to keep certain records for a specified period of time; providing that certain firms, institutions, and agencies may obtain information by means of telecommunications; providing an effective date.

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

**SPECIAL ORDER, continued**

On motions by Senator Beard, by two-thirds vote HB 196, a companion measure, was withdrawn from the Committee on Transportation and substituted for SB 16. On motion by Senator Beard, by two-thirds vote HB 196 was read the second time by title.

Senator Beard moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike lines 28-31, and on page 2, strike line 1 and insert: *record the name and address of any person other than a law enforcement agency who requests and receives information from motor vehicle registration records and shall also record the name and address of the person who is the subject of the inquiry or other information identifying the entity about which information is requested. The department shall maintain such records for a period of 6 months from the date upon which the information was released to the inquirer. Nothing in this*

**Amendment 2**—On page 2, between lines 7 and 8, insert:

Section 2. Subsection (1) of section 320.38, Florida Statutes, is amended to read:

320.38 When nonresident exemption not allowed.—

(1) The provisions of law authorizing the operation of motor vehicles over the highways of the state by nonresidents of this state, when such vehicles are duly registered or licensed under the laws of some other state or foreign country, shall not apply to any nonresident who accepts employment, or engages in any trade, profession or occupation in this state, except a nonresident migrant farm worker as defined in s. 316.003(62). In every case where a nonresident, except a nonresident migrant farm worker as defined in s. 316.003(62), accepts employment or engages in any trade, profession, or occupation in the state or enters his children to be educated in the public schools of the state, such nonresident shall within 10 days after the commencement of such employment or education be required to register his motor vehicles in this state if such motor vehicles are proposed to be operated on the highways of the state. *Any person who is enrolled as a student in a college or university and who is a nonresident but is in this state for a period of up to six months engaged in a work-*

*study program for which academic credits are earned from colleges whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning, as defined in s. 246.021(5), shall not be required to have a Florida registration for the duration of the work-study program if the vehicle is properly registered in another jurisdiction. Any nonresident who is enrolled as a full-time student in such institutions of higher learning is also exempt for the duration of such enrollment.*

Section 3. Subsection (3) of section 322.031, Florida Statutes, is amended to read:

322.031 Nonresident; when license required.—

(3) A nonresident who is domiciled in another state and who commutes into this state in order to work shall not be required to obtain a Florida driver's license under this section solely because he has accepted employment or engages in any trade, profession, or occupation in this state if he has a valid driver's license issued by another state. *Further, any person who is enrolled as a student in a college or university and who is a nonresident but is in this state for a period of up to six months engaged in a work-study program for which academic credits are earned from colleges whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning, as defined in s. 246.021(5), shall not be required to obtain a Florida driver's license for the duration of the work-study program if such person has a valid driver's license issued by another state. Any nonresident who is enrolled as a full-time student in such institutions of higher learning is also exempt for the duration of such enrollment.*

**Amendment 3**—In title on page 1, line 11, after the semicolon (;) insert: amending s. 320.38(1), Florida Statutes; exempting certain students from provisions requiring a Florida registration for their vehicles; amending s. 322.031(3), Florida Statutes; exempting certain students from provisions requiring that they obtain a Florida driver's license under certain circumstances;

On motion by Senator Beard, by two-thirds vote HB 196 as amended was read the third time by title, passed, and 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	Rehm	Vogt
Gersten	Kirkpatrick	Renick	Ware
Gordon	Langley	Scott	
Grizzle	Lewis	Skinner	

Nays—None

SB 16 was laid on the table.

Consideration of CS for SB 336 and CS for SB 395 was deferred.

**SB 951**—A bill to be entitled An act relating to ammunition used in hunting wild waterfowl; providing that the Game and Fresh Water Fish Commission shall not promulgate any rule limiting or banning the use of lead shot; declaring void any such regulation now in effect; prohibiting the state from requesting that the Federal Government enforce any federal rule banning or limiting the use of such lead shot ammunition; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 951 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dunn	Hair	Johnston
Anderson	Frank	Hill	Kirkpatrick
Beard	Gersten	Jenkins	Langley
Carlucci	Gordon	Jenne	Lewis
Childers, D.	Grizzle	Jennings	Margolis

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

Nays—1

Henderson

On motion by Senator Thomas, the rules were waived and by two-thirds vote HB 643 was withdrawn from the Committee on Commerce.

CS for SB 909 was read the first time by title and SB 909 was laid on the table.

On motion by Senator Thomas—

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.

—a companion measure, was substituted for CS for SB 909 and read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 643 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Rehm, Tobiassen

CS for SB 909 was laid on the table.

On motion by Senator Barron, the Senate recessed at 10:29 a.m.

The Senate was called to order by Senator Barron at 10:40 a.m. A quorum present.

#### Recognition of President and President Pro Tempore

The Presiding Officer introduced the President's wife, Ruth; his daughter, Karen; and friends of the family, Mr. and Mrs. Pete Leathers and Mrs. Mamie Hawkins.

Senator Barron then introduced members of the "Country Velvets"; Paul Messer, Charles Messer, Don White, Frank Morrison and Jim Hobbs; and members of the "Straw Street Cloggers"; Don Shrum, Donna Shrum, Jennie Mathers, Sally Webb, Janet Barkett, Tim Murphy, Dan Simberloff and Judy Zorn. The groups entertained the Senate and guests with country music and dancing.

At the invitation of the Presiding Officer, Senator Dunn came to the rostrum and presented gifts from members of the Senate to President and Mrs. Childers and President Pro Tempore and Mrs. Peterson.

Following the presentation of gifts, the official portrait of Senator Childers, to be hung in the Senate Chamber, was unveiled and presented to the Senate.

Senator Barron introduced Jo Ellen Macon, the artist who painted the President's portrait, her husband, Robert, and their children to the Senate.

#### The President presiding

On motion by Senator Barron, formal remarks by President Childers and other members of the Senate were printed in the Journal as follows:

Senator Barron: For those of you who have been reading the papers and not following what's going on in the Florida Senate you might do well to read in the March 7 Miami Herald—a newspaper that is not given to great applause to the Florida Senate—an article that says, "Upper chamber picks up cadence."

Everyone it seems is pointing a disappointing finger at the Senate these days. The footdragging, do-nothing, pigheaded 1982 Senate. Governor Bob Graham and the chief House critics would do well to remember a childhood admonition, "It's not polite to point." By virtually every numerical measure, productivity in the Senate is on par with that of the House.

I think this would be a good time to reflect on what we have been doing.

In the first week of the session we passed an apportionment plan that people everywhere have called the best ever passed in the Florida Senate. And we did it spending \$200,000 less than the House of Representatives took to pass their plan.

We have not taken up a House-passed insurance plan which everybody agrees will raise the rates to the consumers. And they spent in the House \$400,000 to pass that plan, which, in my judgment, is not in the interest of the consumer.

We passed early a crime package plan—in the second week—and sent that to the House.

We passed a bill creating a transportation commission. That's in the House. We developed a very difficult program dealing with drunk driving and sent that to the House. We debated and sent to the House a bill relative to child safety. We addressed the interest rates in Florida and sent that measure to the House. We're in the process of attempting to come up with a balanced budget.

And we have done these things under the leadership of the man we are about to honor at this time.

I think Senator Childers has done a remarkable job in taking what was last year a divided Senate and presented this year, in very difficult times, a totally united Senate.

I would like to recognize at this time Senator Childers' wife, Ruth, and daughter, Karen. In the east gallery there are friends of Senator Childers, Mr. and Mrs. Leathers, and in the west gallery, Mrs. Mamie Hawkins.

It is now my pleasure to present to you Senator Dunn for the purpose of making a presentation.

Senator Dunn: Thank you, Senator. Senators, as the session draws to a close it has been the tradition of the Florida Senate for years that we as Senators acknowledge with appreciation the contribution our colleagues whom we elected as presiding officers have made to the State of Florida and to this institution.

It is with pleasure and pride that some of us, a committee, are here representing each of you today in making the presentations to our presiding officers starting with W. D. Childers and his lovely wife, Ruth.

W. D. has a political philosophy that, in my opinion, is closer to populism than probably anybody in the Senate. There

is no one who has come to this Senate with a commitment to protect and help his people any more fervently than W. D. Childers.

I would like to yield now to Senator Skinner.

**Senator Skinner:** Thank you, Mr. President, members of the Senate, I came to the Florida Legislature in 1974. As a House member I was on a committee that had to hear local bills. I was told that it was important to deal with the Senate leadership whenever you had a chance.

There was a local bill that had something to do with West Florida and I was told that there was a very, very powerful Senator by the name of W. D. Childers who liked that bill. But we were supposed to somehow bring the Senate leadership around to our way of thinking. So we were supposed to hold that local bill.

Well, we held it for a while then we were told a strange thing had happened. Senator Childers had all of the House local bills in his pocket. He was making demands that we pass his local bill.

Well, to make a long story short, he got his bill passed and I think all of ours went into the trash can.

That was my first experience with Senator W. D. Childers. I came to the Senate in 1976 and introduced myself to Senator Childers. He looked at me and said, "you're that fellow that voted against my local bill."

I was in shock. I didn't know much about Senator Childers but I found that when he came on the floor of this Senate he was here for strictly business and I learned that if you couldn't help, the best thing you could do was get out of the way. I learned that real quick!

I watched Senator Childers over a four-year period. In 1980 I was in a position to get to know him better and that's really what I want to tell about this morning.

There is a side of Senator W. D. Childers that many of you, I doubt, will ever see. It's a side that speaks to compassion. It's a side that speaks to understanding. It's a side of a man that truly is representative of his district.

This morning there is going to be a portrait unveiled. During the time that portrait was being painted the artist had the chance to make an observation. She noticed a degree of casualness about the President. A man that is known as the "Bantam Rooster," a man that is known for his intensity suddenly had a degree of casualness. What caused that air?

He was glancing out the window and saw a man in the bay, with a net, fishing for mullet. And his observation was, "You see that man out there, he works for every penny he gets".

It's a rare side. Some of you will never see that. I've seen it.

This session of the Legislature, an ordinary body, with ordinary leadership could tear apart. There is reapportionment, a tough, tough deal for everybody; insurance code, a very tough deal; all sort of sales tax proposals, all of them tough. Other legislative bodies would be in a real quandary. This body will be alright. It will solve these problems, it will move ahead, and I'll tell you why, because the President of the Florida Senate, W. D. Childers, is committed to making this body work. He is committed to a fine work product for the people of the State of Florida.

I suppose the thing I have come to know best about the President during the last couple of years is the degree of loyalty the man possesses, loyalty perhaps to a fault. When the man gives you his word it's a good feeling because you don't have to worry about that problem anymore.

Mr. President, it has been my pleasure to work with you and for you. I don't know where you are going from here but it doesn't matter because wherever you go you're going to be working for the best interest of your people. I know also that your family is going to be well taken care of, and Mr. President you're the kind of person I have come to admire and respect greatly and I know this body has as well. Thank you.

**Senator Dunn:** The chair now recognizes the distinguished Minority Leader, Senator Scott.

**Senator Scott:** Thank you, Mr. President, Senators, my first experience with Senator Childers was on Subcommittee A. I was fortunate enough to be on appropriations when I came to the Senate six years ago. I went to the first committee meeting and was ready to go. Something came up and I said, "I move we do so and so," and he said okay. A minute later I said, "I move we do this and put this in," and he said, "Fine" and I said, "Aren't we going to vote on any of this?" He said, "There is only one vote on this subcommittee, we all work together in here." It was a pretty good experience.

I have often very falsely been accused of being somewhat of an urban porkchopper for Broward County and the other parts of my district. It's not true but if it were true, it would be because I learned at the knee of the real master porkchopper of all times. That's Senators Barron's statement, Mr. President.

Seriously, President Childers has served his district unselfishly for twelve years. He has been mindful of the wishes of his constituents as Senator, committee chairman, and President.

I've seen him on more than one occasion speak up for what the guy on the corner who owns the grocery store or the guy who owns the barber shop might have to say. As Senator, as committee chairman and as President, he's given assistance to me and to the other Senators in helping to have the needs of our districts recognized.

His wife, Ruth Childers, has been an inspiration to all of us and I personally know that she has been a tower of strength for him and she has also been very persistent.

For a number of years she was onto me about the fact that I smoked cigarettes. She'd say, "I've been watching you down there, you're smoking too many cigarettes." She kept on this even last year when we had some tension and not everybody was speaking to everybody all the time. She still kept on me all the time, so finally I quit smoking last summer, Ruth. I thought you might like to know that.

Those of you who were not here at the time may not know it but Senator Childers did not seek the office of President. He was sought out by other members of this body to run for it.

As President, I think all of the Republicans will agree with me, he's been fair to the members of the minority party in our committee assignments in spite of all the tense situations we might have had at times last year. He has conducted himself admirably and has been fair toward us.

I was thinking that anybody can be the skipper of a ship when it's smooth sailing and the waters are calm but it takes a lot of courage and determination and a lot of personal sacrifice to be in a leadership position in times of great turmoil, and when facing serious challenges.

Mr. President, I congratulate you for your efforts in meeting this challenge and for leading us these past two years. I've enjoyed serving with you ever since I've been in the Senate and I look forward to many more years to come. Thank you.

**Senator Dunn:** The chair will now recognize the distinguished Senator from the 14th, Senator Stuart.

**Senator Stuart:** Mr. President, W. D. Childers and Mr. Presiding Officer Ed Dunn, I am honored to say a few words about W. D. You have heard already about courage and about loyalty and about fairness. On behalf of those 14 Senators who entered this chamber in 1978 I would like to echo all of those statements.

This week, or maybe next week, a family event is about to happen in my life which reminds me of how much W. D. Childers has been an inspiration to me personally, and, I think, to all of us.

We talk and hear and think about important bills, reapportionment, committee meetings, what the press says, taxes and on and on, but I think I've been inspired by the life of W. D. Childers in that he has understood that his impact in life is not measured by any of these things we do day-to-day but his impact in life is measured by his actions and his attitude towards his family and his community. That's been a personal inspiration to me. It's been a personal inspiration to my family, and, I think, it's probably an inspiration to all of us, because in the end what we do here will be forgotten, what we do in our

communities and with our families will be the only hope of immortality that we have.

I congratulate you, W. D., on these years in the Florida Senate. One personal note, I offer you my personal thanks for the opportunity you have given me to preside. It's a new experience for those who haven't done it and I appreciate it very much. Thank you, Mr. President.

**Senator Dunn:** I wonder if we could ask Senator Peterson and his lovely wife Ethel to come forward.

Senators, as we all know, Senator Peterson has been a distinguished member of this body since 1972. He has served ably in a wide variety of areas, education being the most notable certainly, but also in the field of agriculture, in the field of appropriations. He is recognized by all of us as one of our distinguished leaders, a person for whom we have great respect, and for his contributions to service in the Florida Senate. I would like now to recognize Senator Thomas for remarks.

**Senator Thomas:** Senator Dunn, President Childers, Ruth, Karen, my fellow Senators, and guests in the gallery, two years ago I placed in nomination the name of Curtis Peterson for President Pro Tempore. What a pleasure it was at that time to identify for you all of those contributions he had made to this body, to his community, to his church. We talked about his steadiness, we talked about his slow, prodding ways.

He is tough and determined. Ask some of those on the Education Committee or go down and watch him at conference with the House members. He doesn't believe in giving away anything. He'll sit there for hours. Time and again he's carried the heavy load for this body that he loves, this institution that he serves, and I can't recall an instance of turmoil or struggle we have had in this body when those on the opposite side couldn't come to him for personal help.

It's been a real joy to have known him and Ethel through these years. It's been a pleasure to have been acquainted with the caliber of a leader that he has been and to observe the stewardship he brings to this state.

In the North Florida vernacular, I think Dempsey would have probably said, "He is as smart as a tree full of owls." There's one I recall that sort of makes me think of Curtis Peterson. I don't hear it too much, and it's always a compliment in our part of the world. They refer occasionally to somebody who is "All wool and a yard wide." It indicates a full measure of solid stuff, and that is sort of what Curtis Peterson has meant to this body, a full measure, a solid leader.

It's been a joy to all of us to have served with you, Senator Peterson. It's my pleasure today to make these remarks on behalf of one of our great Senators. Thank you.

**Senator Dunn:** The chair recognizes the distinguished Senator from the Sixteenth, Senator Maxwell.

**Senator Maxwell:** Thank you, Mr. President. President Childers, and my colleagues and guests in the galleries. There are some of you who have known Curtis Peterson a lot longer than I have, but I doubt that there are very many of you who know him any better than I do.

Pat mentioned the efforts of Senator Peterson in conference. Let me say that for four years I sat on the opposite side of the table from Senator Peterson in conference committees. More recently I have sat on the same side of the table, and believe me, it is a lot more comfortable sitting beside him than across the table.

He has been referred to in conferences as the "Great Sphinx," and I think that is quite appropriate. I have never seen a man put more effort and more dedication into defending the position taken by his colleagues.

Curtis has a lot of credentials. I am not going to stand here and read them to you. You can read them in the Clerks Manual, you can read them daily in our press. There is a side of Curtis that not everybody sees and that's the great devotion to his wife Ethel, and I certainly share the comments made about her stability and her support and her efforts on behalf of the people of the State of Florida.

We have all heard of "The unsinkable Molly Brown." I think we should really be talking about "The Unflappable Curtis Peterson." I think he has brought stability to the Florida Senate, to the State of Florida, and to the people of the State of Florida.

I remember last year as we got down toward the end of the session and we had all the flap going on about the budget and the Governor was calling meetings and he wanted us to do this and the House was coming down and they wanted us to do that, and Curtis's standard response was, "We need to spend more time in committee to determine what the needs of the state are rather than to be talking about taxes." I think we have heard the same statements just recently and if you ask him I think we would hear the same thing today.

Curtis subscribes to a philosophy that government can best serve by serving, a belief that we have a responsibility to the people of this state, that we should be the deliberative body, and that our actions should be in a deliberative manner. There are so many things that we could say about Curtis; his integrity, his dedication, his hard work. It seems I have known Curtis for fifty years and maybe if I took the number of hours that Curtis puts into a day it would come close to that.

But I didn't rise here today to eulogize Senator Peterson, because we expect great things of him on a continued basis.

And on behalf of the people of the State of Florida I would like to say, "thank you," for sharing your life with us, for providing the leadership and the dedication that has made Florida a better place to live.

**Senator Dunn:** The chair recognizes the distinguished Senator from the Thirty-third, Senator Hill.

**Senator Hill:** Mr. President, Senators, honored guests, it is said that for a person in office to be successful he has to be able to rock the boat himself and then convince everybody else that there is a terrible storm at sea.

I have worked with Curtis Peterson on a number of occasions over the years but never as closely as last year. It was during this time that I had the opportunity to closely observe this man and I arrived at the following conclusions. He is extremely close to his God, to his wife, his family, the Senate and his constituents. In addition to these traits, he is a rocker of boats, he is a fighter, when provoked, he is tenacious when necessary, but compromising when it is for the good of all.

And, I mark Curtis Peterson as one who loves his fellow-man.

**Senator Barron:** You can't imagine how relieved I am. I persuaded Ethel to be sure that she wouldn't let Curtis use any profanity in his responses.

If I had been talking about him, Senator Thomas, I guess I would have said about Curtis that "Still water runs deep," and about W. D., "It ain't the dog in the fight that counts, it's the fight in the dog."

I am going to seriously observe, as we move toward the conclusion of these ceremonies, that since I have been in the Legislature I have never seen two people seeking the presidency of the Senate that have worked together as well as Curtis and W. D. have during this session. I have sat and talked with them about the most difficult problems that any Senate will ever have to face. And I have seen the kind of good-natured give and take contribution from each side like I have never seen between any two people and especially under the circumstances. I think the Senate owes each of them.

Never was there any remarks or recrimination or expression relative to their future in the Florida Senate, but rather about what we do today in the Florida Senate. I think we owe them, jointly, a round of applause for that.

Senators, I would like to present to you at this time Jo Ellen and Robert Macon who are here with us. Jo Ellen, who is from Pensacola, painted the portrait that we will unveil today.

The Senate recessed at 12:05 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

Mr. President	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	

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

CS for HB 766—A bill to be entitled An act relating to the regulation of infectious waste disposal; adding subsection (7) to s. 395.01, Florida Statutes, defining "solid waste," "liquid waste," and "infectious waste"; creating s. 395.24, Florida Statutes, requiring that each hospital and ambulatory surgical center shall properly identify, segregate, and separate infectious from solid waste; requiring that any transporter of infectious waste shall be notified of the existence and locations of such waste; adding a paragraph to s. 403.7045(3), Florida Statutes, providing that infectious waste from hospitals and ambulatory surgical centers shall be separated from other solid waste and disposed of by certain methods; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—passed this day.

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

Amendment 1—On page 4, line 1, strike "1982" and insert: 1992

CS for HB 766 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Hair, Hill, Scott

On motion by Senator Dunn, by unanimous consent, the following concurrent resolution was introduced:

By Senator Neal—

SCR 1026—A concurrent resolution requesting the Governor of the State of Florida to return House Bills 411, 442, 448, 547, and 564 to the Legislature for the purpose of further consideration.

—which was read the first time in full. On motions by Senator Dunn, by two-thirds vote SCR 1026 was placed on the calendar and by two-thirds vote read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—35

Mr. President	Frank	Jennings	Maxwell
Anderson	Gersten	Johnston	McClain
Beard	Grizzle	Kirkpatrick	McKnight
Carlucci	Hair	Langley	Neal
Childers, D.	Jenkins	Lewis	Peterson
Dunn	Jenne	Margolis	Poole

Rehm	Steinberg	Thomas	Vogt
Renick	Stevens	Tobiassen	Ware
Skinner	Stuart	Trask	

Nays—None

Vote after roll call:

Yea—Hill, Scott

SPECIAL ORDER

SB 674—A bill to be entitled An act relating to commercial fertilizers; amending s. 576.011(5), (7), (8), and (18), Florida Statutes, redefining "coning," "deconing," "deficiency," and "mixed fertilizer"; amending s. 576.051(3) and (4), Florida Statutes, providing for the finality of the state chemist's certificate of analysis of commercial fertilizer if no demand for a second referee chemist is made; correcting cross-references; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator Kirkpatrick:

Amendment 1—On page 4, line 8, strike "July 1, 1982" and insert: March 1, 1983

Senator Kirkpatrick moved the following substitute amendment which was adopted:

Amendment 2—On page 4, line 8, strike "July 1, 1982" and insert: June 1, 1983

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 3—On page 1, strike all of lines 28-31 and insert:

(8) The term "deficiency" means the amount of nutrient found by analysis less than that guaranteed, which may result from lack of nutrient ingredients or from lack of uniformity.

Amendment 4—On page 4, lines 4 and 5, strike "in plant nutrient" and insert: ~~in plant~~ nutrient

On motion by Senator Kirkpatrick, by two-thirds vote SB 674 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Hill, Scott

SB 729—A bill to be entitled An act relating to fertilizer; amending s. 576.051(7), Florida Statutes, requiring the Department of Agriculture and Consumer Services, in the adoption of rules governing the collection and analysis of fertilizer, to consider, rather than use, the recommendations of certain organizations; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 729 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Hill, Langley, Scott, Trask

By the Committee on Agriculture and Senator Kirkpatrick—

CS for SB 902—A bill to be entitled An act relating to the Florida Pesticide Law; amending s. 487.021(29), (36), and (37), Florida Statutes, and adding new subsections (7) and (22); defining the terms “batch” or “lot” and “ineffective”; revising the definition of the terms “misbranded,” “pest,” and “pesticide”; amending s. 487.051(2)(d), Florida Statutes, authorizing the Department of Agriculture and Consumer Services to assess a penalty for a pesticide found to be deficient in analysis, ineffective, or short measure; amending s. 487.071(3), Florida Statutes, providing for the analysis of certain pesticides by referee chemists under certain circumstances; amending s. 487.091(3), Florida Statutes, and adding subsections (4), (5), and (6); providing penalties for deficient analysis and ineffective or short measure products; providing for denial, suspension, or revocation of registration; providing an effective date.

—was read the first time by title and SB 902 was laid on the table.

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 902 was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 2, lines 3 and 4, strike “identified by numbers, letters, or other symbols which are easily read and understood.” and insert: readily identified by numbers, letters or other symbols.

Amendment 2—On page 7, line 16, strike “and (5)” and insert: , (5), and (6)

Amendment 3—On page 7, line 23, strike “batch or lot” and insert: pesticide

Amendment 4—On page 7, line 28, after the “.” insert: *If an identifiable batch or lot number is shown on the label of the pesticide sampled, the penalty as herein provided shall be assessed only on the pesticide used from the identifiable batch or lot. When no identifiable batch or lot number is shown on the label, the penalty shall be assessed on the pesticide used from the entire quantity of that brand of pesticide originally in the possession of the party from whom the sample was collected. The registrant shall compensate the consumer, either by replacement of the pesticide, by refund or by credit against outstanding debt or future purchases, at the option of the consumer, for the invoice value of any unused quantity of such deficient pesticide. No penalty shall apply to that portion of the shipment which has been placed under stop sale or stop use order pursuant to section 487.101, F.S.*

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 902 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Childers, D.	Gordon	Jennings
Anderson	Dunn	Hair	Johnston
Beard	Frank	Hill	Kirkpatrick
Carlucci	Gersten	Jenne	Langley

Lewis	Peterson	Steinberg	Vogt
Margolis	Poole	Stevens	Ware
McClain	Rehm	Stuart	
McKnight	Renick	Tobiasen	
Neal	Skinner	Trask	

Nays—1

Grizzle

Vote after roll call:

Yea—Scott, Thomas

By the Committee on Agriculture and Senator Anderson—

CS for SB 983—A bill to be entitled An act relating to pesticides; adding new subsections (8), (15), and (49) to s. 487.021, Florida Statutes, defining “dealer,” “distributor,” and “transportation of pesticides in bulk”; amending s. 487.061(1), Florida Statutes, adding members to and otherwise modifying the composition of the Pesticide Technical Council; amending s. 487.153(4), Florida Statutes, repealing subsection (6) of said section, and adding a new subsection (17) thereto; providing that, by definitior, certified applicators must be 18 years of age or older; removing the definition of “council” as the Pesticide Application Council; defining “mixer-loader”; amending s. 487.154(2), Florida Statutes, relating to rules; amending s. 487.155, Florida Statutes, revising requirements and procedure with respect to licensure, classification, certification, examination, fees, and applications; amending s. 487.156, Florida Statutes, removing an exemption for governmental agencies; amending s. 487.157, Florida Statutes; providing for license renewal every 4 years; increasing late renewal penalty; amending s. 487.158, Florida Statutes; adding grounds for disciplinary actions; specifying disciplinary actions to be taken; amending s. 487.159, Florida Statutes, relating to required reports of damages to property or animal, to include damages or injury to man; amending s. 487.160, Florida Statutes, providing for maintenance of records of private licensees; requiring an annual report; creating s. 487.167, Florida Statutes, providing for applicability of certain requirements to certain licensees; rescheduling Sundown review and repeal of s. 487.061, Florida Statutes, from October 1, 1987, to October 1, 1992; saving specified sections of chapter 487, Florida Statutes, from sunset repeal scheduled October 1, 1982; providing for review and repeal of specified sections of chapter 487, Florida Statutes, relating to the application of pesticides, on October 1, 1992; providing an effective date.

—was read the first time by title and SB 983 was laid on the table.

On motion by Senator Anderson, by two-thirds vote CS for SB 983 was read the second time by title.

Senator Peterson presiding

Senator Gordon moved the following amendment which failed:

Amendment 1—On pages 2-16, strike everything after the enacting clause and insert:

Section 1. Subsections (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), and (48) of section 487.021, Florida Statutes, are renumbered as subsections (9), (10), (11), (12), (13), (14), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48), (50), and (51), respectively, and new subsections (8), (15), and (49) are added to said section to read:

487.021 Definitions.—For the purpose of this chapter:

(8) “Dealer” means any person, other than the manufacturer or distributor, who offers for sale, sells, barter, or otherwise supplies pesticides to the ultimate user or consumer.

(15) “Distributor” means any person who offers for sale, holds for sale, sells, barter, or supplies pesticides in this state.

(49) “Transportation of pesticides in bulk” means to move pesticides received from a producer or distributor in a non-packaged form on roads within the state.

Section 2. Subsection (1) of section 487.061, Florida Statutes, is amended to read:

487.061 Pesticide Technical Council.—

(1) COMPOSITION.—There is created in the Department of Agriculture and Consumer Services the Pesticide Technical Council, which shall be composed of 17 ~~15~~ members as follows: a representative of each of the Divisions of Chemistry and Inspection of the Department of Agriculture and Consumer Services; the dean for research and the dean for extension, Institute of Food and Agricultural Sciences, University of Florida; the field crops, citrus, vegetable, and beef cattle members of the State Agricultural Advisory Council; one member each from the Department of Environmental Regulation, the Department of Natural Resources, and the Game and Fresh Water Fish Commission; and the Department of Health and Rehabilitative Services; the Chief Public Health Officer of the State of Florida, or his designate; an academic expert on pesticide epidemiology and health; an expert in the field of water contamination and ground water control; a member representing the pesticide industry; and two certified commercial applicators, one of whom is an aerial applicator, who shall be appointed by the department subject to the same procedure as prescribed in s. 570.23. The Department of Environmental Regulation, the Department of Natural Resources, the Game and Fresh Water Fish Commission, and the Department of Health and Rehabilitative Services shall appoint members of their respective staffs that are best qualified to perform the technical advice as it relates to their respective agencies. The industry member shall be a manufacturer of commercial pesticides earning a major portion of his income from such manufacturing and shall be appointed by the department subject to the same procedure as prescribed in s. 570.23. The term of office of the industry member shall be for a period of 2 years. The state chemist shall serve as secretary of the Pesticide Technical Council.

Section 3. Subsection (4) of section 487.153, Florida Statutes, is amended, subsection (6) of said section is hereby repealed, subsections (7), (8), (9), (10), (11), (12), (13), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), and (30) of said section are renumbered as subsections (6), (7), (8), (9), (10), (11), (12), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), and (31), respectively, and new subsections (13) and (17) are added to said section to read:

487.153 Definitions.—For the purpose of this act:

(4) "Certified applicator" means any person 18 years of age or older who is licensed to use or supervise the use of any restricted-use pesticide covered by his license.

(13) "Identification cardholder" means any person not licensed by the department who applies restricted-use pesticides or who is a mixer-loader, as defined in subsection (17), to whom a current card has been issued by the department.

(17) "Mixer-loader" means any person who prepares, processes, or dilutes pesticides for the purpose of loading them into application equipment.

Section 4. Subsection (2) of section 487.154, Florida Statutes, is amended to read:

487.154 Rules.—

(2) In adopting rules, the department shall give consideration to recommendations by the council, as set forth in s. 487.061, pertinent research findings, and recommendations of other agencies of this state or of the Federal Government.

Section 5. Section 487.155, Florida Statutes, is amended to read:

487.155 Licensing, classification, certification, examination, fee, applications, ~~examination~~, issue of license, issue of identification card, nonresident licensee.—

(1) LICENSING.—It is unlawful for any person after October 21, 1977, to engage in the application of restricted-use business of applying restricted pesticides, except as defined in chapters 388 and 482, without a certified applicator's license issued by the department, unless such person is doing so under the direct supervision of a licensee. However, all aerial applicators applying restricted-use pesticides shall be certified by the department in the appropriate category or categories and provisions for direct supervision shall not be held to apply to aerial applicators.

(2) ~~(1)~~ CLASSIFICATION.—The department may classify licenses to be issued under this act. Separate classifications and subclassifications may be specified by the department as deemed necessary to carry out the provisions of this act. Each classification shall ~~may~~ be subject to separate requirements or testing procedures to be set forth by rule of the department. In specifying classifications, the department may consider, but is not limited to, the following:

- (a) Commercial, public, or private applicator status;
- (b) Ground or aerial methods of application;
- (c) The specific crops upon which pesticides are applied;
- (d) The proximity of populated areas to the land upon which restricted pesticides are applied;
- (e) The acreage under the control of the licensee;
- (f) The pounds of technical restricted toxicant applied per acre per annum by the licensee.

(3) CERTIFICATION.—The department may independently, or through the Institute of Food and Agricultural Sciences, develop a certification program designed to insure the competency of those persons to whom it issues licenses. A standard core exam shall be developed which shall be administered to all applicants for licensure.

(4) EXAMINATION.—The department shall require each applicant for a certified applicator's license to demonstrate competence, by a written or oral examination, evidencing or such other equivalent procedure as may be adopted by rule under this act, that he possesses adequate knowledge concerning the proper use and application of pesticides in each classification for which application for license is made. The examination or other equivalent procedure may be prepared, administered, and evaluated by the department. Although not limited to such, each applicant for a certified applicator's license shall demonstrate competence as to:

- (a) The proper use of the equipment.
- (b) The environmental hazards that may be involved in applying the pesticides.
- (c) Calculating the concentration of pesticides to be used in particular circumstances.
- (d) Identification of common pests to be controlled and the damages caused by such pests.
- (e) Protective clothing and respiratory equipment required during the handling and application of pesticides.
- (f) General precautions to be followed in the disposal of containers as well as the cleaning and decontamination of the equipment which the applicant proposes to use.
- (g) Applicable state and federal pesticide laws and regulations.

(h) General safety precautions.

(5) ~~(2)~~ FEES.—

(a) The department may require an initial fee, not to exceed \$100, for processing the application and issuing a person a license as a "certified applicator," which fee shall not be waived by rule. Such fee shall not represent more than the approximate cost of certification for the applicant and may vary in amount depending on the classifications or subclassifications for which the certification is made, as provided by rules and regulations promulgated under this act.

(b) The department shall ~~may~~ require a fee, not to exceed \$50 ~~\$5~~ per annum, for renewal of a certified applicator's license through the recertification process.

(c) Fees collected under the provisions of this act shall be deposited with the State Treasurer in the General Inspection Trust Fund and shall be used to defray expenses in the administration of this act.

(d) The department shall determine on an annual basis the cost of operating the certification and licensure programs under this chapter so that the cost per applicant may be ascertained for the purpose of setting fees.

(6)(3) APPLICATION.—Application for license shall be made in writing to the department on a form furnished by the department. Each application shall contain information regarding the applicant's qualifications, proposed operations, and license classification or subclassifications, as prescribed by rule.

(7)(5) ISSUE OF LICENSE.—If the department finds the applicant qualified in the classification for which he has applied, and if the applicant applying for a license to engage in aerial application of pesticides has met all of the requirements of the Federal Aviation Agency and the Department of Transportation of this state to operate the equipment described in the application and has shown proof of liability insurance or posted a surety bond in an amount to be set forth by rule of the department, the department shall issue a certified applicator's license, limited to the classifications for which he is qualified, which shall expire as required by rules and regulations promulgated under this act unless it has been revoked or suspended prior thereto by the department for cause as hereinafter provided. The license shall be conspicuously displayed at the principal business address of the licensee or kept on the person of the licensee while performing work as a certified applicator.

(8) ISSUE OF IDENTIFICATION CARD.—No licensee shall assign any uncertified person to apply, or be trained to apply, restricted-use pesticides, or to act as a mixer-loader, as defined in s. 487.153(17), without first applying for an identification card for such person from the department, on a form prescribed by the department. The identification card shall be carried on the employee's person while performing or soliciting the application, mixing, or loading of restricted-use pesticides. The responsibility for obtaining identification cards for employees rests solely with the employer. An identification card shall cease to be in force when the holder thereof terminates employment with the licensee who secured said cards. Each card shall be renewed annually on or before a date to be established by the department. Each identification card so issued shall be accompanied by literature regarding the safe and judicious use of pesticides. This literature shall be available in English. No licensee shall be permitted to provide direct supervision to more than five noncertified applicators and mixer-loaders at any given time and the department shall limit to five the number of identification cards issued to a licensee for uncertified employees.

(9)(6) NONRESIDENT LICENSEE; RECIPROCAL AGREEMENT.—

(a) The department may waive all or part of the examination requirements provided for in this act on a reciprocal basis with any other state that has substantially the same or better standards.

(b) Any nonresident applying for a license under this act to operate in the state shall file a written power of attorney designating the Secretary of State as the agent of such nonresident upon whom service of process may be had in the event of any suit against said nonresident person, and such power of attorney shall be prepared in such form as to render effective the jurisdiction of the courts of this state over such nonresident applicant. However, any such nonresident who has a duly appointed resident agent upon whom process may be served as provided by law shall not be required to designate the Secretary of State as such agent. The Secretary of State shall be allowed such fees therefor as provided by law for designating resident agents. The department shall be furnished with a copy of such designation of the Secretary of State or of a resident agent, such copy to be duly certified by the Secretary of State.

Section 6. Section 487.156, Florida Statutes, is amended to read:

487.156 Governmental agencies, exemption from fees.—All governmental agencies shall be subject to the provisions of this act and rules adopted hereunder thereunder except for payment of fees. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.155(4). The department shall issue an applicator's license without fee to a public applicator which license shall be valid only when such public applicator is performing under the authority of a governmental agency.

Section 7. Section 487.157, Florida Statutes, is amended to read:

487.157 License renewals; penalty; recertification; retesting.—

(1) The department shall require renewal of a certified applicator's license at least every 4 3/4 years. If the application for renewal of any license provided for in this chapter is not filed on time according to rules of the department, a penalty shall may be assessed not to exceed \$50 10 percent of the initial license fee. However, such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in business subsequent to the expiration of his license for a period not exceeding 60 days.

(2) The department shall require all certified applicators to provide evidence of continued competency through the implementation of a recertification program set forth by rule. Recertification options shall include, but not be limited to, the attendance of training sessions, autotutorial training and examination, the attendance of professional meetings or seminars, and written examination. If the licensee fails to renew his license within 60 days of the expiration date, reexamination shall be required. A license may be renewed without taking another examination unless the department determines that new knowledge related to the classification for which the applicant has applied makes a new examination necessary, however, the department may require the applicant to provide evidence of continued competency, as determined by rule. However, if the license is not renewed within 60 days of the expiration date, then such licensee may again be required to take another examination unless there is some unavoidable circumstance which results in the delay of the renewal of any license issued under this act which was not under the applicant's control.

Section 8. Section 487.158, Florida Statutes, is amended to read:

487.153 Grounds for disciplinary action; action by the department Denial, suspension, revocation of license.—

(1) The following acts shall constitute grounds for which the disciplinary actions described in subsection (2) may be taken upon a finding that the applicant, registrant, or licensee The department may deny, suspend, revoke, or modify the provisions of any license issued under this act, if it finds that the applicant or licensee has committed any of the following acts applicable to him, each of which is declared to be a violation of this act:

(a)(1) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized;

(b)(2) Made a pesticide recommendation or application not in accordance with the label, except as provided in s. 487.031(8), or not in accordance with recommendations of the United States Environmental Protection Agency or not in accordance with the specifications of a special local need registration;

(c)(3) Operated faulty or unsafe equipment;

(d)(4) Operated in a faulty, careless, or negligent manner so as to cause damage to property or person;

(e)(5) Applied any pesticide that is harmful to human beings to fields where persons are engaged in work;

(f)(6) Failed to disclose to an agricultural crop grower, at the time pesticides are applied to a crop, full information regarding the possible harmful effects to human beings or animals and the earliest safe time for workers or animals to reenter the treated field;

(g)(7) Refused or, after notice, neglected to comply with the provisions of this act, the rules adopted hereunder, or any lawful order of the department;

(h)(8) Refused or neglected to keep and maintain the records required by this act or to make reports when and as required;

(i)(9) Made false or fraudulent records, invoices, or reports;

(j)(10) Used fraud or misrepresentation in making an application for a license or renewal of same;

(k)(11) Refused or neglected to comply with any limitations or restrictions on or in a duly issued licensed;

(l)(12) Aided or abetted a licensed or unlicensed person to evade the provisions of this chapter, combined or conspired

with such a licensed or unlicensed person to evade the provisions of this chapter, or allowed one's license to be used by an unlicensed person;

(m)~~(12)~~ Made false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land; ~~or~~

(n)~~(14)~~ Made false or misleading statements, or failed to report, pursuant to s. 487.159(2), with regard to any known damage to property or illness or injury to persons caused by the application of pesticides; ~~or~~

(o)~~(15)~~ Impersonated any state, county, or city inspector or official;;

(p) Failed to obtain an identification card for an applicator or mixer-loader using restricted-use pesticides under his direct supervision;

(q) Failed to require that an applicator or mixer-loader under his direct supervision carry an identification card on his person; or

(r) Failed to maintain a current liability insurance policy or surety bond as provided for in s. 487.155(7).

(2) When the department finds any applicant, registrant, or licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing any one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine, not to exceed \$5,000 for each count or separate offense.

(d) Issuance of a warning letter.

(e) Placement of the licensee on probation for a specified period of time and subject to such conditions as the department may specify by rule, including requiring the licensee to attend continuing education courses, to demonstrate his competency through a written or practical examination, or to work under the direct supervision of another licensee.

Section 9. Section 487.159, Florida Statutes, is amended to read:

487.159 Damages or injury to property, or animal, or ~~except~~ man; mandatory report of damage or injury loss; time for filing; failure to file.—

(1) The person claiming damages or injury to property, or animal, or ~~except~~ man from pesticide application shall file with the department a written statement claiming damages ~~that he has been damaged,~~ on a form prescribed by the department, within 48 hours 60 days after the date that such damage or injury becomes apparent, damages occurred or prior to the time that 25 percent of a crop damaged has ~~shall have~~ been harvested, whichever occurs first. Such statement shall contain, but shall not be limited to ~~therein,~~ the name of the person responsible for the application of said pesticide, the name of the owner or lessee of the land on which the crop is grown and for which such damages are claimed, and the date on which it is alleged that such damages occurred. The department shall prepare a form to be furnished to persons to be used in such cases, and such form shall contain such other requirements as the department may deem proper. The department shall, upon receipt of such statement, notify the licensee and the owner or lessee of the land or other person who may be charged with the responsibility for such damages claimed and furnish copies of such statements as may be requested by other interested parties. The department shall investigate the alleged damages and notify all concerned parties of its findings. If the findings reveal a violation of the provisions of this act, the department shall determine an appropriate penalty ~~institute suspension or revocation proceedings,~~ as provided in s. 487.158. The filing of such report or the failure to file such a report need not be alleged in any complaint which might be filed in a court of law, and the failure to file the report shall not be considered any bar to the maintenance of any criminal or civil action.

(Substantial rewording of subsection. See s. 487.159(2), F.S., for present text.)

(2) It shall be the duty of any licensee to report damage or injury to property or person as the result of the application of

general or restricted-use pesticides by him or by an identification cardholder under his direct supervision. It shall also be the express intent of this section to require all physicians to report to the nearest county extension office or directly to the department all pesticide-related illnesses or injuries, so that the department may establish a pesticide incident monitoring system within the pesticide enforcement section of the Bureau of Feed, Seed, Fertilizer and Pesticide Inspection of the Division of Inspection.

(3) When damage to property, or animal, or ~~except~~ man is alleged to have been done, the claimant shall permit the licensee and his representatives to observe within reasonable hours the property, person, or nontarget organism alleged to have been damaged, in order that such damage may be examined. Failure of the claimant to permit such observation and examination of the damaged property shall automatically bar the claim against the licensee.

(4) No punitive regulations shall be levied by the department ~~except revocation or suspension of license, but the records required under s. 487.160 and any other relevant data or information collected by the department may be turned over to the state attorney.~~

Section 10. Section 487.160, Florida Statutes, is amended to read:

487.160 Records.—Private, commercial, and public licensees shall maintain such records as the department may determine by rule with respect to application of restricted pesticides. Such relevant information as the department may deem necessary may be specified by rule regulations. Such records shall be kept for a period of 2 years from the date of the application of the pesticide to which such records refer, and the department shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

Section 11. Section 487.167, Florida Statutes, is created to read:

487.167 Applicability.—Every person licensed as a private applicator prior to October 1, 1982, shall be required to undergo reexamination, as provided in s. 487.155(4), upon renewal of his certified applicator's license. Subsequent renewals and recertification requirements shall be as set forth in s. 487.157.

Section 12. Section 487.061, Florida Statutes, as amended by this act, is repealed on October 1, 1987, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 13. Notwithstanding the provisions of the Regulatory Sunset Act, ss. 487.151-487.166, Florida Statutes, shall not stand repealed on October 1, 1982, as scheduled by such act, and shall continue in full force and effect as amended herein.

Section 14. Sections 487.151-487.167, Florida Statutes, as amended by this act, are repealed on October 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 15. This act shall take effect October 1, 1982.

On motion by Senator Anderson, by two-thirds vote CS for SB 983 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—4

Gordon	Grizzle	Hill	Margolis
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Vote after roll call:

Yea—Carlucci, Scott

SB 597—A bill to be entitled An act relating to the Code of Ethics for public officers and employees; creating s. 112.3144,

Florida Statutes; providing that persons filing full and public disclosure pursuant to Article II, Section 8 of the State Constitution are not required to file a limited disclosure for the same year except that a copy of such disclosure must be filed by a candidate for office with the officer before whom he qualifies; providing that certain personal items may be reported by category; renumbering s. 112.312(11)-(17), Florida Statutes, and adding a new subsection (11) to said section; defining "liability"; amending s. 112.3145(1)(c), (2)(c), (3)(e), (4), Florida Statutes; excluding persons elected to the United States Senate and House of Representatives from the definition of "state officer"; requiring persons qualifying for a state office to file financial statements with the Secretary of State; requiring local officers to file financial statements with the supervisor of elections and persons qualifying for local public offices to file with the officer before whom they qualify; requiring local officers to file reports containing the names of certain clients they represent with the supervisor of elections; requiring state officers, elected constitutional officers and specified employees to file such reports with the Secretary of State; amending s. 112.313(2), (9)(a), (12), Florida Statutes; deleting reasonably prudent person test for solicitation or acceptance of gifts; requiring new appointees to public office to file a statement indicating their interest in a business granted the privilege of doing business in the state within 45 days after their appointment; requiring appointees to advisory boards to make certain disclosures to an appointing body or appointing person; amending s. 112.317(1)(c), Florida Statutes; providing additional penalties against candidates who violate the disclosure of financial interest requirements; amending s. 112.321(1), Florida Statutes; increasing the number of members of the Ethics Commission appointed by the Governor to five; amending s. 112.322(7), Florida Statutes; authorizing the commission to prepare certain materials; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 597 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Scott

SB 209—A bill to be entitled An act relating to the Code of Ethics for public officers and employees; creating s. 112.3144, Florida Statutes; providing that persons filing full and public disclosure pursuant to Article II, Section 8 of the State Constitution are not required to file a limited disclosure for the same year except that a copy of such disclosure must be filed by a candidate for office with the officer before whom he qualifies; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote SB 209 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Scott

On motion by Senator Anderson, 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 89 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Shackelford—

HB 89—A bill to be entitled An act relating to fireworks; amending s. 791.07, Florida Statutes, relating to agricultural and fish hatchery use of fireworks; providing an effective date.

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

#### SPECIAL ORDER, continued

On motions by Senator Anderson, the rules were waived and by two-thirds vote HB 89, a companion measure, was withdrawn from the Committee on Agriculture and substituted for SB 828. On motions by Senator Anderson, by two-thirds vote HB 89 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	Hair	Maxwell	Skinner
Beard	Jenkins	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Thomas
Frank	Kirkpatrick	Poole	Tobiasen
Gersten	Langley	Rehm	Trask
Gordon	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	Ware

Nays—None

Vote after roll call:

Yea—W. D. Childers, Hill

SB 828 was laid on the table.

On motion by Senator Neal, the rules were waived and SCR 1026 was ordered immediately certified to the House.

SB 742—A bill to be entitled An act relating to the Florida Youth Advisory Council; creating the council and designating its members; providing for the terms of members; providing for duties and meetings; providing for liaison with the Department of State; 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 Tobiasen and adopted:

Amendment 1—On page 1, lines 26-29, strike "the Governor, the Speaker of the House of Representatives, the President of the Senate, and the members of the Cabinet of Florida Boys State and Florida Girls State." and insert: the following officers of Florida Boys State and Florida Girls State: the Governors, the members of the Cabinets, the Presidents of the Senates, and the Speakers of the Houses of Representatives.

On motion by Senator Tobiasen, by two-thirds vote SB 742 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Hill, Scott

On motion by Senator Tobiasen, the rules were waived and SB 742 after being engrossed was ordered immediately certified to the House.

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

CS for SB 183—A bill to be entitled An act relating to pest control; amending s. 482.021(11), (12), (15), (22), Florida Statutes, and adding subsections (25)-(28) to said section; providing definitions; amending s. 482.051(1), (3), Florida Statutes, and adding subsection (4) to said section; providing standards for adoption of rules by the Department of Health and Rehabilitative Services; requiring advance notice of fumigation; amending s. 482.071(1), Florida Statutes; providing procedures and fees for licensure; providing for automatic expiration; amending s. 482.091(1), (2), (5), Florida Statutes, and adding subsection (6) to said section; providing for issuance and expiration of identification cards; amending s. 482.111, Florida Statutes; providing procedures and fees for issuance of certificates; specifying effect of certificate; providing for disposition of fees; creating s. 482.112, Florida Statutes; providing inactive status; amending s. 482.132(1), (3), Florida Statutes; deleting obsolete material; amending s. 482.141(2), Florida Statutes; specifying fees for examination; amending s. 482.151, Florida Statutes; providing procedures and fees for issuance of special identification cards; specifying effect of card; providing for expiration; amending s. 482.152, Florida Statutes; providing an exemption for one-man certified operators; amending s. 482.161, Florida Statutes; providing for administrative penalties; specifying effect of revocation or suspension; amending s. 482.211(1), Florida Statutes; providing exemptions; amending s. 482.226, Florida Statutes; providing for reports of inspections for wood-destroying organisms; creating s. 482.227, Florida Statutes; limiting use of the terms "guarantee" and "warranty" in service contracts; reviving and readopting, notwithstanding the Regulatory Sunset Act, chapter 482, Florida Statutes, as amended; allowing to stand repealed under the Regulatory Sunset Act ss. 482.225, 482.162, Florida Statutes, relating to persons who held certificates and special identification cards on October 1, 1978, and relating to disciplinary measures and probation; providing for legislative review; providing an effective date.

—was read the first time by title and SB 183 was laid on the table.

On motion by Senator McKnight, by two-thirds vote CS for SB 183 was read the second time by title.

Senator McKnight moved the following amendments which were adopted:

Amendment 1—On page 4, line 7, strike "wasps" and insert: *wood-boring wasps*

Amendment 2—On page 5, lines 9 and 10, strike "*to protect the consumer's health, safety, and welfare be specified and required in the contract.*" and insert: *to assure consumer protection be specified by the department and required in the contract.*

On motion by Senator McKnight, by two-thirds vote CS for SB 183 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	Hair	Maxwell	Steinberg
Beard	Jenne	McClain	Stevens
Carlucci	Jennings	McKnight	Stuart
Childers, D.	Johnston	Neal	Thomas
Dunn	Kirkpatrick	Peterson	Tobiasen
Frank	Langley	Poole	Trask
Gersten	Lewis	Rehm	Vogt
Grizzle	Margolis	Renick	Ware

Nays—None

Vote after roll call:

Yea—Hill, Scott

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

CS for SB 184—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.26, Florida Statutes; authorizing filing of federal reports in place of state annual reports under certain circumstances; amending s. 641.28, Florida Statutes; deleting personal liability of certain persons; providing for civil remedy and attorneys' fees; amending s. 641.29, Florida Statutes; providing fees; adding s. 641.31(7), Florida Statutes; providing for additional services; reviving and readopting, notwithstanding the Regulatory Sunset Act, ss. 641.17-641.38, Florida Statutes; allowing to stand repealed under the Regulatory Sunset Act s. 641.34, Florida Statutes, relating to opening enrollment; providing for legislative review; providing an effective date.

—was read the first time by title and SB 184 was laid on the table.

On motions by Senator McKnight, by two-thirds vote CS for SB 184 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Hill

SB 216—A bill to be entitled An act relating to the Department of Banking and Finance; amending s. 17.01, Florida Statutes; requiring the Comptroller to provide a bond in a certain amount; amending s. 17.03(2), Florida Statutes; authorizing the Comptroller to delegate certain authority relating to state warrants; amending s. 17.041(1), (2), (4), (6), (7), Florida Statutes; providing the department with certain duties in settling and adjusting certain accounts and claims; amending s. 17.076(4), Florida Statutes; providing for filing certain authorizations with a designee of the department; amending ss. 17.10, 17.11, Florida Statutes; providing for recording warrants issued and reporting disbursements made; amending s. 17.20, Florida Statutes; providing for collection of certain claims; providing for payment of certain fees; creating s. 17.29, Florida Statutes; authorizing the Comptroller to prescribe certain rules; creating s. 17.30, Florida Statutes; authorizing the Comptroller to disseminate certain information; amending s. 20.12, Florida Statutes; establishing certain divisions within the department; authorizing the Comptroller to establish or abolish bureaus within such divisions; repealing s. 17.18, Florida Statutes, relating to a requirement that the Comptroller provide a full statement of all defaulters; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 6, strike all of lines 17-21 and insert:

(1) Procedures or policies relating to payment of Salaries, Other Personal Services, or any other applicable appropriation.

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

**Amendment 2**—On page 7, strike lines 13-15

**Amendment 3**—In title on page 1, lines 26-28, strike "authorizing the Comptroller to establish or abolish bureaus within such divisions;"

On motion by Senator Carlucci, by two-thirds vote SB 216 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Hill, Scott

**SB 281**—A bill to be entitled An act relating to the administration of revenue laws; amending s. 212.18(3), Florida Statutes; requiring any person who sells or receives anything of value by way of admissions to apply for certain certificates of registration; prohibiting such person from engaging in such activity without such certificate; providing penalties; amending s. 213.05, Florida Statutes; requiring the Department of Revenue to perform certain duties provided in certain sections and chapters of the Florida Statutes; amending s. 213.06, Florida Statutes; authorizing the department to amend its rules in certain circumstances; repealing s. 205.022(6), Florida Statutes; deleting a definition; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Johnston and adopted:

**Amendment 1**—On page 3, strike lines 17 and 18 and insert: administering all revenue laws and, to the extent specified therein, performing all other duties provided to the department in: s. 125.0104, the Local Option Tourist Development

Senator Johnston moved the following amendments which were adopted:

**Amendment 2**—On page 1, after the enacting clause and commencing on line 22 insert:

Section 1. Subsection (5) is added to section 212.13, Florida Statutes, to read:

212.13 Records required to be kept; power to inspect; audit procedure.—

(5)(a) The department shall send written notification at least 60 days prior to the date an auditor is scheduled to begin an audit, informing said taxpayer of the audit. The department shall not be required to give 60-day prior notification of a forthcoming audit in any instance where the taxpayer requests an emergency audit.

(b) Such written notification shall contain:

1. The approximate date the auditor is scheduled to begin the audit.

2. A reminder that all of the records, receipts, invoices, resale certificates, and related documentation of the taxpayer must be made available to the auditor.

3. Any other requests or suggestions the department may deem necessary.

(c) Only records, receipts, invoices, resale certificates, and related documentation which are available to the auditor when such audit begins shall be deemed acceptable for the purposes of conducting such audit. A resale certificate containing a date prior to the date the audit commences shall be deemed acceptable documentation of the specific transaction or transactions which occurred in the past, for the purpose of conducting an audit.

(d) The provisions of this chapter concerning fraudulent or improper records, receipts, invoices, resale certificates, and related documentation shall apply when conducting any audit.

(e) The 60-day written notification requirement of paragraph (a) shall not apply to the distress or jeopardy situations referred to in s. 212.14 or s. 212.15.

(Renumber subsequent sections.)

**Amendment 3**—On page 4, strike lines 16 and 17 and insert:

Section 5. This act shall take effect upon becoming law, except section 1 which shall take effect on June 1, 1982, and section 2, which shall take effect July 1, 1982.

**Amendment 4**—In title on page 1, strike lines 1-3 and insert: A bill to be entitled An act relating to the administration of revenue laws; adding subsection (5) to s. 212.13, Florida Statutes, requiring the Department of Revenue to send written notification, at least 60 days prior to the date the auditor is scheduled to begin an audit under chapter 212, Florida Statutes; providing exceptions; providing required information in the notice; providing for acceptable records with respect to the audit; amending s. 212.18(3), Florida

On motion by Senator Johnston, by two-thirds vote SB 281 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Anderson	Hair	McClain	Steinberg
Barron	Jenne	McKnight	Stevens
Beard	Jennings	Neal	Thomas
Carlucci	Johnston	Peterson	Tobiassen
Childers, D.	Langley	Rehm	Trask
Dunn	Lewis	Renick	Vogt
Frank	Margolis	Scott	Ware
Gersten	Maxwell	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Hill, Kirkpatrick, Stuart

**SB 507**—A bill to be entitled An act relating to alcoholism; repealing s. 396.161, Florida Statutes, relating to prohibiting local laws, ordinances, or regulations which provide criminal or civil penalties for public intoxication; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 507 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—2

Gordon Jenne

Vote after roll call:

Yea—W. D. Childers, Scott

SB 671—A bill to be entitled An act relating to alcoholism; amending s. 396.105, Florida Statutes; 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 the penalty; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 671 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Grizzle, Scott

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

CS for SB 630—A bill to be entitled An act relating to the practice of midwifery; creating a new chapter 485, Florida Statutes, consisting of ss. 485.001-485.023, Florida Statutes; the Midwifery Practices Act; providing legislative intent; providing definitions; creating the Advisory Committee of Lay Midwifery within the Department of Health and Rehabilitative Services; providing for appointment and terms of members; providing rulemaking authority; providing for licensure by examination; providing for licensure by endorsement; specifying requirements with respect to midwifery programs; providing for examinations; specifying responsibilities of the licensed midwife; providing for informed consent of the client; providing for the development of an emergency care plan; requiring the keeping of certain records and the making of certain reports; providing for renewal of license; providing for inactive status; specifying violations and providing penalties therefor; providing for injunction; providing grounds for disciplinary actions and providing for disposition of disciplinary cases; providing for approval of midwifery programs; providing exceptions; providing saving clauses; repealing ss. 485.011, 485.021, 485.031, 485.041, 485.051, 485.061, 485.071, 485.081, and 485.091, Florida Statutes, relating to the regulation of the practice of midwifery through the Department of Health and Rehabilitative Services; providing for review and repeal on October 1, 1984 in accordance with the Regulatory Sunset Act; providing an effective date.

—was read the first time by title and SB 630 was laid on the table.

On motions by Senator Gordon, by two-thirds vote CS for SB 630 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Langley Stevens

Vote after roll call:

Yea—W. D. Childers, Scott

The President presiding

CS for SB 737 was read the first time by title and SB 737 was laid on the table.

On motions by Senator McKnight, by two-thirds vote CS for CS for HB 296 was withdrawn from the Committees on Health and Rehabilitative Services and Appropriations.

On motion by Senator McKnight—

CS for CS for HB 296—A bill to be entitled An act relating to the prevention of child abuse and neglect; creating s. 827.075, Florida Statutes; providing legislative intent; requiring a state plan for a comprehensive approach to the prevention of child abuse and neglect; providing for state and local coordination; providing for district plans; providing that funding for child abuse and neglect prevention efforts be based upon the state plan; requiring biennial revisions of the state plan; providing for distribution of funds; providing an effective date.

—a companion measure, was substituted for CS for SB 737 and by two-thirds vote was read the second time by title. On motion by Senator McKnight, by two-thirds vote CS for CS for HB 296 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Scott, Stuart, Thomas, Tobiassen

CS for SB 737 was laid on the table.

SB 583—A bill to be entitled An act relating to medical assistance, amending s. 409.266(3), Florida Statutes; providing for recovery of payments; providing for assignment of financial rights; providing for release of medical information; providing for enforcement of subrogation rights; providing for imposition of liens; providing an effective date.

—was read the second time by title. On motion by Senator McKnight, by two-thirds vote SB 583 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hair, Scott, Stuart

By the Committee on Education and Senator Ware—

CS for SB 705—A bill to be entitled An act relating to nursing homes; amending s. 233.0671, Florida Statutes, authori-

zing district school boards as well as other educational institutions to contract with nursing homes to provide facilities for nursing assistants' courses; creating s. 400.145, Florida Statutes, requiring the certification of nursing assistants in nursing homes; providing qualifications; providing for rules; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—was read the first time by title and SB 705 was laid on the table.

On motions by Senator Ware, by two-thirds vote CS for SB 705 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	Gordon	Lewis	Skinner
Anderson	Grizzle	Margolis	Steinberg
Barron	Hair	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware

Nays—None

Vote after roll call:

Yea—Scott

By the Committee on Commerce and Senator McClain—

CS for SB 599—A bill to be entitled An act relating to insurance; creating s. 628.4311, Florida Statutes, providing a procedure for the mutualization of nonprofit medical, surgical and hospital service plan corporations; specifying conditions for approval by the Department of Insurance; amending s. 628.041, Florida Statutes, providing for the applicability to certain domestic mutual insurers of general provisions relating to nonprofit corporations; amending s. 628.221, Florida Statutes; providing by law provisions pertaining to a quorum at annual and special meetings; providing an effective date.

—was read the first time by title and SB 599 was laid on the table.

On motions by Senator McClain, by two-thirds vote CS for SB 599 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—33

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

Nays—1

Gordon

Vote after roll call:

Yea—Scott, Stuart

On motion by Senator McClain, the rules were waived and CS for SB 599 was ordered immediately certified to the House.

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

CS for SB 647—A bill to be entitled An act relating to water resources; amending s. 373.403(6), Florida Statutes; limiting the exemption for closed systems to management of surface waters within agricultural lands; amending s. 373.406(3), Flor-

ida Statutes; providing that the agricultural exemption for closed systems shall not affect certain permit requirements; creating s. 373.088, Florida Statutes; authorizing district governing boards to assess a fee to process applications in certain real estate transactions; adding s. 373.086(3), Florida Statutes; exempting the temporary construction and operation of back-pumping facilities from permit requirements if a water emergency is declared; providing time limitations; amending s. 373.019(6), Florida Statutes; redefining "domestic use"; creating s. 373.0395, Florida Statutes; directing the districts to develop a groundwater basin resource availability inventory and providing legislative intent that future growth and development planning reflect limitations of available water supplies; amending s. 373.1961(1) and (2), Florida Statutes; directing districts to plan and assist local governments in meeting water supply needs; specifying that priority be given to encouraging conservation; amending s. 373.216, Florida Statutes; directing districts to implement selective consumptive use permitting with appropriate monitoring efforts; adding s. 373.089(6), Florida Statutes; allowing that districts do not have to offer certain surplus district properties for public sale; creating s. 373.245, Florida Statutes; providing that permit-holders who violate permit conditions are liable for damages to abutting permit-holders; amending s. 373.246(1), Florida Statutes; requiring that copies of water shortage plans be submitted to the Legislature; amending s. 373.507, Florida Statutes; eliminating a requirement that water districts, basins, and taxing authorities make provisions for performance audits; amending s. 373.553(2), Florida Statutes; requiring that district funds be deposited in qualified public depositories and secured as provided in chapter 280, Florida Statutes; adding subsection (4) to s. 403.707, Florida Statutes; directing districts to review and submit an impact report on all Class I and II solid waste disposal applications; providing an effective date.

—was read the first time by title and SB 647 was laid on the table.

On motion by Senator Vogt, by two-thirds vote CS for SB 647 was read the second time by title.

Senator Langley moved the following amendment which was adopted:

*Amendment 1—On page 3, line 16, strike "not operate to remove the requirements of a permit for" and insert: not be construed to eliminate the necessity to meet generally accepted engineering practices for*

Senator Johnston moved the following amendment which was adopted:

*Amendment 2—On page 3, line 23, strike "maximum of \$50" and insert: reasonable fee*

On motion by Senator Vogt, by two-thirds vote CS for SB 647 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Scott

SB 922—A bill to be entitled An act relating to mass public transportation; amending s. 206.29(1), (2), Florida Statutes; defining transit system; amending ss. 206.30, 206.31, and 206.33 (2), Florida Statutes; providing conforming language; amending

s. 206.35(1), Florida Statutes; providing for authorization of refund claims by the Department of Revenue; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, strike lines 25-28 and insert: transit system as defined above may operate within 25 miles outside its corporate limits of any city, town or municipality when such operation outside its corporate limits is found necessary to adequately and efficiently to provide mass

**Amendment 2**—On page 4, line 17, after the word "refund" insert: . Every transit system holding a valid permit as of January 1, 1982, shall be eligible to file the application due by January 31, 1982. Those who did not timely receive the application form, shall immediately be mailed new application forms and allowed 30 days to complete and return those forms to the Department of Revenue. Proper and timely applications shall be honored by the department

**Amendment 3**—In title on page 1, strike all of line 9 and insert: Department of Revenue; providing a date by which certain transit systems may apply for refunds; providing an effective

On motion by Senator Beard, by two-thirds vote SB 922 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	Grizzle	Lewis	Skinner
Anderson	Hair	Margolis	Steinberg
Beard	Henderson	Maxwell	Stevens
Carlucci	Hill	McClain	Stuart
Childers, D.	Jenne	McKnight	Thomas
Dunn	Jennings	Neal	Tobiassen
Frank	Johnston	Peterson	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware

Nays—None

Vote after roll call:

Yea—Scott

On motion by Senator Dunn, the rules were waived and by two-thirds vote SR 529 was withdrawn from the Committee on Rules and Calendar.

**SR 529**—A resolution commending the Tracy family and commemorating its illustrious predecessor, Erasmus Darwin Tracy.

—was read the second time in full. On motion by Senator Carlucci, SR 529 was adopted. The vote on adoption was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Scott

By the Committee on Judiciary-Civil and Senators D. Childers and Poole—

**CS for SB 284**—A bill to be entitled An act relating to operating a vessel while under the influence of alcohol or controlled substances; amending s. 327.35, Florida Statutes; specifying penalties for operating a vessel while under the influence; providing for administration of breath, urine, and blood tests for

the purpose of detecting the presence of alcohol or controlled substances; providing testing procedures; authorizing a person to refuse to submit to a test; providing that such refusal is admissible in evidence; providing an effective date.

—was read the first time by title and SB 284 was laid on the table.

On motion by Senator D. Childers, by two-thirds vote CS for SB 284 was read the second time by title.

Senator D. Childers moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 30, strike "72" and insert: 24

On motion by Senator D. Childers, by two-thirds vote CS for SB 284 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	Gordon	Margolis	Skinner
Anderson	Grizzle	Maxwell	Steinberg
Barron	Hair	McClain	Stevens
Beard	Jenne	McKnight	Stuart
Carlucci	Jennings	Neal	Thomas
Childers, D.	Johnston	Peterson	Tobiassen
Dunn	Kirkpatrick	Poole	Trask
Frank	Langley	Rehm	Vogt
Gersten	Lewis	Renick	Ware

Nays—None

Vote after roll call:

Yea—Hill, Scott

By the Committee on Appropriations and Senator Gordon—

**CS for SB 735**—A bill to be entitled An act relating to the Administration Commission; amending s. 14.202, Florida Statutes; providing an exception for the administration of fiscal matters; providing an effective date.

—was read the first time by title and SB 735 was laid on the table.

On motions by Senator Gordon, by two-thirds vote CS for SB 735 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Dunn McKnight

On motion by Senator Gordon, the rules were waived and CS for SB 735 was ordered immediately certified to the House.

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

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Gordon, the rules were waived and by two-thirds vote CS for SB 446 was withdrawn from the Committee on Appropriations.

## SPECIAL ORDER, continued

CS for SB 336 was read the first time by title and SB 336 was laid on the table.

On motion by Senator Vogt, by two-thirds vote HB 16 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Vogt—

HB 16—A bill to be entitled An act relating to the protection of natural resources; 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 land; amending s. 403.061, Florida Statutes, providing restrictions on rules regarding improvement or natural conditions and federal regulations; amending s. 403.091, Florida Statutes, providing for inspection by the Department of Environmental Regulation for certain property on which a hazardous waste generator, transporter or facility or other air or water contaminant source is located; 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 proceed without a hearing under certain circumstances; amending s. 403.72(1), Florida Statutes, making discretionary with the department certain considerations in adopting rules; adding subsection (7) to s. 403.725, Florida Statutes, placing a limitation on the use of certain moneys in the Hazardous Waste Management Trust Fund; amending s. 403.727(4), Florida Statutes, providing certain defenses available to a person alleged to be in violation of the Florida Resource Recovery and Management Act; amending s. 403.8055(4), Florida Statutes, and adding subsection (6) thereto, requiring specific reference to federal regulations where such regulations are adopted as a rule by the Department of Environmental Regulation; amending s. 403.814(1) and (2), Florida Statutes, providing a time period for the commencement of work under a general permit issued by the Department of Environmental Regulation for projects governed by chapter 253 or chapter 403, Florida Statutes; amending s. 403.061, Florida Statutes, providing for publication of application for permit regarding chronology of agency action; amending s. 403.087, Florida Statutes, providing for denial of permits with certain state and national lands, providing for preemption by federal action; providing an effective date.

—a companion measure, was substituted for CS for SB 336 and by two-thirds vote read the second time by title.

Senator Vogt moved the following amendment which was adopted:

Amendment 1—In title on page 1, lines 1-31, and on page 2, lines 1-31, strike all of said lines and insert: A bill to be entitled An act relating to the protection of natural resources; 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 land; amending s. 403.061, Florida Statutes, providing restrictions on rules regarding improvement or natural conditions and federal regulations; amending s. 403.091, Florida Statutes, providing for inspection by the Department of Environmental Regulation of certain property, on which a hazardous waste generator, transporter or facility or other air or water contaminant source is located; 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 proceed without a hearing under certain circumstances; amending s. 403.72(1), Florida Statutes, making discretionary with the department certain considerations in adopting rules; adding subsection (7) to s. 403.725, Florida Statutes, placing a limitation on the use of certain moneys in the Hazardous Waste Management Trust Fund; amending s. 403.727(4), Florida Statutes, providing certain defenses available to a person alleged to be in violation of the Florida Resource Recovery and Management Act; amending s. 403.8055(4), Florida Statutes, and adding subsection (6) thereto, requiring specific reference to federal regulations where such regulations are adopted as a rule by the Department of Environmental Regulation; amending s. 403.814(1) and (2), Florida Statutes, providing a time period for the commencement of work under a general permit issued by the Department of Environmental Regulation for projects governed by chapter 253 or chapter 403, Florida Statutes; amending s. 403.815, Florida Statutes, providing for publication of application for permit regarding chronology of agency action; amending s. 403.087, Florida Statutes, providing for denial of permits with certain state and national lands, providing for preemption by federal action; providing an effective date.

Senators Kirkpatrick and Ware offered the following amendments which were moved by Senator Ware and adopted:

Amendment 2—On page 1, between lines 25 and 26, insert: Section 2. Paragraphs (b) and (e) of subsection (2) of section 403.813, Florida Statutes, are amended, and paragraphs (p) and (q) are added to said subsection, to read:

403.813. Permits issued at district centers; exceptions.—

(2) No permit under this chapter, chapter 373, or chapter 253, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, Laws of Florida, 1949, shall be required for activities associated with the following types of projects; however, nothing in this subsection shall relieve an applicant from any requirement to obtain permission to use or occupy lands owned by any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities and the installation of private docks of 500 square feet or less of over-water surface area, or 1,000 square feet or less of over-water surface area for piers used for recreation noncommercial activities, constructed on pilings so as not to involve filling or dredging other than necessary to install the pilings. The dock shall not substantially impede the flow of water or create a navigational hazard.

(e) The repair and restoration of seawalls at their present previous location or upland of, or within 1 foot waterward of, their present previous locations, including the placement of rip-rap which does not impede navigation, does not extend more than 10 feet waterward of the existing seawall, and which consists of natural boulders or clean concrete rubble.

(p) The installation and removal of duck blinds temporarily constructed for a hunting season when the riparian upland owner has granted permission.

(q) Any dredging necessary to only maintain the depth of boat slips.

(3) The provisions of subsection (2) are superseded by general permits established pursuant to s. 403.814 which include the same activities. Until such time as general permits are established, or should general permits be suspended or repealed, the exemptions under subsection (2) shall remain or be reestablished in full force and effect.

(Renumber subsequent section.)

Amendment 3—In title on page 1, line 9, after the semicolon (;) insert: amending s. 403.813(2)(b), (e), Florida Statutes, and adding paragraphs (p) and (q) to said subsection; exempting certain operations on certain structures from certain permit requirements;

On motion by Senator Vogt, by two-thirds vote HB 16 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—McClain

CS for SB 336 was laid on the table.

By the Committee on Natural Resources and Conservation and Senators Vogt and Skinner—

CS for SB 395—A bill to be entitled An act relating to the Department of Environmental Regulation; amending s. 403.-061(11), Florida Statutes; authorizing the department to establish mixing zones; providing criteria for establishing mixing zones in outstanding Florida waters; providing an effective date.

—was read the first time by title and SB 395 was laid on the table.

On motion by Senator Vogt, by two-thirds vote CS for SB 395 was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 1, line 29, following the word “Act” insert: and except for discharges of water necessary for water management purposes which have been approved by the governing board of a water management district and, if required by law, by the secretary

Amendment 2—On page 2, between lines 2 and 3 insert: (28) *Establish rules which provide for a special category of waterbodies within the state, to be referred to as Outstanding Florida Waters, which shall be worthy of special protection because of their natural attributes.*

Amendment 3—On page 1, line 13 after “amended” insert: , and subsection (28) is added to said section,

Amendment 4—On page 2, line 3, strike “This act shall take effect upon becoming a law.” and insert: Subsection (10) is added to section 403.722, Florida Statutes, to read:

403.722 Permits; hazardous waste disposal, storage, and treatment facilities.—

(10) *Notwithstanding section 120.60(2) and 403.815, the time specified by law for permit review shall be tolled by the department's request for publication of notice of proposed agency action to issue a permit for a hazardous waste treatment, storage, or disposal facility, and shall resume 45 days after receipt by the department of proof of publication. If within 45 days after publication the department receives written notice of opposition to the agency's intention to issue such permit and a request for a hearing, the department shall provide for a hearing pursuant to section 120.57 if requested by a substantially affected party, or an informal public meeting if requested by any other person. Failure to request a hearing within 45 days after publication shall constitute a waiver of the right to a hearing under s. 120.57. The permit review time period shall continue to be tolled until the completion of such hearing or meeting, and shall resume pursuant to the time periods and tolling provisions of section 120.60.*

Section 3. This act shall take effect upon becoming a law.

Amendment 5—In title on page 1, line 7 after the semicolon “;” insert: adding s. 403.722(10), Florida Statutes; providing for tolling of the time for permit review;

Amendment 6—In title on page 1, line 4 insert: , and adding subsection (28) to said section

Amendment 7—In title on page 1, line 7, after the semicolon insert: authorizing the establishment of Outstanding Florida Waters;

On motion by Senator Vogt, by two-thirds vote CS for SB 395 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	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	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	

Nays—None

Vote after roll call:

Yea—Jenkins

On motion by Senator Dunn, the rules were waived and the schedule for March 10 was changed as follows: The Senate to be in session from 10:00 a.m. until 12:00 noon, the afternoon session cancelled, and the Committees on Appropriations and Finance, Taxation and Claims to meet at 2:00 p.m.

Senator Dunn announced that upon adjournment this day the Subcommittee of the Committee on Rules and Calendar would meet for the purpose of setting a special order calendar which would include a local bill calendar.

On motion by Senator Dunn, the rules were waived and time for filing agendas by the Committees on Appropriations and Finance, Taxation and Claims was extended until 9:00 a.m., March 18.

CO-INTRODUCERS

Senators Ware and D. Childers—CS for SB 981; Senator Lewis—CS for SB 541

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 5 and 4 were corrected and approved.

The Journal of February 24 was further corrected and approved as follows:

Page 222, column 2, from bottom, line 20, strike “422” and insert: 442

The Journal of February 16 was further corrected and approved as follows:

Page 165, column 2, strike lines 17 and 18 and insert: —was read the first time by title and SB 168 was laid on the table.

On motion by Senator Skinner, by two-thirds vote CS for SB 168 was read the second time by title.

Page 165, column 2, from bottom, strike lines 13 and 14 and insert:

—was read the first time by title and SB 418 was laid on the table.

On motion by Senator Jennings, by two-thirds vote CS for SB 418 was read the second time by title.

On motion by Senator Dunn, the Senate adjourned at 4:07 p.m. to convene at 10:00 a.m., Wednesday, March 10.