Journal of the Senate

Number 28 Tuesday, March 16, 1982

BILL ACTION SUMMARY

Tuesday, March 16, 1982

H 0031	Substituted for C/S SB 669, Passed as amended
H 1096	Substituted for C/S SB 717, Passed as amended
S 0049	Concurred, Passed as amended
S 0187	Returned
S 0215	Passed as amended
S 0260	Passed as amended; Reconsidered
S 0669	Iden./Sim. House Bill substituted; refer to C/S HB 31
S 0717	Iden./Sim. House Bill substituted; refer to HB 1096
S 0898	C/S passed as amended

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 Neal—

SB 1031—A bill to be entitled An act relating to Manatee County; amending chapter 78-555, Laws of Florida, to permit and empower the Board of County Commissioners of Manatee County to lease or sell the capital facilities of the Manatee Memorial Hospital to a nonprofit corporation; providing for reestablishment of the Board of Trustees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has adopted HM 304 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Sample—

HM 304—A memorial to the Congress of the United States, urging Congress to take appropriate action to secure a complete accounting of our prisoners of war and servicemen missing in action as a result of the Vietnam conflict.

—was referred to the Committee on Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 809 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Messersmith—

HB 809—A bill to be entitled An act relating to alcoholism; amending s. 396.072(1) and (8), Florida Statutes, relating to the duty of a peace officer to take persons to a hospital or other treatment resource if he is intoxicated in a public place and appears to be incapacitated; providing an effective date.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 832 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative O'Malley—

HB 832—A bill to be entitled An act relating to unemployment compensation; adding subsection (6) to s. 443.191, Florida Statutes; providing an appropriation for additions to Reed Act Buildings, in utilization of federal funds currently available to Florida for such purposes; providing authority to withdraw funds; providing for deposit and accounting of such funds; providing authority to execute the building additions; providing for repayment of funds; providing an effective date.

—was referred to the Committees on Commerce, Governmental Operations, 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 728 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Health Care Cost Containment & Planning and Representative J. Plummer—

CS for HB 728—A bill to be entitled An act relating to hospitals; prohibiting certain hospitals from requiring payment prior to rendering emergency medical care under certain circumstances; providing for the patient's indebtedness for such medical care; 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 House Bills 310 and 1096 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Clements—

HB 310—A bill to be entitled An act relating to the Florida Council on Criminal Justice; creating s. 843.185, Florida Statutes, prohibiting the obstruction of justice by false information; providing a penalty; amending s. 23.152(3), (4) and (8), Florida Statutes, changing and reducing the membership of the council; providing for nonvoting representatives of members; providing for review and repeal of Part VIII of Chapter 23, Florida Statutes, relating to the "Florida Criminal Justice Council Act" in accordance with the Regulatory Sunset Act; providing an effective date.

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

By the Committee on Natural Resources—

HB 1096—A bill to be entitled An act relating to acquisition of state lands; amending s. 253.023(8), Florida Statutes, providing an exception to acquisition procedures and authorizing funds for acquisition expenses in certain cases; amending s. 253.025, Florida Statutes, providing a 6-month initiation time limit for Conservation and Recreation Lands Trust Fund and Land Acquisition Trust Fund projects; providing a 1-year deadline to complete sale; requiring notification of Governor and cabinet if certain provisions are not met; requiring the Governor and Cabinet to instruct the Division of State Lands as to further action on incomplete projects; providing for appraisal and survey criteria; providing for the adoption of rules; creating one surveyor position in the Bureau of Survey and Mapping of the Department of Natural Resources; providing reimbursement of survey costs and clarifying the required appraisal report; amending s. 253.115(4), Florida Statutes, exempting certain leases from notice requirements; amending ss. 259.035 and 375.021(1), Florida Statutes, providing that each project on the acquisition list include appraisal, boundary map and description, preacquisition planning and budget information, land use, and a designated management agency or agencies; 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 CS for HB 1082 and CS for HB 383 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Corrections, Probation & Parole—

CS for HB 1082—A bill to be entitled An act relating to the state correctional system; creating s. 944.351, Florida Statutes, requiring employees of the Department of Corrections to report instances of corporal punishment or excessive use of force; providing for disciplinary action against those who knowingly fail to make such a report; providing an effective date.

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

By the Committee on Appropriations and Representative Young—

CS for HB 383—A bill to be entitled An act relating to education; creating s. 233.0678, Florida Statutes; establishing the Florida Youth Art Symposium for the purpose of rewarding outstanding students and teachers in the state for their work in visual and creative arts; providing an effective date.

—was referred to the Committees on Education and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1140 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations—

HB 1140—A BILL TO BE ENTITLED AN ACT MAKING APPROPRIATIONS; PROVIDING MONEYS FOR THE ANNUAL PERIOD BEGINNING JULY 1, 1982 AND ENDING JUNE 30, 1983, TO PAY SALARIES, OTHER EXPENSES, CAPITAL OUTLAY - BUILDINGS AND IMPROVEMENTS, AND FOR OTHER SPECIFIED PURPOSES OF THE VARIOUS AGENCIES OF STATE GOVERNMENT; PROVIDING AN EFFECTIVE DATE.

—was referred to the Committee on Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 946 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations, Criminal Justice and Representative L. J. Smith and others—

CS for HB 946—A bill to be entitled An act relating to driving while impaired; creating chapter 885, Florida Statutes, the "Impaired Driving Act of 1982"; creating s. 885.01, Florida Statutes, providing a short title; renumbering and amending s. 860.01, Florida Statutes, relating to the penalty for driving an automobile while intoxicated; renumbering and amending s. 316.193, Florida Statutes, providing increased penalties for driving under the influence of alcoholic beverages, model glue or controlled substances; providing for minimum mandatory sentences for persons convicted of driving with a blood alcohol level by weight of 0.15 percent or greater; renumbering and amending s. 322.261, Florida Statutes, providing that a person operating a motor vehicle within this state shall consent to a urine test for the purpose of detecting the presence of controlled substances; providing that a chemical breath and urine test may be administered if a person is arrested for any offense committed while in actual physical control of a motor vehicle; requiring the administration of a urine test in a reasonable manner at a detention facility; authorizing license suspension periods for refusal to submit to a chemical urine test; providing procedures for the suspension of the driving privilege for refusal to submit to such a test or tests; providing that a driver shall consent to a chemical blood test when the administration of a chemical breath or urine test is impractical or impossible; authorizing license suspension periods for refusal to submit to a chemical blood test; increasing the suspension periods for refusal to submit to a chemical breath test under certain circumstances; requiring substantial compliance with approved testing methods for test results to be valid; providing that a person may request a chemical test of his urine or blood; authorizing the withdrawal of blood by a certified paramedic; providing a certified paramedic immunity from liability as a result of the proper withdrawal of blood; providing that chemical, breath, and urine tests be administered at the direction of a law enforcement officer; providing that such tests shall be administered in accordance with rules of the Department of Health and Rehabilitative Services rather than the Department of Highway Safety and Motor Vehicles; creating s. 885.40, Florida Statutes, requiring a person to submit to a chemical blood test under certain circumstances; authorizing the law enforcement officers to use reasonable force to require certain persons to submit to a blood test; requiring the administration of the blood test in a reasonable manner; authorizing certain persons to withdraw blood; providing for approved testing methods; requiring substantial compliance with approved methods; allowing criminal charges to be tried concurrently; renumbering and amending s. 322.262, Florida Statutes, authorizing the Department of Health and Rehabilitative Services to develop methods and techniques for testing and to appoint a panel of experts to assist the department; requiring substantial compliance of chemical test analyses with approved methods; providing that any person charged with driving a motor vehicle while under the influence of controlled substances shall be entitled to trial by jury; amending s. 316.066(4), Florida Statutes, providing for the admissibility of chemical breath, urine and blood tests; amending ss. 316.072(4)(b), 316.655(4), 318.17(3), 318.22(4)(b), 322.291, and 322.44 (Article IV) (1)(a) and (b), Florida Statutes, correcting statutory cross references; amending s. 322.271(1)(a) and (2), Florida Statutes, excluding persons whose licenses have been revoked for driving while under the influence of alcoholic beverages or controlled substances or who refuse to consent to required chemical breath, urine, and blood tests from modification of a driver's license revocation or suspension; prohibiting limited restoration of driving privilege for persons convicted of a violation of s. 885.20; prohibiting restoration of driving privilege for person convicted four or more times of a violation of s. 885.20 or previously convicted of manslaughter; amending s. 322.28, Florida Statutes, increasing penalties for violations; removing time constraints for subsequent offenses; prohibiting early restoration of driving privilege; providing for the revocation of a driver's license or driving privilege upon conviction for the offense of driving a motor vehicle under the influence of controlled substances; deleting provisions authorizing the court to restrict the use of the driver's license as part of the sentence; deleting provisions relating to issuance of a temporary driver's permit under certain circumstances; repealing s. 322.25(7), Florida Statutes, relating to temporary reinstatement of driving privileges; providing an effective date.

—was referred to the Committees on Judiciary-Criminal 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 1066 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Energy—

HB 1066—A bill to be entitled An act relating to hazardous materials safety; creating s. 404.30, Florida Statutes; making Florida a party to the Southeast Interstate Low-Level Radioactive Waste Compact; providing policy and purpose; providing definitions; providing rights and obligations; providing for the creation of the Southeast Interstate Low-Level Radioactive Waste Commission; providing for the development and operation of regional facilities; providing for the effect of the act on other laws, rules, and regulations; providing for eligible parties, withdrawal, revocation, entry into force, and termination; providing for severability and construction; providing penalties; creating s. 404.31, Florida Statutes, providing for the state's participation in the compact; amending the introductory paragraph and subsection (8) of s. 404.031, Florida Statutes, and adding new subsections (6), (7), and (15); clarifying language; providing definitions; amending ss. 404.042, 404.061(2), (3), and (4), 404.071(1) and (3), 404.091, 404.101, 404.141, 404.161, and 404.171, Florida Statutes; clarifying language; amending s. 404.051(4), (5), (6), (7), (8), (9), (11), (12), and (14), Florida Statutes, and adding subsections; clarifying language; providing for the powers and duties of the Department of Health and Rehabilitative Services with respect to low-level radioactive waste; amending s. 404.081(1)(a), Florida Statutes; directing the department to require certain persons to maintain appropriate records by utilizing existing data reporting systems; amending s. 404.111(1) and (2), Florida Statutes; requiring any person possessing a commercial low-level radioactive waste management license to be bonded; providing for department expenditure of forfeited bond moneys; amending s. 404.121, Florida Statutes; clarifying language; requiring such licensees to deposit specified funds in certain perpetual care trust funds; amending s. 404.131, Florida Statutes; clarifying language; providing fees; amending s. 404.151, Florida Statutes; clarifying language; providing injunctive relief for violations of the provisions of the Southeast Interstate Low-Level Radioactive Waste Compact; creating s. 404.162, Florida Statutes; providing for administrative fines; creating s. 404.181, Florida Statutes; providing for licensing of commercial low-level radioactive waste management facilities; creating s. 404.191, Florida Statutes; providing for the siting of such facilities; providing an appropriation; providing for review and repeal in accordance with the Regulatory Sunset Act; adding subsections (68) and (69) to s. 316.003, Florida Statutes, defining "hazardous material" and "transportation"; amending s. 316.302, Florida Statutes; providing that hazardous materials and the vehicles used for transporting hazardous materials upon the roads of this state shall be subject to federal law, enforceable by agents of the Department of Transportation; deleting provisions relating to marking or placarding of such vehicles and other matters relative thereto; authorizing agents of the Department of Transportation and the Florida Highway Patrol to enforce certain rules governing the packaging, labeling, and handling of such materials while being transported; removing an exemption; amending s. 381.512, Florida Statutes; modifying the rulemaking authority of the Department of Health and Rehabilitative Services with respect to the identification and transportation of certain radioactive materials; removing the Public Service Commission as an agency entitled to enforce such rules; removing a limitation on inspection authority to permit inspection other than during the hours of business operation; providing for notification of the Department of Health and Rehabilitative Services with respect to shipment of radioactive materials; providing duties of the department upon receipt of such notice; providing requirements with respect to shipping papers, proposed routes, and permit applications; removing the condition that any practice in the transportation of radioactive materials must constitute a "clear and imminent danger to the public health, property, or safety" before the department may issue an order requiring correction of a violation; increasing the penalty for violation; creating s. 262.60, Florida Statutes; providing purpose and intent; providing definitions; providing for the development, preparation, testing, and implementation of radiological emergency response plans; providing powers and duties of the Secretary of Veteran and Community Affairs with respect thereto; providing that funding shall be provided by the operators; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation, Governmental Operations, and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 24 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hollingsworth and others—

HB 24—A bill to be entitled An act relating to the exhibition of motion pictures; creating s. 501.139, Florida Statutes, relating to "R" rated motion pictures; requiring advertisements of such films to give notice of ratings; prohibiting the admittance of any person under 17 years of age not accompanied by an adult to an "R" rated motion picture; providing penalties; providing a defense; 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 76 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Juvenile Justice and Representative S. McPherson—

CS for HB 76—A bill to be entitled An act relating to juveniles; amending s. 228.093(3)(d), Florida Statutes, providing for the release of personally identifiable records and reports to comply with a judicial order; providing for notification of the order; adding a new subsection (4) to s. 39.12, Florida Statutes, providing legislative intent; providing for the release of education records and reports to the circuit court; providing for disclosed records to become part of the official court record; providing for the confidentiality of said records; adding a new subsection (4) to s. 39.411, Florida Statutes, providing legislative intent; providing for the release of educational records to the circuit court; providing for disclosed records to become part of the official record; providing for the confidentiality of said records; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1084 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Corrections, Probation & Parole—

HB 1084—A bill to be entitled An act relating to the state correctional system; amending s. 945.25, Florida Statutes, relating to the data which is to be maintained by the Department of Corrections with respect to inmates of the system and the confidentiality thereof; repealing ss. 944.25 and 945.10, Florida Statutes, to conform with the act; providing an effective date.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended House Bills 1013 and 1059 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 1013—A bill to be entitled An act relating to compensation; amending s. 145.19(2), Florida Statutes, adding the salaries of district school board members and elected school superin-

tendents to the list of county officials whose salaries may be increased by a prescribed formula; providing an effective date.

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

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

HB 1059—A bill to be entitled An act relating to youthful offenders; amending s. 958.021, Florida Statutes, changing legislative intent; amending s. 958.03, Florida Statutes, deleting a definition; amending s. 958.04, Florida Statutes, requiring the court to classify certain persons as youthful offenders; expanding the categories of persons who may be so classified; amending s. 958.05, Florida Statutes, changing provisions relating to the judicial disposition of youthful offenders; providing that successful participation in a community probation and restitution center program may result in early termination of placement or sentence; amending s. 958.06, Florida Statutes, expanding the period in which a court may suspend a sentence; authorizing the court to set aside adjudication of guilt; providing that the department, rather than the defendant, may petition for such relief; amending s. 958.09, Florida Statutes, requiring the Department of Corrections to adopt certain rules relating to the confinement of youthful offenders; amending s. 958.11, Florida Statutes, restricting youthful offender facilities programs and facilities to eligible youthful offenders; providing for the administration of all youthful offender institutions, community facilities and programs; authorizing the assignment of certain youthful offenders to institutions not designated for their care and supervision; authorizing the department to assign inmates who are eligible for youthful offender classification to the youthful offender program; authorizing assignment to a community correctional center under certain circumstances; providing duties for the Youthful Offender Program Office; amending s. 958.12, Florida Statutes, expanding the activities in which a youthful offender may be required to participate; deleting the authority of the court to place a youthful offender in a community residential facility; amending s. 958.14, Florida Statutes, changing the probation violation provisions applicable to certain youthful offenders; creating s. 958.16, Florida Statutes, providing for hearings for mitigation of the presumptive parole release of youthful offenders; providing for reports to the Legislature; creating s. 958.17, Florida Statutes, prohibiting consideration of a youthful offender's age for certain purposes; repealing s. 958.08, Florida Statutes, relating to supervision of the community control program; repealing s. 958.10, Florida Statutes, relating to the term of confinement in the community control program for youthful offenders; providing appropriations; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; 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 1035 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Corrections, Probation & Parole—

HB 1035—A bill to be entitled An act relating to the Parole and Probation Commission; amending s. 20.315(20), Florida Statutes, removing the requirement that the Department of Corrections perform statistical analysis, research, and program evaluation for the Parole and Probation Commission; adding subsection (3) to s. 947.13, Florida Statutes, directing the commission to perform all statistical analysis, research, and program evaluation necessary to comply with chapter 947, Florida Statutes; amending s. 947.165(2), Florida Statutes, directing the commission to review and revise objective parole guidelines on the basis of statistical analysis, and deleting the reference to s. 20.315(20), Florida Statutes; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 384 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations, Education, K-12 and Representative Young—

CS for CS for HB 384—A bill to be entitled An act relating to education; creating s. 232.2461, Florida Statutes, establishing the Florida Academic Scholars' Program; providing for designation of high school students meeting prescribed criteria; providing for admission to state universities and community colleges; providing for award of scholarships from the Florida Academic Scholars' Fund; providing for rules; amending s. 240.402, Florida Statutes, relating to the Florida Academic Scholars' Fund; creating the Joint Executive and Legislative Task Force for Teacher Education Quality Improvement; providing for appointment of members thereto; providing for terms, organization, meetings, expenses, filling of vacancies, and staffing of the task force; providing for a report to be submitted to specified government officials by March 1, 1983; listing issues to be addressed; providing eligibility and application procedures; providing duties of the Department of Education; providing for amount of awards; providing effective dates.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1123 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Patchett—

HCR 1123—A concurrent resolution commending the Vero Beach High School football team for their accomplishments in winning the 1981 Class AAAA Football Championship.

—was referred to the Committee on Rules and Calendar.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed HB 749 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Nergard and Patchett—

HB 749—A bill to be entitled An act relating to Fort Pierce Farms Water Control District in St. Lucie County; authorizing the Board of Supervisors of Fort Pierce Farms Water Control District to levy a uniform maintenance tax upon the taxable lands of said District in an equal amount not exceeding $5 per acre or per tract, parcel or lot of less than one acre in order to fund the maintenance budget annually adopted; repealing chapter 12033, Laws of Florida, 1927, as amended by chapter 78-609, Laws of Florida, and chapter 25447, Laws of Florida, 1949, as amended by chapter 78-609, Laws of Florida, and all other inconsistent laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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

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

Excused: Senator Scott for the afternoon session.

Prayer by Rabbi Paul Plotkin, Temple Israel of Miramar:

O Lord our God, and God of our fathers, grant us of your spirit, that we may be cleansed of the jealousy and hatred,

the haughtiness and pettiness, the treachery and prejudice which befoul life and poison happiness.

May your guidance bring to all men and to all nations the understanding of the Psalmist, that peace is the handmaiden of justice and that love must be founded on truth.

Grant us the understanding to love mercy, to live justly and to walk humbly with you. May our hearts be open with generosity, and our hands ready with kindness.

Lord of infinite wisdom, guide these men and women with the knowledge to understand, the sensitivity to feel, and the foresight to anticipate the problems that face us in our state and help them to discover the solutions to the complexities of life today.

May the words of our mouth and the meditations of our heart find expression in our lives day by day, that we may bridge the gap between our conscience and our conduct, between what we believe and what we do.

May all our aspirations for good soon be fulfilled. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, March 16, 1982: CS for SB 898, SB 215, CS for SB 717, CS for SB 669, SB 823, SB 217, SB 240, SB 368, SB 665, CS for SB 300, SB 352, SB 848, SB 764, CS for HB's 28 & 51, SB 925, CS for SB 963, CS for SB 849, CS for SB 988, SB 90, CS for SB's 108, 421 and 519, SB 576, CS for SB 162, SB 195, CS for SB 364, CS for SB 472, CS for SB 622, CS for SB 971, CS for SB 506, CS for SB 772, CS for SB 991, CS for HB 266, CS for SB 831, SB 663, SB 837

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 70 with 4 amendments

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: CS for HB 615 with 1 amendment

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 1012 with 7 amendments

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 543 with 3 amendments

The bill was referred to the Committee on Rules and Calendar under the original reference.

REQUESTS FOR EXTENSION OF TIME

March 16, 1982

The Committee on Apportionment requests an extension of 15 days for consideration of the following: SB 854, HB 1030, HB 1031

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKnight, the rules were waived and by two-thirds vote HB 624 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Steinberg, the rules were waived and by two-thirds vote CS for HB 615 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Jenne, the rules were waived and by two-thirds vote HCR 500 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Johnston, the rules were waived and by two-thirds vote CS for HB 287 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Hill, the rules were waived and by two-thirds vote HB 173 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motions by Senator Tobiassen, by two-thirds vote HB 291 was withdrawn from the Committee on Governmental Operations and by two-thirds vote placed on the special order 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 with amendments—

SB 49—A bill to be entitled An act relating to retail installment sales; amending s. 520.03(3), Florida Statutes; increasing license fees for retail installment sellers of motor vehicles; amending s. 520.05(1), Florida Statutes; increasing fees for investigation and examination of a motor vehicle sales finance company; amending s. 520.07(5), Florida Statutes; removing the lower limit on the maximum allowable delinquency and collection charges on installments in default; amending s. 520.-32(1), Florida Statutes; increasing the license fee for conducting retail installment sales business; amending s. 520.37, Florida Statutes; removing the lower limit on the maximum allowable delinquency charges on installments in default; amending s. 520.55(1), Florida Statutes; increasing expense fees for the examination of a sales finance company; amending s. 520.65(4), (5), Florida Statutes; increasing license fees for home improvement finance agencies and home improvement contractors; increasing fees for additional offices; amending s. 520.85, Florida Statutes; removing the lower limit on the maximum allowable delinquency and collection charges on installments in default for home improvement contracts; amending s. 520.96(2), Florida Statutes; increasing fees for the examination of home improvement finance agencies; deleting provision relating to deposit of expenses; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 25, through page 4, line 7, strike all of Section 3., and on page 4, lines 20 through 30, strike all of Section 5., and on page 6, lines 14 through 28, strike all of Section 8., and renumber sections accordingly.

Amendment 2—On page 1, lines 8-28 in title strike all of said lines, and insert: vehicle sales finance company; amending s. 520.32(1), Florida Statutes, increasing the license fee for conducting a retail installment sales business; amending s. 520.55 (1), Florida Statutes, increasing expense fees for the examination of a sales finance company; amending s. 520.65(4) and (5), Florida Statutes, increasing license fees for home improvement finance agencies and home improvement contractors and increasing fees for additional offices; amending s. 520.96(2),

Amendment 3—On page 4, between lines 7 and 8 insert 2 new sections 4 & 5 and renumber all subsequent sections.

Section 4. Section 520.125, Florida Statutes, is amended to read:

520.125 Variable rate contracts; mobile homes.—A retail installment contract for the purchase of a mobile home may provide that the rate of finance charge may be adjusted at stated regular intervals, in which case the retail installment contract shall be subject to the following provisions:

(6) Any increase in the rate of finance charge permitted by this section may be waived at the option of the seller. Subject to the limitations prescribed in this section, decreases in the rate of finance charge are mandatory in the event of any decrease in the index value exceeding one-tenth of 1 percentage point in any 6-month period. If the seller and buyer agree in writing to impose limitations on the frequency or amount of increases in the rate of finance charge which are less than the limitations permitted under this section, those limitations shall

also apply to decreases in the rate of finance charge. *Changes in the index value which are not taken may be accumulated by the seller in the case of an increase, and shall be accumulated in the case of a decrease, and taken at a later time or used to offset other changes. Such changes shall not exceed the maximum provided in subsection (3).*

Section 5. Section 4 of this act shall take effect upon becoming law.

Amendment 4—On page 1, between lines 11 & 12 in title insert: amending subsection (6) of s. 520.125, Florida Statutes; providing for the accumulation of changes in the index value for purposes of adjusting the rate of finance charge under a variable rate finance contract for mobile homes;

Amendment 5—On page 7, line 19 after the period (.) insert:

Section 10. Subsection (1) of Section 520.03, Florida Statutes, is amended to read:

520.03 Licensing of sales finance companies required.—

(1) No person shall engage in the business of a retail installment seller or of sales finance company in this state without a license therefore as provided in this act; however, no bank, trust company, *savings and loan association,* or industrial bank authorized to do business in this state shall be required to obtain a license under this act.

Section 11. Subsection (1) of Section 520.63, Florida Statutes, is amended to read:

520.63 Licensees.—

(1) No person shall engage in or transact any business as a home improvement financing company, a home improvement contractor, or home improvement salesman without first obtaining a license from the department, except that banking institutions, ~~federal~~ savings and loan associations, credit unions authorized to do business in this state, or licensees under chapter 494 shall not be required to obtain a license to engage in home improvement financing.

Section 12. Subsection (1) of Section 520.52, Florida Statutes, is amended to read:

520.52 Licenses.—

(1) No person shall engage in the business of a sales finance company in this state without a license therefor as provided in this act. However, no bank, trust company, savings association, or industrial bank authorized to do business in this state, shall be required to obtain a license under this act. The application for such licenses shall be in writing and in the form prescribed by the department. The license fee for each calendar year or part thereof shall be the sum of $50 for the principal place of business of each sales finance company, and separate license fees of like amount shall be paid for each branch maintained in this state by such licensee.

(and renumber the subsequent sections)

Amendment 6—On page 2, line 1 in title after the semicolon (;) insert: amending ss. 520.03(1), 520.63(1), and 520.52(1), Florida Statutes, excluding savings and loan associations from being licensed as sales finance companies;

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

SB 49 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—2

Grizzle Scott

Vote after roll call:

Yea—Gersten, Ware

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 260—A bill to be entitled An act relating to the code of ethics for public officers and employees; repealing s. 112.313 (2)(a), Florida Statutes, relating to solicitation or acceptance of gifts causing a reasonably prudent person to be influenced in discharging his official duties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1 between lines 13 and 14 insert:

Section 2. Subsection (8) is added to section 112.322, F.S., to read:

112.322 Duties and powers of commission.—*(8) The Commission on Ethics may grant, for good cause, on an individual basis, an extension of time for filing of any disclosure required under the provisions of this part or s. 8, Art. II of the State Constitution, except that each candidate shall file his sworn statement of financial disclosure pursuant to Section 8, Article II and s. 112.3145, F.S. The Commission may delegate to its chairman the authority to grant any extension of time which the Commission itself may grant under this section; however, no extension of time granted by the chairman shall exceed 45 days. Extensions of time granted under this section shall be exempt from the provisions of chapter 120.*

Renumber subsequent section.

Amendment 2—On page 1, line 7 in the title, insert after the semicolon (;) adding subsection (8) to s. 112.322, Florida Statutes; providing that the Commission on Ethics may grant time extensions for filing disclosure; providing that the commission may delegate such authority to the chairman; providing an exemption from the Administrative Procedure Act;

Amendment 3—On page 1, line 13, after the period, insert:

Section 2. Subsection (13) of section 112.313, F.S., is created to read:

Section 112.313, Standards of Conduct for public officers and employees of agencies.—

(13) No public officer or full-time employee of an agency, while acting in their official capacity, shall be prohibited from appearing before the Legislature, a member of the Legislature or committee thereof.

Renumber subsequent sections.

Amendment 4—On page 1, line 7, in the title after the semicolon, insert: creating subsection (13) of s. 112.313, Florida Statutes, relating to public officers and employees;

Amendment 5—On page 1, line 13, after the period (.), insert:

Section 2. Section 112.3144, Florida Statutes, is created to read:

112.3144 Full and public disclosure of financial interests.—No person who is required, pursuant to Article II, Section 8, of the State Constitution, to file full and public disclosure of

his financial interests who has filed a full and public disclosure of his financial interests for any calendar or fiscal year, shall be required to file a statement of financial interest pursuant to subsections (2) and (3) of s. 112.3145 for the same year or for any part thereof notwithstanding any requirement of this part, except that a candidate for office shall file a copy of his disclosure with the officer before whom he qualifies.

(and renumber subsequent sections)

Amendment 6—On page 1 in the title line 7, after the semicolon (;) insert:

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;

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

SB 260 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Gersten, Ware

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER

CS for SB 898—A bill to be entitled An act relating to natural gas and petroleum pipelines; providing that certain natural gas or petroleum pipelines are developments of regional impact; providing for compliance with chapter 380, Florida Statutes; providing an optional permitting procedure; providing rulemaking authority; providing an effective date.

—was taken up pending roll call.

Senator Jenkins presiding

CS for SB 898 was read by title, passed and certified to the House. The vote on passage was:

Yeas—21

Anderson	Hill	McClain	Stevens
Barron	Jenkins	Peterson	Trask
Beard	Jenne	Poole	Ware
Carlucci	Lewis	Renick	
Frank	Margolis	Scott	
Gersten	Maxwell	Skinner	

Nays—15

Mr. President	Grizzle	Langley	Stuart
Childers, D.	Henderson	McKnight	Tobiassen
Dunn	Jennings	Neal	Vogt
Gordon	Johnston	Steinberg	

Vote after roll call:

Yea—Hair, Rehm

SB 215—A bill to be entitled An act relating to the Board of Regents; amending s. 240.209(3)(a), Florida Statutes; removing from the public meetings and records laws an exemption for a university president search committee; 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 Carlucci and adopted:

Amendment 1—On page 1, lines 17 and 18, strike "not fewer than three" and insert: *a list of* ~~not fewer than three~~

Senator Jennings presiding

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

Amendment 2—On page 1, strike line 23 and insert: a president of each university ~~drawn~~ from the list of ~~three~~

Senator Frank moved the following amendments which were adopted:

Amendment 3—On page 1, between lines 27 and 28, insert:

(l) Establish rules to provide that any dependent student whose parent or legal guardian has been domiciled in Florida for the 12 months prior to admission to an institution of the State University System shall be entitled to pay in-state fees, regardless of whether that student has met other residency requirements.

Amendment 4—On page 1, line 11, after the word "amended" insert: and paragraph (l) is added to said subsection

Senator Peterson moved the following amendments which were adopted:

Amendment 5—On page 1, between lines 27 and 28, insert:

Section 2. Subsection (1) of 240.203, Florida Statutes, is amended to read:

240.203 Board of Education; responsibilities for higher education.—With respect to the State University System, the State Board of Education shall:

(1) Approve all rules adopted by the Board of Regents before they are filed with the Department of State; however, if any rule is not disapproved by the Board of Education within ~~30~~ *60* days of its adoption by the Board of Regents, the rule shall immediately be filed with the Department of State.

(Renumber subsequent sections.)

Amendment 6—On page 1, between lines 27 and 28, insert:

Section 2. Subsection 1 of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(1) ~~The student activity and service fee shall be collected as a component part of the registration and tuition fees in the amounts approved by the Legislature.~~ The student activity and service fees shall be paid into a student activity and service fund at the university and shall be expended for lawful purposes to benefit the student body in general. This shall include, but not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion, *or age*. The fund shall not benefit activities for which an admission fee is charged to students, except for ~~intercollegiate athletics or~~ student-government-association-sponsored concerts. *The student activity and service fee shall be collected as a component part of the registration and tuition fees at each university. The amount and the allocation and expenditure of the fee shall be determined annually by the Student Government Association after a full public hearing has been conducted. The Student Government Association shall be responsible for establishing a recommended fee level and budget that are consistent with the input received during the public hearing process. Such public hearing shall conform with the provisions of Chapter 120. The amount of any bond obligation guaranteed by activity and service fees shall be included*

in the recommendation. ~~The allocation and expenditure of the fund shall be determined by the student government association of the university, except that the~~ *The* president of the university may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The university president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to ~~intercollegiate athletics,~~ health services, or bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year. *Each university shall establish a separate athletic fee based on the 1981-82 per-student activity and service fee contribution to intercollegiate athletics at that university. Any increase in the athletic fee must be approved by the State Legislature and such increase shall be in addition to the total registration per-credit-hour fee. The recommended fee level shall be submitted by the Student Government Association to the Board of Regents by February 1 of a given academic year for implementation the following academic year. The Board of Regents shall approve the activity and service fee at each university by an effective date of March 1 for each academic year.*

Amendment 7—On page 1, line 28, after "1982" insert: , except for section 2 which will take effect January 1, 1983

Amendment 8—On page 1, between lines 27 and 28, insert:

Section 2. Subsection (2) of section 240.233, Florida Statutes, is amended to read:

240.233 University; admission of students.—

(2) Nonresident students may be admitted to the university upon such terms as the university may establish. *However, a university shall not automatically convert the residency status of an out-of-state student for fee paying purposes. Prior to conversion, actual evidence of residency must be presented. Such evidence shall include:*

(a) Declaration of intent as provided in chapter 222, Florida Statutes, at least 12 months before, and

(b) Voter registration identification card, indicating registration at least 12 months before.

The Board of Regents is authorized to establish rules providing for further evidence that a person intends to permanently reside in the state.

(Renumber subsequent section.)

Amendment 9—On page 1, between lines 27 and 28, insert:

Section 2. Subsection (27) is added to section 240.227, Florida Statutes, to read:

240.227 University; powers and duties.—

(27) Establish rules relating to the assessment of the mandatory health fee using the following guidelines:

(a) Students registered for less than 6 semester hours shall be assessed strictly on a voluntary basis, except that institutions providing a comprehensive student health service, including overnight patient care, and are more than 5 miles from a licensed hospital, may assess a mandatory health fee for all registered students.

(b) Students attending classes exclusively at branch campuses which do not have health care facilities shall be assessed strictly on a voluntary basis pursuant to part I of ch. 617, Florida Statutes.

(Renumber subsequent sections.)

Amendment 10—On page 1, between lines 27 and 28, insert:

(m) Establish a systemwide policy governing residence halls, included in such policy shall be a prohibition against the existence or establishment of coeducational residence facilities.

Amendment 11—On page 1, line 11, after the word "amended" insert: and paragraph (m) is added to said subsection

Senator Poole moved the following amendment which was adopted:

Amendment 12—On page 1, between lines 27 and 28 insert:

Section 2. Subsection (2) of section 240.401, Florida Statutes, is amended to read:

240.401 State tuition vouchers.—

(2) The department shall issue from the fund a tuition voucher to any full-time undergraduate student registered at *an independent* ~~a~~ nonprofit college or university which is located in and chartered by the state, which is accredited by an agency holding membership in the Council on Postsecondary Accreditation, which grants baccalaureate *or associate of arts or science* degrees and whose credits are acceptable ~~without qualification~~ for transfer to state universities, and which is not a state university *or state community college* or a pervasively sectarian institution.

(Renumber subsequent section.)

Senator Maxwell moved the following amendments which were adopted:

Amendment 13—On page 1, between lines 27 and 28, insert:

Section 2. College career work experience program.—

(1) There is hereby established the college career work experience program, to be administered by the Florida Student Financial Assistance Commission in accordance with policies and regulations to be established by the Department of Education. The purpose of the program is to introduce eligible students to work experience in their declared major area of study. Such program shall be available to a student attending any college or university which by virtue of law or charter, is accredited and holds membership in the Council on Postsecondary Accreditation, which grants baccalaureate or associate degrees which is not a pervasively sectarian institution, and which does not discriminate in the admisson of students on the basis of race, color, religion, sex or creed. Each participating university or college shall be empowered to enter into a contractual agreement with any private or public employer for the purpose of establishing a career work experience program. Funds allocated for the program shall be used by the participating college or university to fund its share of the student's salary in accordance with the provisions of this section.

(2) A student shall be eligible to participate in the college work experience program if:

(a) He is a graduate of a Florida high school and is enrolled as a full-time undergraduate student in good standing at an eligible college or university;

(b) He has resided continuously in the state for the 2 years immediately preceding his application for participation in the program, and is not a resident of another state; and

(c) He is a citizen of the United States or is in the United States for other than a temporary purpose with the intent to become a citizen.

(3) There is hereby created in the State Treasury the College Career Work Experience Program Trust Fund. The Comptroller shall authorize expenditures from this fund upon receipt of vouchers approved by the Department of Education. Any balance therein at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section. Each participating university or college shall be entitled to receive 50 percent of the wages to be paid to the student from the trust fund. The private or public employer shall be responsible for furnishing the full cost of any mandatory benefits and the remaining 50 percent of the wages to be paid to the student. The Department of Education may prescribe such rules for the program as are necessary for

its administration, for the determination of eligibility for each institution to receive funds for students, and to ensure the proper expenditure of funds.

(Renumber subsequent section.)

Amendment 14—On page 1, between lines 27 and 28, insert:

Section 8. Short title.—Sections 8 through 35 may be cited as the "Florida Higher Education Loan Authority Act."

Section 9. Purpose.—It is the purpose of sections 8 through 35 to provide assistance and an additional method of financing the cost of higher education to students and the families of students attending institutions of higher education in this state and to encourage investment of private capital to provide funds for financing student loans.

Section 10. Definitions.—As used in sections 8 through 35:

(1) "Authority" means any public corporation created by section 11, or any board, body, commission, department, or officer of the county succeeding to the principal functions thereof or to whom the powers granted herein are conferred.

(2) "Authority loan" means any loan by the authority to an institution of higher education for the purpose of funding education loans.

(3) "Bond resolution" means the resolution of the authority and the trust agreement, if any, and any supplement or amendment to the foregoing, authorizing the issuance of and providing for the terms and conditions applicable to obligations.

(4) "Bond" or "revenue bond" means a revenue bond of the authority, including revenue refunding bonds, notwithstanding that the bond may be secured by mortgage or the full faith and credit of a participating institution for higher education or any other lawfully pledged security of a participating institution for higher education.

(5) "Bond service charge" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the authority on obligations.

(6) "Borrower" means any student who has received an education loan or any parent who has received or agreed to pay an education loan.

(7) "Clerk" means the clerk of the commission or the county officer charged with the duties customarily imposed upon the clerk.

(8) "Commission" means the board of county commissioners or other body charged with governing the county.

(9) "Default insurance" means insurance insuring education loans, authority loans or obligations against default.

(10) "Default reserve fund" means a fund established pursuant to a bond resolution for the purpose of securing education loans, authority loans or obligations.

(11) "Education loan" means a loan which is made by an institution to a student or parents of a student, or both, in amounts not in excess of the maximum amounts specified in regulations to be formulated by the authority to finance all or any part of the cost of a student's attendance at such institution.

(12) "Education loan series portfolio" means all educational loans made by a specific institution which are funded from the proceeds of an authority loan to such institution out of the proceeds of a related specific issue of obligations through the authority.

(13) "Institution" means any college or university which by virtue of law or charter, is accredited and holds membership in the Council on Postsecondary Accreditation, which grants baccalaureate or associate degrees, which is not a pervasively sectarian institution, and which does not discriminate in the admission of students on the basis of race, color, religion, sex or creed.

(14) "Loan funding deposit" means moneys or other property deposited by an institution with the authority or a trustee for the purpose of:

(a) Providing security for obligations;

(b) Funding a default reserve fund;

(c) Acquiring default insurance; or

(d) Defraying costs of the authority,

which shall be in such amounts as deemed necessary by the authority as a condition for such institution's participation in the authority's program.

(15) "Obligation" means any revenue bond, note, or other evidence of indebtedness of the authority, including any interest coupon pertaining thereto, issued under sections 8 through 35, including refunding bonds.

(16) "Participating institution" means an institution for higher education which shall undertake the financing of an educational student loan program, or shall undertake the refunding or refinancing of obligations or of a mortgage or of advances.

(17) "Parent" means any parent or guardian of a student at an institution.

(18) "Person" means any person, firm, partnership, association, corporation, or other body, public or private.

Section 11. Authority; creation, membership, terms, expenses.—

(1) In each county there is hereby created a public body corporate and politic to be known as the " . . . . County Education Loan Authority." Each such authority is constituted as a public instrumentality, and its exercise of the powers conferred herein shall be deemed the performance of an essential public function. No authority shall transact any business or exercise any power until the commission by ordinance or resolution declares that there is a need for an authority to function in such county. The determination as to whether there is such need for an authority to function may be made by the commission on its own motion.

(2) The commission may adopt such an ordinance or resolution of need if it finds that the youth of the county and state do not have the opportunity to attend institutions of higher learning located within the county because of their inability to obtain financing for the cost of such education and the inability of such institutions to provide adequate financial aid to their students.

(3) In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have been established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of an ordinance or resolution by the commission declaring the need for the authority. Such ordinance or resolution shall be sufficient if it declares that there is such a need for an authority in the county. A copy of such ordinance or resolution certified by the clerk shall be admissible in evidence in any suit, action, or proceeding.

(4) The ordinance or resolution shall designate five persons as members of the authority. The membership of the authority shall include:

(a) A trustee, director, officer, or employee of an institution located in such county.

(b) One lay citizen who does not derive a majority of his or her income from education or education-related fields.

(c) Two persons from the commercial financial community in the county, each of whom has a favorable reputation for skill, knowledge, and experience in the field of state and municipal finance.

(d) One person from the commercial financial or educational community in the state who has a favorable reputation for skill, knowledge, and experience in the higher education loan finance field.

(5) Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, one for 4 years, and one for 5 years, in each case until his successor is appointed and has qualified. Thereafter, the commission shall appoint for terms of 5 years each a member or members to succeed those whose terms will expire. The commission shall fill any vacancy for the unexpired portion of the term. Any member of the au-

thority may be reappointed. Any member of the authority may be removed by the commission for misfeasance, malfeasance, or willful neglect of duty. Before entering upon his duties, each member of the authority shall take and subscribe the oath or affirmation required by the State Constitution. A record of each such oath shall be filed with the Department of State and with the clerk.

(6) The authority shall annually elect one of its members as chairman and one as vice chairman, and shall also appoint an executive director who shall not be a member of the authority and who shall serve at the pleasure of the authority and receive such compensation as fixed by the authority.

(7) The executive director shall keep a record of the proceedings of the authority and shall be custodian of all books, documents and papers filed with the authority and of the minute book or journal of the authority and its official seal. The director may have copies made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates.

(8) Three members of the authority shall constitute a quorum, and the affirmative vote of a majority of the members present at a meeting shall be necessary for any action to be taken; however, any action may be taken by an authority with the unanimous consent of all of the members. A vacancy in the membership of the authority shall not impair the right of a quorum to exercise the rights or perform the duties of the authority. The majority shall not include any member who has a conflict of interest, and a statement by a member of a conflict of interest is conclusive for this purpose. Any action taken by the authority may be authorized by resolution at any regular or special meeting. Each such resolution shall take effect immediately and need not be published or posted.

(9) The members of the authority shall receive no compensation for the performance of their duties but each member, when engaged in the performance of such duties, shall be entitled to per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(10) Notwithstanding any other law to the contrary, it shall not be nor shall it constitute a conflict of interest for a trustee, director, officer, or employee of an institution to serve as a member of the authority.

Section 12. Functions and powers of authority.—The authority shall have the following functions and powers:

(1) To adopt rules for the regulation of its affairs and the conduct of its business.

(2) To adopt an official seal.

(3) To maintain an office at a place it designates.

(4) To sue and be sued in its own name, and to plead and be impleaded.

(5) To establish rules for the use of education loan financing programs, and to designate a participating institution as its agent to establish rules for its uses of a program undertaken by such participating institution.

(6) To issue obligations for the purpose of making authority loans to participating institutions for the purpose of providing education loans utilizing such eligibility standards for borrowers as the authority determines to be necessary, including the following:

(a) Each student shall have a certificate of admission or enrollment at a participating institution;

(b) Each student or his parents shall satisfy such financial qualifications as the authority shall establish; and

(c) Each student and his parents shall submit such information to the applicable institution as may be required by the authority.

(7) To contract with financial institutions and other qualified loan origination and servicing organizations, which shall assist in pre-qualifying borrowers for education loans and which shall service and administer each education loan and each institution's respective loan series portfolio, and to establish sufficient fees for each educational loan to cover the applicable pro rata cost of such servicing and originating organizations.

(8) To establish criteria governing the eligibility of institutions to participate in its programs, the making and allocation of authority loans and education loans, provisions for default, the establishment of default reserve funds, the purchase of default insurance, the provision of prudent debt service reserves, and the furnishing by participating institutions of such additional guarantees of the education loans, authority loans, or obligations as the authority shall determine necessary to assure the marketability of the obligations and the adequacy of the security therefor; provided, however, that the provisions applicable to participation by Florida public participating institutions in the authorities financing programs shall be subject to approval and authorization by the budgetary and other state agencies having jurisdiction over those institutions.

(9) To fix, revise, charge, and collect rates, fees, and charges for services furnished by the authority and to contract with any person in respect thereto, including financial institutions, loan originators, servicers, administrators, issuers of letters of credit, and insurers.

(10) To employ consultants, attorneys, accountants, financial experts, loan processors, bankers, managers, and such other employees and agents as may be necessary, and to fix their compensation.

(11) To receive and accept from any source, loans, contributions or grants for or in aid of authority education loan financing program or any portion thereof and, when required, to use such funds, property or labor only for the purposes for which it was loaned, contributed or granted.

(12) To make authority loans to institutions and require that the proceeds thereof be used solely for making education loans or for costs and fees in connection therewith, and to require institutions to obtain certification from each borrower that proceeds from any education loan are used solely for the purpose intended by sections 8 through 35.

(13) To charge to and apportion among participating institutions such administrative and operating costs and expenses incurred in the exercise of the powers and duties conferred by sections 8 through 35.

(14) To borrow working capital funds and other funds as may be necessary for start-up and continuing operations, provided that such funds are borrowed solely in the name of the authority. Such borrowings shall be limited obligations of the character described in section 17 and shall be payable solely from revenues of the authority, or proceeds of obligations pledged for that purpose.

(15) Notwithstanding any other provisions of sections 8 through 35, to commingle and pledge as security for a series or issue of obligations, with the consent of all of the institutions which are participating in such series or issue:

(a) The education loan series portfolios and some or all future education loan series portfolios of such institutions; and

(b) The loan funding deposits of such institutions provided that education loan series portfolios and other security and moneys set aside in any fund pledged for any series or issue of obligations shall be held for the sole benefit of such series or issue separate and apart from education loan series portfolios and other security and moneys pledged for any other series of issue of obligations of the authority. Obligations may be issued in series under one or more resolutions or trust agreements in the discretion of the authority.

(16) To examine records and financial reports of participating institutions, and to examine records and financial reports of any contractor organization or institution retained by the authority.

(17) To make loans to a participating institution to refund outstanding obligations, mortgages or advances issued, made or given by such institution for authority loans, and whenever such refunding obligations are issued to refund obligations, the proceeds of which were used to make authority loans, the authority may reduce the amount of interest it is owed by the institutions which had received authority loans from the proceeds of the refunded obligations. Such institutions may use

this reduced amount to reduce the amount of interest being paid on education loans which the institutions had made pursuant to the authority loans from the proceeds of the refunded obligations.

(18) The authority shall have the power to authorize its officers, agents and employees to take any other such action as shall be necessary in order to carry out the purposes of sections 8 through 35.

Section 13. Expenses of authority.—All expenses incurred shall be payable solely from funds provided under the provisions of sections 8 through 35 and, except as specifically authorized herein, no liability shall be incurred by the authority beyond the extent to which moneys shall have been provided under sections 8 through 35.

Section 14. Higher education facilities authority as the higher education loan authority.—As an alternative to the creation of an authority, the commission may confer all rights, powers, privileges, duties, and immunities of an authority upon any entity in existence on July 1, 1982 which has been authorized by law to function as a higher education facilities authority pursuant to the provisions of chapter 243, Florida Statutes. Any such entity which has been vested with the rights, powers, privileges, duties, and immunities of a higher education loan authority shall be subject to all provisions and responsibilities imposed by sections 8 through 35, notwithstanding any provisions to the contrary in any law which established the entity. Nothing herein shall be construed to impair or diminish any powers of any other entity in existence on the effective date of this act or to repeal, modify, or amend any law establishing such entity, except as specifically set forth herein.

Section 15. Acquisition of moneys, endowments, properties, and guarantees thereto.—The authority is authorized to establish specific guidelines relating to the deposits of moneys, endowments, or properties by institutions which would provide prudent security for education loan funding programs, authority loans, education loans, or obligations, and to establish guidelines relating to guarantees of, or contracts to purchase, education loans or obligations by such institutions, or by financial institutions or others. A default reserve fund may be established for each series or issue of obligations. In this regard, the authority is empowered to receive such moneys, endowments, properties, and guarantees as it deems appropriate and, if necessary, to take title in the name of the authority, or in the name of a participating institution or a trustee, subject, however, to the limitations applicable to public participating institutions set forth in section 12, subsection (8).

Section 16. Conveyance of loan funding deposit to participating institutions.—When the principal of and interest on obligations of the authority issued to finance the cost of an education loan financing program, including any refunding obligations issued to refund and refinance such obligations, have been fully paid and retired, or when adequate provision has been made to fully pay and retire the obligations, and all other conditions of the bond resolution have been satisfied and the lien created by such bond resolution has been released in accordance with the provisions thereof, the authority shall promptly do such things and execute such deeds and conveyances as are necessary to convey any remaining moneys, properties, and other assets comprising loan funding deposits to the institutions in proportion to the amounts furnished by the respective institutions.

Section 17. Notes of authority.—The authority may issue its negotiable notes for any corporate purpose and renew any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed, and delivered in the same manner as bonds. Any resolution authorizing notes of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution authorizing revenue bonds of the authority or any issue thereof, and the authority may include in any notes any terms, covenants, or conditions which it is authorized to include in any bonds. All such notes shall be payable solely from the revenues of the authority, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

Section 18. Issuance of obligations.—

(1) The authority may issue its negotiable revenue obligations for any corporate purpose. In anticipation of the sale of such obligations, the authority may issue negotiable bond anticipation notes and may renew the same, but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of the original note. Such notes shall be paid from revenues of the authority available therefor and not otherwise pledged, or from the proceeds of sale of the revenue bonds of the authority in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds. Such notes and the resolution authorizing the same may contain any provisions, conditions, or limitations which a bond resolution of the authority may contain.

(2) Each issue of obligations shall be payable solely out of those revenues of the authority that pertain to the program relating to such issue, including principal and interest on authority loans and education loans, payments by institutions of higher education, banks, insurance companies or others pursuant to letters of credit or purchase agreements, investment earnings from funds or accounts maintained pursuant to the bond resolution, insurance proceeds, loan funding deposits, proceeds of sales of education loans, proceeds of refunding obligations and fees, charges and other revenues of the authority from such program, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular reserves.

(3) The obligations may be issued as serial obligations, term obligations, or both. The obligation shall be authorized by a bond resolution of the authority and shall bear such date, mature at such time, not to exceed the year following the last year in which the final payments in an education loan series portfolio are due, or 30 years, whichever is sooner, from their respective dates of issue, bear interest at such rate, be payable at such time, be in such denominations, be in such form, either coupon or fully registered, carry such registration and conversion privileges, be payable in lawful money of the United States of America at such places, and be subject to such terms of redemption as such bond resolution may provide. Obligations shall be executed by the manual or facsimile signatures of such officers of the authority as shall be designated by the authority. Obligations may be sold at public or private sale in such manner and for such price as the authority shall determine. Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(4) Any bond resolution may contain provisions, which shall be a part of the contract with the holders of the obligations to be authorized, as to:

(a) Pledging or assigning of all or part of the revenues derived from the authority loans and education loans to secure the payment of the obligations to be issued.

(b) The fees and other amounts to be charged, and the sums to be raised in each year thereby, and the use, investment and disposition of such sums.

(c) The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of insurance accounts and sinking funds, and the regulation, investment and disposition thereof.

(d) Limitations on the right of the authority or its agent to restrict and regulate use of education loans.

(e) Limitations on the purpose to which the proceeds of sale of any issue of obligations then or thereafter to be issued may be invested or applied.

(f) Limitations on the issuance of additional obligations, the terms upon which additional obligations may be issued and secured, the terms upon which additional obligations may rank on a parity with, or be subordinate or superior to, other obligations, and the refunding of outstanding obligations.

(g) The procedure, if any, by which the terms of any contract with bondholders may be amended, or abrogated, the amount of obligations the holders of which must consent thereto, and the manner in which such consent may be given.

(h) Limitations on the amount of moneys derived from the loan program to be expended for operating, administrative, or other expenses of the authority.

(i) Defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of

obligations and providing the rights or remedies of such holders in the event of a default.

(j) Providing for guarantees, pledges or endowments, letters of credit, property, or other security for the benefit of the holders of such obligations; and

(k) Any other matters relating to the obligations which the authority deems desirable.

(5) Neither the members of the authority nor any person executing the obligations shall be liable personally on the obligations or be subject to any personal liability or accountability by reason of the issuance thereof.

(6) The authority shall have power to purchase its obligations out of any funds available therefor. The authority may hold, pledge, cancel or resell such obligations subject to and in accordance with agreements with bondholders.

(7) The authority shall have the power to refund any of its obligations. Such refunding obligations shall be issued in the same manner as other obligations of the authority.

Section 19. Trust agreement to secure obligations.—In the discretion of the authority, any obligations issued under the provisions of sections 8 through 35 may be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement may pledge or assign the revenues to be received by the authority, may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, particularly including such provisions as have hereinabove been specifically authorized to be included in any bond resolution of the authority, and may restrict the individual right of action by bondholders. Any bank or trust company incorporated under the laws of this state which may act as depository of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee. In addition, any trust agreement may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of the trust agreement may be treated as part of the cost of the operation of an education loan program.

Section 20. Payment of obligations.—Obligations issued under the provisions of sections 8 through 35 shall not be deemed to constitute a debt or liability of the state or the county, or a pledge of the faith and credit of the state or of any county, but shall be payable solely from the funds herein provided therefor from revenues. All such obligations shall contain on their face a statement to the effect that neither the county nor the authority shall be obligated to pay the same or the interest thereon except from revenues of the loan program for which they are issued and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of obligations shall not directly, indirectly, or contingently obligate the state or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

Section 21. Pledge of revenues.—The authority shall fix, revise, charge, and collect fees and is empowered to contract with any person in respect thereof. Each agreement entered into by the authority with an institution shall provide that the fees and other amounts payable by the institution of higher education with respect to any program of the authority, shall be sufficient at all times:

(1) To pay its share of the administrative costs and expenses of such program;

(2) To pay the principal of, the premium, if any, and the interest on outstanding obligations of the authority, issued in respect of such program to the extent that other revenues of the authority pledged for the payment of the obligations are insufficient to pay the obligations as they become due and payable;

(3) To create and maintain reserves which may, but need not, be required or provided for in the bond resolution relating to such obligations of the authority; and

(4) To establish and maintain whatever education loan servicing, control, or audit procedures deemed necessary to the prudent operations of the authority.

The authority shall pledge the revenues from each program as security for the issue of obligations relating to such program. Such pledge shall be valid and binding from the time the pledge is made; the revenues so pledged by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority or any participating institution, irrespective of whether such parties have notice thereof.

Section 22. Funds from sales of obligations as trust funds.—All moneys received by or on behalf of the authority, whether as proceeds from the sale of obligations or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in sections 8 through 35. Any officer with whom, or any bank or trust company with which, such moneys are deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes of sections 8 through 35, subject to such regulations as provided herein and to the bond resolution authorizing the obligations of any issue may provide.

Section 23. Negotiability of obligations.—All obligations, regardless of form or terms, shall have all the qualities and incidents, including negotiability, of investment securities under the Uniform Commercial Code. Compliance with the provisions of such code respecting the filing of a financing statement to perfect a security interest shall not be necessary for perfecting any security interest granted by the authority.

Section 24. Rights of bond holders.—Any holder of obligations or a trustee under a trust agreement, except to the extent the rights herein given may be restricted by any bond resolution or trust agreement, may, by any suitable form of legal proceedings, protect and enforce any and all rights under the laws of this state, or granted hereunder or by the bond resolution or trust agreement; may enjoin unlawful activities; and in the event of default with respect to the payment of any principal of, premiums, if any, and interest on any obligation or in the performance of any covenant or agreement on the part of the authority in the bond resolution, may apply to the circuit court, to appoint a receiver to administer and operate the education loan program or programs, the revenues of which are pledged to the payment of principal of, premium, if any, and interest on such obligations, with full power to pay, and to provide for payment of, principal of, premium, if any, and interest on such obligations, and with such powers, subject to the direction of the court, as are permitted by law and are accorded receivers, excluding any power to pledge additional revenues of the authority to the payment of such principal, premium and interest.

Section 25. Refunding bonds; purpose, proceeds; investment of proceeds.—

(1) The authority may provide for the issuance of obligations for the purpose of refunding any obligations of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of such obligations.

(2) The proceeds of any such obligations issued for the purpose of refunding outstanding obligations may, in the discretion of the authority, be applied to the purchase or retirement at maturity or redemption of such outstanding obligations either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the authority.

(3) Any such escrowed proceeds, pending such use, may be invested and reinvested in direct obligations of the United States of America, or in certificates of deposit or time deposits of financial institutions secured as to principal by such direct obligations, maturing at such time as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding obligations to be so refunded. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding obligations to be so refunded. After the terms of the escrow have been fully satisfied

and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investments thereof shall be returned to the authority for use in any lawful manner.

(4) All such refunding bonds shall be subject to sections 8 through 35 in the same manner and to the same extent as other revenue bonds issued pursuant to sections 8 through 35.

Section 26. Investment of funds of authority.—Except as otherwise provided in subsection (3) of section 25, the authority may invest any funds in:

(1) Direct obligations of the United States of America;

(2) Obligations as to which the timely payment of principal and interest is fully guaranteed by the United States of America;

(3) Obligations of the Federal Intermediate Credit Banks, Federal Banks for Cooperatives, Federal Land Banks, Federal Home Loan Banks, Federal National Mortgage Association, Government National Mortgage Association and the Student Loan Marketing Association;

(4) Certificates of deposit or time deposits constituting direct obligations of any bank as defined by the Florida Banking Act, as now or hereafter amended, provided, that investments may be made only in those certificates of deposit or time deposits in banks which are insured by the Federal Deposit Insurance Corporation, if then in existence; and

(5) In withdrawable capital accounts or deposits of state or federal chartered savings and loan associations which are insured by the Federal Savings and Loan Insurance Corporation. Any such securities may be purchased at the offering or market price thereof at the time of such purchase. All such securities so purchased shall mature or be redeemable on a date prior to the time when, in the judgment of the authority, the funds so invested will be required for expenditure. The express judgment of the authority as to the time when any funds will be required for expenditure or be redeemable is final and conclusive.

Section 27. Obligations as legal investments.—All banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business, insurance companies and insurance associations, all executors, administrators, guardians, trustees and other fiduciaries, and all public officers and public bodies of the state and its political subdivisions may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any obligations issued pursuant to sections 8 through 35.

Section 28. Validation of bonds and proceedings.—A higher education loan authority shall determine its authority to issue any of its bonds, and the legality of all proceedings in connection therewith as provided in chapter 75, Florida Statutes.

Section 29. Actions to contest validity of bonds.—An action or proceeding to contest the validity of any bond issued under sections 8 through 35, other than a proceeding pursuant to section 28, shall be commenced within 30 days after notification in a newspaper of general circulation within the area of the passage by the authority of the resolution authorizing the issuance of such bond.

Section 30. Annual report.—The authority shall keep an accurate account of all its activities and shall annually provide a report thereof to the commission and to the Commissioner of Education. Such report shall be a public record and open for inspection at the offices of the authority during normal business hours. The report shall include:

(1) Summaries of all applications by institutions of higher education for education loan financing assistance presented to the authority during such fiscal year;

(2) Summaries of all education loan programs which have received any form of financial assistance from the authority during such year;

(3) The nature and amount of all such assistance;

(4) A report concerning the financial condition of the various education loan series portfolios; and

(5) Projected activities of the authority for the next fiscal year, including projections of the total amount of financial assistance anticipated and the amount of obligations that will be necessary to provide the projected level of assistance during the next fiscal year.

Section 31. Act as alternative method.—Sections 8 through 35 shall be deemed to provide a complete, additional, and alternative method for the doing of the things authorized hereby, and shall be regarded as supplemental and additional to powers or rights conferred by other laws; however, the issuance of obligations and refunding obligations under sections 8 through 35 need not comply with the requirements of any other law applicable to the issuance of obligations. Except as otherwise expressly provided in sections 8 through 35, none of the powers granted to the authority under sections 8 through 35 shall be subject to the supervision or regulation or require the approval or consent of any municipality or political subdivision or any department, division, commission, board, body, bureau, official, or agency thereof or of the state.

Section 32. State agreement.—The state does hereby pledge to and agree with the holders of any obligations issued under sections 8 through 35, and with those parties who may enter into contracts with the authority, that the state will not limit or alter the rights hereby vested in the authority until such obligations, together with the interest thereon, are fully met and discharged and such contracts are fully performed on the part of the authority; however, nothing herein contained shall preclude such limitation or alteration if adequate provision is made by law for the protection of the holders of such obligations of an authority or those entering into such contracts with an authority. An authority is authorized to include this pledge and undertaking for the state in such obligations or contracts.

Section 33. Conflicts of interest.—

(1) If any member, officer, or employee of the authority has an interest, either direct or indirect, in any contract to which the authority is, or is to be, a party or in any institution requesting an authority loan from the authority, such interest shall be disclosed to the authority in writing and shall be set forth in the minutes of the authority. The person having such interest shall not participate in any action by the authority with respect to such contract, or such institution.

(2) Nothing in this section shall be construed to limit the right of any member, officer, or employee of the authority to acquire an interest in bonds of the authority or have an interest in any banking institution in which the bonds of the authority are, or are to be, deposited or which is, or is to be, acting as trustee or paying agent under any bond resolution, trust indenture, or similar instrument to which the authority is a party.

Section 34. Liberal construction.—Sections 8 through 35, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purpose.

Section 35. Tax exemption.—Neither the authority nor its agent or trustee shall be required to pay any taxes or assessments upon any transactions, or any property acquired or used by the authority, its agents or trustees under the provisions of sections 8 through 35 or upon the income therefrom, and any bonds, notes or other obligations issued under the provisions of sections 8 through 35, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be exempt from taxation of any kind by the state, or any of its political subdivisions. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income or profits on debt obligations owned by corporations.

(Renumber subsequent section.)

Senators Gordon, Poole and Tobiassen offered the following amendment which was moved by Senator Gordon:

Amendment 15—On page 1, between lines 27 and 28 insert: Section 3. Section 231.17, Florida Statutes, is amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(1) The Department of Education shall issue a certificate covering the appropriate subject or field to any person possessing the qualifications for such a certificate as prescribed herein and by rules of the state board, who pays the required fee, makes application in writing on the form prescribed by the department, submits satisfactory evidence that he possesses said qualifications, and meets the other requirements of law. Each applicant for certification shall meet the following re-requirements:

(a) File a written statement under oath that he subscribes to and will uphold the principles incorporated in the Constitutions of the United States and of the State of Florida;

(b) Be at least 18 years of age or have received a bachelor's degree from an accredited institution of higher learning~~;~~. *Beginning September 1, 1983, no more than 15 of the total number of semester hours required for the baccalaureate degree shall be earned in professional preparation courses offered by a college of education. The remaining number of semester hours shall be earned in general preparation and specialization courses offered by a college of liberal arts and sciences. When appropriate, as defined in rule by the State Board of Education, candidates for elementary school certification, special education certification, or vocational education certification may fulfill part of the specialization requirement for certification by earning semester hours in courses offered by a college of education, not to exceed an additional 15 hours of credit.*

(c) Meet such academic and professional requirements based on credentials certified ~~to~~ by ~~standard teacher training~~ institutions of higher learning, including any institutions of higher learning in this state which are accredited by an accrediting association which is a member of the Council on Postsecondary Accreditation, as may be prescribed by the state board;

(d) Be competent and capable of performing the duties, functions, and responsibilities of a teacher; and

(e) Be of good moral character.

(Renumber subsequent sections.)

Senator Frank moved the following amendment to Amendment 15 which failed:

Amendment 15A—On page 1, line 18, strike "1983" and insert: *1985*

Amendment 15 was adopted. The vote was:

Yeas—21

Mr. President	Grizzle	Johnston	Renick
Anderson	Hair	Kirkpatrick	Tobiassen
Beard	Henderson	Margolis	Vogt
Childers, D.	Hill	McClain	
Gersten	Jenkins	McKnight	
Gordon	Jenne	Rehm	

Nays—12

Carlucci	Jennings	Neal	Stuart
Dunn	Langley	Steinberg	Trask
Frank	Maxwell	Stevens	Ware

Vote after roll call:

Yea—Lewis

On motion by Senator Frank, the Senate reconsidered the vote by which Amendment 10 was adopted.

Senators Peterson and Frank offered the following amendment to Amendment 10 which was moved by Senator Frank and adopted:

Amendment 10A—On page 1, line 4, strike period, insert a comma and insert: providing that the Board of Regents may temporarily continue current status of dormitory occupation only when the occupancy level would cause a default in existing construction indebtedness.

Amendment 10 as amended was adopted.

Senator Anderson moved the following amendment which failed:

Amendment 16—On page 1, strike lines 10-27

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

Amendment 17—In title on page 1, line 6, after the semicolon (;) insert: removing the requirement that the committees submit a minimum of three names of candidates;

Senator Frank moved the following amendments which were adopted:

Amendment 18—In title on page 1, line 3, before the semicolon (;) insert: , and adding paragraph (l) to said subsection

Amendment 19—In title on page 1, line 6, after the semicolon (;) insert: relating to residency;

Senator Peterson moved the following amendments which were adopted:

Amendment 20—In title on page 1, line 6, after the ";" insert: amending 240.203(1), Florida Statutes, to extend the time period for consideration of Board of Regents rules by the State Board of Education;

Amendment 21—In title on page 1, line 6, after the semicolon (;) insert: amending s. 240.235(1), Florida Statutes, relating to student fees;

Amendment 22—In title on page 1, line 2, strike "Board of Regents" and insert: Postsecondary Education

Amendment 23—In title on page 1, line 6, after the semicolon (;) insert: amending subsection (2) of section 240.233, Florida Statutes, relating to residency;

Amendment 24—In title on page 1, line 6, after the semicolon (;) insert: adding subsection (27) to section 240.227, Florida Statutes, relating to health fees;

Amendment 25—In title on page 1, line 6, after the semicolon insert: relating to residence halls

Amendment 26—In title on page 1, line 3, before the semicolon (;) insert: , and adding paragraph (m) to said subsection

Senator Poole moved the following amendment which was adopted:

Amendment 27—In title on page 1, strike line 2, and insert: An act relating to postsecondary education; amending s. 240.-401(2), Florida Statutes; authorizing the issuance of tuition vouchers to certain students;

Senator Maxwell moved the following amendments which were adopted:

Amendment 28—In title on page 1, line 6, after the semicolon insert: creating the College Career Work Experience Program; providing for its administration; providing eligibility requirements;

Amendment 29—In title on page 1, line 6, after the semi-colon insert: 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;

Senator Gordon moved the following amendment which was adopted:

Amendment 30—In title on page 1, line 6, after the semi-colon insert: amending s. 231.17(1), Florida Statutes; providing limits on the number of hours applied toward the baccalaureate degree which may be earned in certain college of education courses;

On motion by Senator Carlucci, by two-thirds vote SB 215 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

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

Nays—5

Anderson	Johnston	McKnight	Stevens
Grizzle			

Vote after roll call:

Yea—W. D. Childers, Maxwell

The President presiding

CS for SB 717 by the Committee on Natural Resources and Conservation and Senator Jenne was read the first time by title and SB 717 was laid on the table.

On motions by Senator Jenne, the rules were waived and by two-thirds vote HB 1096 was withdrawn from the Committees on Natural Resources and Conservation and Appropriations.

On motions by Senator Jenne—

HB 1096—A bill to be entitled An act relating to acquisition of state lands; amending s. 253.023(8), Florida Statutes, providing an exception to acquisition procedures and authorizing funds for acquisition expenses in certain cases; amending s. 253.025, Florida Statutes, providing a 6-month initiation time limit for Conservation and Recreation Lands Trust Fund and Land Acquisition Trust Fund projects; providing a 1-year deadline to complete sale; requiring notification of Governor and Cabinet if certain provisions are not met; requiring the Governor and Cabinet to instruct the Division of State Lands as to further action on incomplete projects; providing for appraisal and survey criteria; providing for the adoption of rules; creating one surveyor position in the Bureau of Survey and Mapping of the Department of Natural Resources; providing reimbursement of survey costs and clarifying the required appraisal report; amending s. 253.115(4), Florida Statutes, exempting certain leases from notice requirements; amending ss. 259.035 and 375.021(1), Florida Statutes, providing that each project on the acquisition list include appraisal, boundary map and description, preacquisition planning and budget information, land use, and a designated management agency or agencies; providing an effective date.

—a companion measure was substituted for CS for SB 717 and by two-thirds vote read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 6, lines 11-14, strike *"There is hereby created within the Bureau of Survey and Mapping of the Department of Natural Resources one position of Registered Land Surveyor to carry out the provisions of this section."*

Amendment 2—In title on page 1, lines 15-17, strike "creating one surveyor position in the Bureau of Survey and Mapping of the Department of Natural Resources;"

On motion by Senator Jenne, by two-thirds vote HB 1096 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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	Vogt
Gersten	Langley	Rehm	Ware
Grizzle	Lewis	Renick	

Nays—None

CS for SB 717 was laid on the table.

CS for SB 669 by the Committee on Health and Rehabilitative Services and Senator Kirkpatrick was read the first time by title and SB 669 was laid on the table.

On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote CS for HB 31 was withdrawn from the Committees on Health and Rehabilitative Services and Appropriations.

On motion by Senator Kirkpatrick—

CS for HB 31—A bill to be entitled An act relating to education; amending s. 230.23(4)(n), Florida Statutes, and adding a subsection (9) to s. 402.22, Florida Statutes; providing for the operation of the educational programs of the Alyce D. McPherson School and the Florida School for Boys at Okeechobee by the Department of Education; providing for computation and disbursement of the annual state allocation therefor; providing an effective date.

—a companion measure was substituted for CS for SB 669 and read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On page 3, strike lines 23-28 and insert: *Sunland Center in Jackson County, the Alyce D. McPherson School in Marion County and the Florida School for Boys at Okeechobee in Okeechobee County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public education agencies.*

Amendment 2—In title on page 1, lines 3 and 4, strike "adding a subsection (9) to" and insert: On line 3 after "Florida Statutes," the following: amending

On motion by Senator Kirkpatrick, by two-thirds vote CS for HB 31 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	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	Vogt
Gersten	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	
Grizzle	Lewis	Scott	

Nays—None

CS for SB 669 was laid on the table.

On motion by Senator Dunn, the rules were waived and time of adjournment was extended until Senators had an opportunity to express themselves on points of personal privilege.

The Senate recessed at 12:11 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	Grizzle	Lewis	Skinner
Anderson	Hair	Margolis	Steinberg
Barron	Henderson	Maxwell	Stevens
Beard	Hill	McClain	Stuart
Carlucci	Jenkins	McKnight	Thomas
Childers, D.	Jenne	Neal	Tobiassen
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Gersten	Kirkpatrick	Rehm	Ware
Gordon	Langley	Renick	

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State the following bills which he had approved on March 15: Senate Bills 56, 80, 100, 150, 156, 245, 317, 425, 459, 462, 547, 879 and 896.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House message containing SB 682 with amendments was referred to the Committee on Economic, Community and Consumer Affairs.

The House message containing HB 43 with amendments was referred to the Committee on Commerce.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed HB's 370 and 194, as amended.

Allen Morris, Clerk

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 2 to House Amendment 1 and passed SB 281, as amended.

Allen Morris, Clerk

The bill contained in the above message was ordered engrossed and then enrolled.

On motion by Senator Johnston, the rules were waived and by two-thirds vote SJR 943 was withdrawn from the Committee on Education.

On motion by Senator Johnston, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet at 3:30 p.m. in Committee Room A this day for the purpose of considering SJR 943 and HB 1134.

On motion by Senator Gordon, the rules were waived and the Committee on Appropriations was granted permission to meet at 8:30 a.m., Wednesday, March 17, in Committee Room A for the purpose of considering the general appropriations bill.

On motion by Senator Poole, the rules were waived and by two-thirds vote SB 260 was recalled from engrossing.

On motion by Senator Poole, the Senate reconsidered the vote by which SB 260 as amended passed this day.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives requests the return of SB 187.

Allen Morris, Clerk

SB 187—A bill to be entitled An act relating to education; amending s. 232.26(1)(b), Florida Statutes; allowing a school principal to suspend a student without first employing parental assistance or other alternative measures in certain circumstances; providing procedures for search of students and students' lockers and storage areas by school officials; requiring notice; requiring reports to law enforcement agencies; requiring seized objects or substances to be delivered to a law enforcement agency; requiring the creation of a statewide task force to study school truancy and discipline and to report its findings and recommendations to the Governor and the Legislature; providing an effective date.

On motion by Senator Maxwell, SB 187 was returned to the House as requested.

On motion by Senator Dunn, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet at 8:00 a.m. Wednesday, March 17, for the purpose of setting a special order calendar.

On motion by Senator Dunn, the rules were waived and the schedule for March 17 was amended as follows: The Senate to convene at 10:00 a.m. in lieu of 9:00 a.m.

ENROLLING REPORTS

CS for SB 129 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 15, 1982.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 15 was corrected and approved.

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

Page 221, column 2, counting from bottom, between lines 8 and 9 insert: Proof of publication of required notice was attached.

On motion by Senator Dunn, the Senate adjourned at 3:07 p.m. to convene at 10:00 a.m., Wednesday, March 17.