



Journal of the Senate

Number 29

Wednesday, March 17, 1982

BILL ACTION SUMMARY

Wednesday, March 17, 1982

H 0001	Passed
H 0291	Passed
H 0310	Passed
H 0457	Adopted
H 0819	Passed
H 0946	Passed as amended
H 1094	Passed
H 1123	Adopted
H 1134	Amendments adopted
S 0143	Concurred in amendments totaling 4, Passed as amended
S 0255	Concurred, Passed as amended
S 0306	Refused to concur, requested House to recede
S 0439	Amendments to House amendments adopted, Passed as amended
S 0511	Amendments to House amendments adopted, Passed as amended
S 0641	Passed as amended
S 0678	Amendments to House amendment adopted, C/S passed as amended
S 0682	Passed as amended, Requested House to return
S 0686	C/S passed as amended
S 0731	Passed as amended
S 0860	Concurred in amendments totaling 5, Refused to concur in one amendment, C/S passed as amended
S 0943	Amendment pending
S 1035	Passed

INTRODUCTION AND REFERENCE OF BILLS

First Reading

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

By Senator Frank—

SB 1030—A resolution proclaiming April 1982 Vienna Youth Fest Month and honoring the Brandon High School Orchestra.

—was referred to the Committee on Rules and Calendar.

SB 1031—Introduced on March 15

By the Committee on Appropriations—

SB 1032—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; suspending Sections 253.025 and 943.22, Florida Statutes; providing an effective date.

—was referred to the Committee on Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 553 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Cosgrove and A. E. Johnson—

HB 553—A bill to be entitled An act relating to the Department of General Services; amending s. 287.082, Florida Statutes, providing for preference in competitive bids with respect to commodities manufactured in the United States; providing an effective date.

—was referred to the Committee on Governmental Operations.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed House Bills 1024 and 1157 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Health Care Cost Containment & Planning—

HB 1024—A bill to be entitled An act relating to Community Health; creating s. 381.504, Florida Statutes, creating the community health partnership program in recognition of the need for medical services in certain areas of the state; providing for a report to the Legislature; providing an effective date.

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

By the Committee on Finance & Taxation—

HB 1157—A bill to be entitled An act relating to marriage license fees; amending s. 741.01(2), Florida Statutes, increasing that portion of the marriage license fee earmarked for spouse abuse centers; repealing s. 409.605(5), Florida Statutes, removing the cap on funding for spouse abuse centers; providing an effective date.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 965 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Energy—

HB 965—A bill to be entitled An act relating to energy efficiency in public buildings and educational facilities; adding subsection (9) to s. 216.031, Florida Statutes, providing, with respect to legislative budget requests, that each applicable budget entity provide certain energy-related information; creating s. 216.060, Florida Statutes, requiring the budgeting of 2 percent of the total cost of certain projects for energy-efficient architectural and engineering features; requiring such a 2-percent reserve of the Governor's total budget recommendation for certain fixed capital outlay projects; amending s. 255.254, Florida Statutes, requiring state agencies to certify prior to the release of any funds for construction that a life-cycle cost analysis has been completed and reviewed; prohibiting the incorporation of certain design components; prohibiting savings in initial costs in building construction through elimination or substitution of certain equipment or design components; amending s. 255.255(3)(e), Florida Statutes, requiring the inclusion of certain information in an energy consumption analysis; creating s. 255.2565, Florida Statutes, re-

quiring meters which provide described information in certain facilities constructed or renovated after July 1, 1982; adding new subsections (14) and (15) to s. 235.011, Florida Statutes; providing definitions; amending s. 235.212, Florida Statutes; providing certain energy efficiency standards for new and renovated educational facilities; requiring that certain facilities utilize solar hot water system; prohibiting use of fossil fuels for swimming pool heating in such facilities; adding new subsection (6) to s. 235.435, Florida Statutes; creating a Conservation and Renewable Energy Construction Account within the Public Education Capital Outlay and Debt Service Trust Fund to provide funding to identify and upgrade energy inefficient equipment in existing facilities; providing for determination of funding eligibility and priorities by the Office of Educational Facilities; providing for review and repeal; providing an effective date.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1160 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Select Committee on Reapportionment—

HB 1160—A bill to be entitled An act relating to the establishment of congressional districts; amending s. 8.001, Florida Statutes, providing definitions; amending s. 8.01, Florida Statutes, providing for the division of the state into 19 congressional districts; amending s. 8.011, Florida Statutes, relating to the inclusion of unlisted territory in contiguous districts; amending s. 8.03, Florida Statutes, relating to the election of representatives to Congress; providing effective dates for congressional districts created in 1982; providing for severability of invalid portions; reenacting s. 8.05, Florida Statutes, relating to membership of governmental agencies appointed pursuant to former district boundaries; repealing s. 8.04, Florida Statutes, providing effective dates for congressional districts created in 1972; repealing s. 8.06, Florida Statutes, providing for severability of invalid portions.

—was referred to the Committee on Apportionment.

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 447 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 447—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 a subsection to s. 947.002, Florida Statutes, providing legislative intent; amending s. 947.04(2)(a), Florida Statutes, relating to the organization of the Parole and Probation Commission, amending s. 947.071, Florida Statutes, limiting the kinds of orders of the commission which must be indexed; amending s. 947.095, Florida Statutes, authorizing hearing examiners to conduct interviews; amending s. 947.12, Florida Statutes, providing per diem for members of the examining board; 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. 947.135(2) and (3)(a), Florida Statutes, providing intent with respect to youthful offenders in the mutual participation program; authorizing vocational education as part of the program; amending s. 947.16, Florida Statutes, changing the schedule for initial parole interviews; authorizing interview postponements and deferrals; providing separate procedures with respect to specified kinds of inmates; amending s. 947.16(3), Florida Statutes; providing for a replacement judge to act in place of the original sentencing judge in cases of retained jurisdiction under certain circumstances; amending s. 947.165(2), Florida Statutes, requiring the commission to make revisions

to its rules based on statistical analysis; amending s. 947.172, Florida Statutes, delaying the period of notification of an inmate's presumptive parole release date; amending s. 947.173(1), Florida Statutes, limiting the number of reviews of a presumptive parole release date; amending s. 947.174, Florida Statutes, providing for subsequent interviews rather than hearings; creating s. 947.1745, Florida Statutes, changing time periods with respect to final interviews prior to the presumptive parole release date; amending s. 947.19(2), Florida Statutes, extending the time in which an inmate may request modification of his parole; amending s. 947.22, Florida Statutes; providing that a member of the Parole and Probation Commission or the commission's duly authorized representative may sign warrants for the retaking of a paroled prisoner; authorizing the commission, a commissioner, or the commission's duly authorized representative to determine whether to admit the alleged parole violator to bail; amending s. 947.23, Florida Statutes; requiring certain hearings within 30 days after the arrest of a person charged with violation of the terms and conditions of parole; authorizing one or more commissioners or the commission's duly authorized representative to issue certain process and to conduct final revocation hearings on the alleged parole violation; allowing the alleged parole violator the right to waive the final revocation hearing; providing for the preparation of findings of fact from the final revocation hearing; authorizing the commission or two commissioners to order parole revoked and to make a written statement of the evidence relied on and the reasons for revoking the parole in certain circumstances; repealing ss. 949.10, 949.11, and 949.12, Florida Statutes, removing provisions relating to the temporary revocation of parole or probation of a person who is charged with a subsequent felony while on parole or probation for the commission of a felony; 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 HB 665 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 665—A bill to be entitled An act relating to mental health; requiring that minors entering state mental hospitals be separated from adult patients and that children be separated from adolescents, effective July 1, 1983; requiring a plan; providing for placement of minors, where possible, in a less restrictive form of treatment; directing the Department of Health and Rehabilitative Services to develop a plan; amending s. 394.453, Florida Statutes, modifying intent; amending s. 394.455(2), (3), (13), (17), (20), (21), and (22), Florida Statutes, adding and modifying definitions; amending s. 394.457(2), (5)(a), (6)(b), and (9), Florida Statutes, modifying departmental responsibilities, providing for rules, correcting a cross reference, and removing an exception to modify frequency of review of continued placement; amending s. 394.459(1), (2), (3)(a), (4), (5)(a), (b), (d), and (e), (9)(a) and (b), and (11), Florida Statutes, and adding subsection (14) thereto, relating to rights of patients; amending s. 394.460, Florida Statutes, relating to rights of professionals; amending s. 394.461(1), Florida Statutes, and adding a paragraph to subsection (4) of said section, as amended, to provide for examination, rather than evaluation, of persons by receiving facilities, and to provide that no receiving facility shall be required to accept for examination and treatment any person with certain felony charges pending; amending s. 394.463, Florida Statutes; providing for involuntary examination of persons at receiving facilities under certain conditions; providing procedure; providing for disposition upon examination; providing for notice of release; amending s. 394.465(2) and (5), Florida Statutes; modifying provisions limiting the conditions under which a patient must be discharged; clarifying a reference; providing for transfer of patients from voluntary to involuntary status under certain conditions; amending s. 394.467(1), (2), (3), and (4)(a), (f), and (h), Florida Statutes, relating to involuntary placement; providing conditions therefor; modifying procedure for admission; limiting waiver of hearings; providing for certain convenience; correcting references; modifying provisions relating to competency hearings conducted by hearing examiners; amending s. 394.469(2) and (3), Florida Statutes, and adding a sub-

section to said section, relating to discharge of patients, modifying notice requirements and providing for restoration of competency; amending ss. 394.473 and 394.475(3) and (4), Florida Statutes, clarifying references and deleting certain provisions relating to persons adjudged incompetent; amending s. 394.4781(1)(a), Florida Statutes, clarifying a reference; providing an effective date.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 934 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representatives Fox and Thompson—

HB 934—A bill to be entitled An act relating to witnesses; creating s. 43.261, Florida Statutes; providing for establishment of witness coordinating offices; amending s. 40.29, Florida Statutes; providing for the payment of certain witnesses; amending s. 394.473(3), Florida Statutes; providing for the payment of mental health professionals by the state; amending s. 914.11, Florida Statutes; providing for the payment by the state of witnesses subpoenaed by indigents; amending s. 916.11(3), Florida Statutes; providing for the payment of expert witnesses by the state; amending s. 939.07, Florida Statutes; providing for the payment of witnesses by the state; providing an effective date.

—was referred to the Committees on Judiciary-Civil 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 1026 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services—

HB 1026—A bill to be entitled An act relating to mental health; amending s. 394.67(3), Florida Statutes, redefining "district plan", and creating subsection 394.67(15), Florida Statutes, to provide a definition of holding company; amending s. 394.74, Florida Statutes; adding alcohol programs to mental health services provided under The Community Mental Health Act; establishing provisions to be included in contracts; establishing priorities for services; amending s. 394.75(1), Florida Statutes, requiring district plans to include program descriptions and line-item budgets for services; amending s. 394.76, Florida Statutes; deleting priorities; clarifying local financial participation efforts; establishing certain requirements for the relationships between community agencies and holding companies; amending s. 394.77, Florida Statutes, revising reporting requirements; repealing s. 394.81, Florida Statutes, relating to the continuation of state aid to programs and facilities meeting certain criteria; providing an effective date.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1056 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary—

HB 1056—A bill to be entitled An act relating to the judiciary; amending ss. 26.021(16), 26.031(1)(a), (e), (f), (i), (k), (o), (p), (q), (t), 34.022(6), (29), (51), (55), (58), (64), and 35.06(2), Florida Statutes; providing for additional circuit, county court, and appellate judges; providing a residency requirement

in the sixteenth circuit, Monroe County; providing an effective date.

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

The Honorable W. D. Childers, President

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

Allen Morris, Clerk

By the Committee on Judiciary—

HB 1117—A bill to be entitled An act relating to the judiciary; creating s. 25.384, Florida Statutes, creating the Court Education and Training Trust Fund; requiring the Supreme Court and the chief judges of the circuits to administer the fund; providing for certain training and education for judges, clerks, and other judicial employees; requiring a comprehensive plan; amending s. 28.241(1), Florida Statutes, providing an additional \$1 service charge on certain civil actions, for the purposes of the fund; providing an effective date.

—was referred to the Committees on Judiciary-Civil 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 741 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 741—A bill to be entitled An act relating to public health units; amending s. 20.19(3)(b), Florida Statutes, to provide for the establishment of a public health unit sub-council within the advisory council to the Health Program Office of the Department of Health and Rehabilitative Services and to provide for duties thereof and other matters relative thereto; amending s. 110.205(2)(p), Florida Statutes, exempting public health unit directors from provisions of law relating to career service positions; creating s. 154.001, Florida Statutes, providing intent; amending s. 154.01, Florida Statutes; providing for a public health unit delivery system and providing for funding of same; distinguishing between "public health services," "personal health services," "primary care services," and "public health unit services," for purposes of the act; authorizing certain contractual agreements; providing for use of existing facilities; amending s. 154.02, Florida Statutes; creating the Public Health Unit Trust Fund and providing for its administration; requiring the submission of certain financial statements with respect thereto; amending s. 154.03(1), Florida Statutes, conforming terminology; amending s. 154.04, Florida Statutes, modifying provisions relating to the personnel of public health units; amending s. 154.05, Florida Statutes, conforming terminology; amending s. 154.06, Florida Statutes; providing for the establishment of fee schedules and for the collection of fees for certain services; providing for disposition of fees; amending s. 458.316(1)(a), Florida Statutes, correcting a cross reference; providing for review and repeal of s. 20.19(3)(b)3.g., Florida Statutes, in accordance with the Sundown Act; relating to the Health Program Office of the Department of Health and Rehabilitative Services; creating s. 381.352, Florida Statutes, including within the responsibilities of the department the coordination and planning of services and programs to persons with multiple sclerosis; providing effective dates.

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

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 931 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Regulatory Reform—

CS for HB 931—A bill to be entitled An act relating to health care cost containment and health care; amending s. 381.3712(4)(i), Florida Statutes, correcting a reference; amending s. 381.493(2) and (3)(h), (k), (q), and (s), Florida Statutes; correcting a reference; modifying the definitions of "major medical equipment" and "institutional health services" to increase certain monetary limits relative thereto; providing definitions; amending s. 381.494(1)(c), (g), (l), (m), and (n), (5), (6), and (7), Florida Statutes, and adding a new subsection thereto; modifying provisions relative to projects which require certificates of need; deleting functions of health systems agencies; providing for review by the department; providing functions and membership for local health councils; providing for assessment of fees; amending ss. 395.502(9), 400-18(1), 400.191(1)(d), and 483.297(1)(e), Florida Statutes, correcting references; creating s. 395.5025, Florida Statutes, providing intent; amending s. 395.503, Florida Statutes; providing for staggering of terms on the Hospital Cost Containment Board; modifying membership and appointment procedure; modifying provisions relating to organization and staffing; amending s. 395.504, Florida Statutes; deleting certain duties of the board with respect to budget reviews and studies; requiring rules with respect to submission by hospitals of financial and accounting data under certain circumstances; providing for assistance to certain agencies in development of health care data; amending s. 395.507(2), Florida Statutes, relating to the uniform system of financial reporting; amending s. 395.508, Florida Statutes, modifying provisions relating to board analyses and studies; amending s. 395.509(1) and (3), Florida Statutes, providing review criteria and limitations; amending s. 395.511, Florida Statutes, providing for availability of quality assurance plans; amending s. 395.512(1), Florida Statutes, clarifying provisions relating to financial assessments biennially levied against hospitals by the board to meet expenses of the hospital cost containment program; amending s. 395.513, Florida Statutes, providing for program accountability; authorizing the Health Care Cost Containment Board to continue a pilot project; establishing the Florida Health Policy Commission; providing duties; providing technical advice; providing for appointment and organization; providing for per diem; providing for review and repeal of various statutory provisions in accordance with the Sundown Act or the Regulatory Sunset Act; providing for review and repeal of s. 381.494(7), Florida Statutes, relating to functions of the local health councils, on October 1, 1985; saving part II of chapter 395, Florida Statutes, from sunset repeal scheduled October 1, 1982; providing for review and repeal of part II of chapter 395, Florida Statutes, relating to health care cost containment, on October 1, 1988; providing that the Hospital Cost Containment Board shall not be subject to the Sundown Act; creating part I of chapter 395, Florida Statutes, consisting of ss. 395.001 through 395.020, Florida Statutes; providing legislative intent; providing definitions; requiring licensure and providing procedures with respect to issuance, renewal, denial, and revocation of license; providing fees; providing for disposition of fees; providing for promulgation of rules and for enforcement thereof; allowing 1 year for compliance with rules; providing for inspections and investigations by the Department of Health and Rehabilitative Services; providing for acceptance of certain surveys or inspections in lieu thereof; providing inspection fees; providing for inspection reports and providing for the furnishing of same to certain persons upon request; establishing minimum standards for clinical laboratory test results and diagnostic x-ray results; providing disciplinary powers of licensed facilities; specifying criteria with respect to staff membership and professional privileges; prohibiting interference with the prescription of laetrile or DMSO; providing for access of chiropractors to diagnostic reports; requiring itemized patient bills and providing for form and content thereof; providing for form and content of hospital patient records; providing that copies of patient records shall be furnished upon request, with certain exceptions; providing for confidentiality of records; declaring operation of a hospital or ambulatory surgical center without a license a misdemeanor and providing a penalty and other remedies therefor; declaring certain activities unlawful and providing penalties therefor; requiring insurance coverage; providing for treatment of sexual assault victims; creating s. 400.425, Florida Statutes, requiring itemized patient billing and providing for form and content thereof with respect to nursing homes; creating s. 400.4251, Florida Statutes, providing minimum standards for clinical laboratory test results and diagnostic x-ray results

with respect to nursing homes; repealing s. 382.31, Florida Statutes, relating to the requirement that hospitals and almshouses keep records; providing for review and repeal in accordance with the Regulatory Sunset Act; providing effective dates.

—was referred to the Committee on Commerce.

The Senate was called to order by the President at 10:00 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	Tobiasen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware
Grizzle	Lewis	Scott	

Excused periodically: Senator Barron for the purpose of working on apportionment; Senator Hair for the purpose of working on the insurance code.

Prayer by Senator Peterson:

Gracious Father, as we approach thy throne this morning, many things are on our minds . . . the problems of our people, the problems of the state government, the problems of our nation, the problems all over the world, and we know we can't approach any solutions to these problems without thy guidance and without thy spirit moving among us and directing us in the right way. So this morning we do ask for the strength of your spirit and the wisdom you can impart to us to help approach the many problems we have in this state and in the world today. We thank you for the many blessings you have given us. We ask you to forgive us where we have failed you and strengthen us and keep us in thy will. Amen.

REPORTS OF COMMITTEES

The Committee on Finance, Taxation and Claims recommends the following pass: SB 943 with 1 amendment

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

The Committee on Appropriations recommends the following pass: SB 1032

The Committee on Finance, Taxation and Claims recommends the following pass: HB 1134 with 2 amendments

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

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: CS for SB 944

The bill with committee substitute attached was referred to the Committee on Judiciary-Criminal under the original reference.

REQUESTS FOR EXTENSION OF TIME

March 17, 1982

The Committee on Transportation requests an extension of 15 days for consideration of the following: SB 301, SB 435, SB 448, SB 692, SB 846, SB 859, SB 923, HB 278, HB 968, HB 984, HB 288, HB 406

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: SB 521, SJR 536, SB 568, SB 957, HB 229

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 155, 385, 531, 237, 589, 557, CS for SB 881 and CS for SB 895 were withdrawn from the Committee on Appropriations.

On motion by Senator Johnston, the rules were waived and by two-thirds vote CS for SB 881 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Tobiasen, by unanimous consent the following joint resolution was introduced:

By Senators Tobiasen, Gordon, Skinner, Langley, Vogt, Renick, Peterson, Ware, Grizzle, Poole, Carlucci, Trask, Steinberg, Stevens, Henderson, McClain, Margolis, Barron, Lewis, Rehm, Kirkpatrick, Thomas, Maxwell, Jennings, Stuart, Jenne, W. D. Childers and Beard—

SJR 1035—A joint resolution proposing an amendment to Section 8 of Article II of the State Constitution relating to lobbying by former legislators and statewide elected officers.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 8 of Article II of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1982:

SECTION 8. Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

(b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

(d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.

(e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before any state government body or agency, unless such person files full and public disclosure of his or her financial interests pursuant to subsection (a), of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

(g) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

(h) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

a. A copy of the person's most recent federal income tax return; or

b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (h) (1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

**FINANCIAL DISCLOSURE REQUIRED BEFORE
LOBBYING BY FORMER LEGISLATORS
AND STATEWIDE ELECTED OFFICERS**

Prohibits former legislators and statewide elected officers from representing other persons or entities for compensation before any state government body for a period of 2 years following vacation of office, unless they file full and public disclosure of their financial interests.

—which was read the first time by title. On motion by Senator Tobiasen, by unanimous consent SJR 1035 was taken up instanter and by two-thirds vote read the second time by title. On motion by Senator Tobiasen, by two-thirds vote SJR 1035 was read the third time in full, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Jenkins	Peterson	Thomas
Beard	Jenne	Poole	Tobiasen
Carlucci	Lewis	Rehm	Trask
Gersten	Margolis	Renick	Vogt
Gordon	Maxwell	Skinner	Ware
Grizzle	McClain	Steinberg	
Henderson	Neal	Stevens	

Nays—5

Dunn	Johnston	McKnight	Stuart
Frank			

Vote after roll call:

Yea—Jennings, Langley, Scott

Nay—D. Childers

On motions by Senator Jenne, by two-thirds vote CS for HB 946 was withdrawn from the Committees on Judiciary-Criminal and Appropriations.

On motion by Senator Jenne, by unanimous consent—

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 alcoholic 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; pro-

viding 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 taken up out of order and read the second time by title.

Senators Jenne and Skinner moved the following amendments which were adopted:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Subsection (4) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of accidents.—

(4) All accident reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use of the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident, and except that the department shall disclose the final judicial disposition of the case indicating which if any of the parties were found guilty. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirements that such a report be made to the department. *The results of any breath, urine, or blood test administered as provided in s. 322.261 and s. 322.2615 shall not fall within the confidential privilege afforded by this subsection but shall be admissible into evidence in accordance with the provisions of s. 322.262(2).*

Section 2. Section 316.193, Florida Statutes, is amended to read:

316.193 Driving while under the influence of ~~alcohol alcoholic beverages~~, model glue, or controlled substances.—

(1) It is unlawful and punishable as provided in subsection (2) for any person who is under the influence of ~~alcohol alcoholic beverages~~, model glue, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired, to drive or be in the actual physical control of any vehicle within this state.

(2) Any person who is convicted of a violation of subsection (1) shall be punished:

(a) *Except as provided in subsection (5), for first conviction thereof, by imprisonment for not less than 48 hours nor more than 6 months and ~~or~~ by a fine of not less than \$250 nor \$25 ~~or~~ more than \$500, ~~or by both such fine and imprisonment.~~*

(b) For a second conviction within a period of 3 years from the date of a prior conviction for violation of *subsection (1) or subsection (3) this section*, by imprisonment for not less than 10 days nor more than 6 months and *by, in the discretion of the court,* a fine of not less ~~more~~ than \$500 nor more than \$1,000.

(c) For a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for violations of *subsection (1) or subsection (3) or a combination of such subsections this section*, by imprisonment for not less than 30 days nor more than 12 months and *by, in the discretion of the court,* a fine of not less ~~more~~ than \$1,000 nor more than \$2,500.

(3) It is unlawful and punishable as provided in subsection (4) for any person with a blood alcohol level of 0.10 percent, or above, to drive or be in actual physical control of any vehicle within this state.

(4) Any person who is convicted of a violation of subsection (3) shall be punished:

(a) *Except as provided in subsection (5), for first conviction thereof, by imprisonment for not less than 24 hours nor more than 90 days and ~~or~~ by a fine of not less more than \$250 nor more than \$500, ~~or by both such fine and imprisonment.~~*

(b) For a second conviction within a period of 3 years from the date of a prior conviction for violation of *subsection (1) or subsection (3) this section*, by imprisonment for not less than 10 days nor more than 6 months and *by, in the discretion of the court,* a fine of not less ~~more~~ than \$500 nor more than \$1,000.

(c) For a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for violations of *subsection (1) or subsection (3) or a combination of such subsections this section*, by imprisonment for not less than 30 days nor more than 12 months and *by, in the discretion of the court,* a fine of not less ~~more~~ than \$1,000 nor more than \$2,500 ~~\$500~~.

(5)(a) *Any person who is convicted of a first violation of subsection (1) and was given a breath or blood test to determine blood alcohol content in connection with such violation, the results of which showed a blood alcohol content by weight of 0.20 percent or more shall, in lieu of the penalties provided in paragraph (2)(a), be punished by imprisonment for a period of not less than 10 days nor more than 6 months and by a fine of not less than \$500 nor more than \$1,000.*

(b) *Any person who is convicted of a first violation of subsection (3) and was given a breath or blood test to determine blood alcohol content in connection with such violation, the results of which showed a blood alcohol content by weight of 0.20 percent or more shall, in lieu of the penalties provided by paragraph (4)(a), be punished by imprisonment for a period of not less than 72 hours nor more than 6 months and by a fine of not less than \$500 nor more than \$1,000.*

(6) *Any person who is convicted of a violation of either subsection (1) or subsection (3) within a period of 5 years from the date of a conviction for violation of s. 860.01(2)(b) shall be punished by imprisonment for not less than 30 days nor more than 12 months and a fine of not less than \$500 nor more than \$1,000.*

(7)(5) ~~At the discretion of~~ The court shall require, any person convicted of violating subsection (1), ~~or~~ subsection (3), or s. 860.01 ~~may be required to attend a substance abuse an alcohol education course specified by the court and any person so convicted may be referred to an authorized agency for sub-~~

stance abuse alcoholism evaluation and treatment, in addition to any fine or imprisonment imposed under this section, and such person shall be expected to assume reasonable costs for such evaluation and treatment. "Substance abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03. Whenever the authorized agency for substance abuse alcoholism treatment is the same agency which conducts the substance abuse alcohol evaluation and education, that agency shall submit a quarterly statistical report, which shall be reviewed by the Traffic Court Review Committee to assure that excessive referrals to treatment have not been made. A programmatic and statistical report shall be submitted annually to the Traffic Court Review Committee by each agency authorized to provide services under this act.

Section 3. Subsection (2) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(2) Such examination shall be held in the county where the applicant resides. It shall include a test of the applicant's eyesight; his ability to read and understand highway signs regulating, warning, and directing traffic; and his knowledge of the traffic laws of this state including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood alcohol level, and driving while intoxicated; and his knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle under the influence of alcohol or controlled substances; and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

Section 4. Section 322.261, Florida Statutes, is amended to read:

322.261 Suspension of license; chemical test for impairment or intoxication.—

(1)(a) Any person who shall accept the privilege extended by the laws of this state of operating a motor vehicle within this state shall by so operating such vehicle be deemed to have given his consent to submit to an approved chemical test of his breath for the purpose of determining the alcoholic content of his blood and a urine test for the purpose of detecting the presence of any controlled substance if he is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle under the influence of alcohol or any controlled substance. alcoholic beverages. The breath test shall be incidental to a lawful arrest and administered at the request of a law enforcement officer having reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of alcohol alcoholic beverages. The urine test shall be incidental to a lawful arrest and administered at the request of a law enforcement officer having reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of any controlled substance. The urine test shall be administered at any facility or mobile unit equipped to administer such test and in a reasonable manner that will insure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of either test shall not preclude the administration of the other test. Such person shall be told that his failure to submit to such a breath or urine chemical test or both will result in the suspension of his privilege to operate a motor vehicle for a period of 3 months for a first refusal, and a period of 6 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests. Refusal to submit to a breath or urine test upon request of a law enforcement officer as provided in this section shall be admissible into evidence in any criminal proceeding.

(b)1. Notwithstanding the provisions of this section, a law enforcement officer who has reason to believe that a person's ability to operate a motor vehicle is impaired by alcohol or any controlled substance and that the person has been operating a motor vehicle during the period of such impairment may, with the person's consent, give, or the person may demand, a pre-arrest breath test for the purpose of determining if said person is in violation of s. 316.193(1), but the taking of such pre-arrest breath test shall not be deemed a compliance with the provisions of paragraph (a). The results of any pre-arrest

test administered under this paragraph section shall not be admissible into evidence in any civil or criminal proceeding. An analysis of a person's breath, in order to be considered valid under the provisions of this section, must have been performed substantially according to methods approved by the Department of Health and Rehabilitative Services. For this purpose, the department is authorized to approve satisfactory techniques or methods. Any insubstantial differences between approved techniques and actual testing procedures in individual cases shall not render the test or test results invalid.

2. Prior to administering any pre-arrest breath test, a law enforcement officer shall advise the motor vehicle operator that he has the right to refuse to take such test, and, prior to administering such test, a law enforcement officer shall obtain the written consent of the motor vehicle operator.

(c) Any person whose consent is implied as provided in this section shall be deemed to have consented to an approved blood test for the purpose of determining the alcoholic content of or the presence of any controlled substance in such person's blood as provided herein if such person is admitted to a hospital, clinic, or other medical facility as a result of his involvement as a driver in a motor vehicle accident, and the administration of a breath or urine test is impractical or impossible. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition shall be deemed not to have withdrawn his consent to such test. A blood test may be administered whether or not such person is told that his failure to submit to such blood test will result in the suspension of his privilege to operate a motor vehicle upon the public highways of this state. Any such person whose blood is withdrawn while such person was incapable of refusal by reason of unconsciousness or other mental or physical condition shall be advised as soon as practical of such blood withdrawal and the intended use thereof. He shall also be advised that he may withdraw consent for the use of such tests but such withdrawal of consent will result in the suspension of his driving privilege for a period of 3 months for a first refusal, and a period of 6 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests. Any other person who is capable of refusal shall be told that his failure to submit to such a chemical blood test will result in the suspension of his privilege to operate a motor vehicle for a period of 3 months for a first refusal, and a period of 6 months if the driving privilege of such person has been suspended previously as a result of a refusal to submit to such a test or tests. Refusal to submit to a blood test upon request of a law enforcement officer or withdrawal of consent for the use of such test shall be admissible into evidence in any criminal proceeding. Any such person who is incapable of refusal by reason of unconsciousness or other mental or physical condition shall be deemed not to have withdrawn his consent to such test. Any such person whose consent is implied as hereinabove provided and who, during the period within which a test prescribed herein can be reasonably administered, or who, being admitted to a hospital as a result of his involvement as a driver in a motor vehicle accident, is so incapacitated as to render impractical or impossible the administration of the aforesaid test of his breath shall be deemed to have consented also to an approved blood test given as provided for herein and shall be deemed not to have withdrawn his consent therefor. Under the foregoing circumstances, a blood test may be administered whether or not such person is told that his failure to submit to such blood test will result in the suspension of his privilege to operate a motor vehicle upon the public highways of this state.

(d) If any such person refuses the officer's request to submit to any breath, urine, or blood a chemical test herein provided, the department, upon receipt of the officer's sworn statement that he had reasonable cause to believe such person had been driving or had been in actual physical control of a motor vehicle within this state while under the influence of alcohol or any controlled substance alcoholic beverages and that the person had refused to submit to such the test or tests after being requested by the officer, shall suspend his privilege to operate a motor vehicle for a period of 3 months. If the driving privilege of such person has been previously suspended for refusing to submit to such test or tests, the department shall suspend his privilege to operate a motor vehicle for a period of 6 months. No suspension shall become effective until 10 days after the giving of written notice thereof, as provided for in paragraph (e).

(e) The department shall immediately send notification to such person, in writing by certified mail to his last known address furnished to the department, of the action taken and of his right to petition for hearing as hereinafter provided and to be represented at the hearing by legal counsel. Such mailing by the department will constitute notification as required by this section, and any failure by the person to receive such notification will not affect or stay such suspension order. Upon his petition in writing, a copy of which he shall forward to the department, being filed within 10 days from the date of receipt of the notice, directed to the ~~municipal, county, or state~~ court having trial jurisdiction of the offense for which he shall stand charged such person shall be afforded an opportunity for a hearing at a time to be set by the court, which hearing date shall be within 20 days of the filing of the petition with the court. *The clerk of the court shall schedule the hearing and shall give proper notice to the petitioner and to the state attorney. If the person fails to appear for the hearing, the clerk of the court shall immediately notify the department, which shall suspend the person's license for a period of 3 months or a period of 6 months if the driving privilege of such person has been previously suspended for a refusal to submit to such test or tests.* For the purposes of this section, the question of whether such person lawfully refused to take any a chemical test as provided for by this law and the issues determinative shall be:

1. Whether the arresting law enforcement ~~peace~~ officer had reasonable cause to believe the person had been driving or had been in actual physical control of a motor vehicle in this state while under the influence of alcohol or any controlled substance ~~alcoholic beverage~~;

2. Whether the person was placed under lawful arrest;

3. Whether the person refused to submit to any such the test after being requested by a law enforcement ~~peace~~ officer, or withdrew consent for the use of a blood test administered pursuant to paragraph (c); and

4. Whether, ~~except for the person described in paragraph (c) above,~~ he had been told that his privilege to operate a motor vehicle would be suspended for a period of 3 months if he refused to submit to such the test, or withdrew consent for the use of a blood test administered pursuant to paragraph (c), or a period of 6 months if the driving privilege of such person has been previously suspended for a refusal to submit to or for a withdrawal of consent to the use of such test.

(f) A petition for a hearing provided in paragraph (e), filed by the affected person within 10 days of receiving notice of the department's action, shall operate to stay the suspension of the department for the period provided for the said hearing. If the trial court fails to afford the hearing within the time herein prescribed, the suspension shall not take place until such time as the person has been granted such hearing. If within the prescribed hearing period the person affected requests a continuance of the hearing to a date beyond the expiration of the prescribed hearing period, the suspension shall become effective on the day immediately following the prescribed period or immediately upon receipt of the court's notice that the request for continuance has been granted, whichever is the later. In every event, the court shall forthwith rule on the question herein prescribed and forward a copy of its decision to the department.

(g) If the court determines upon the hearing that the suspension herein provided is according to law and should be sustained, the person's driving privileges shall forthwith be suspended by order of the court, and his license shall forthwith be delivered to the court and forwarded to the department.

(h) If the arresting officer does not request a chemical test of the person arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle under the influence of alcohol or any controlled substance ~~alcoholic beverages~~, such person may request the arresting officer to have a chemical test made of the arrested person's breath, urine, or blood for the purpose of determining the alcoholic content of or the presence of any controlled substance in the person's blood, and, if so requested, the arresting officer shall have the test performed.

(i) Warning of the consent provision of this section shall be printed above the signature line on each new or renewed driver's license issued after the effective date of this act.

(j) By applying for a driver's license and by accepting and using a driver's license, the person holding the driver's license shall be deemed to have expressed his consent to the provisions of this section.

(k) A nonresident or any other person driving in a status exempt from the requirements of the driver's license law shall by his act of driving in such exempt status be deemed to have expressed his consent to the provisions of this section.

(2)(a) The test determining the weight of alcohol in the defendant's blood shall be administered at the direction of the arresting officer *substantially* in accordance with rules and regulations which shall have been adopted by the *Department of Health and Rehabilitative Services* ~~department~~. Such rules and regulations shall be adopted after public hearing, and shall specify precisely the test or tests which are approved by said department for reliability of result and facility of administration and shall provide an approved method of administration which shall be followed in all tests given under this section.

(b) Only a physician, registered nurse, or duly licensed clinical laboratory technologist or clinical laboratory technician, acting at the request of a law enforcement ~~peace~~ officer, may withdraw blood for the purpose of determining the alcoholic content or presence of controlled substances therein. ~~Such withdrawal of blood shall be performed only at a hospital, clinic, or other medical facility. This limitation shall not apply to the taking of a breath specimen.~~

(c) The person tested may, at his own expense, have a physician, registered nurse, duly licensed clinical laboratory technologist or clinical laboratory technician, or any other person of his own choosing administer a test in addition to a test administered at the direction of a law enforcement ~~peace~~ officer for the purpose of determining the amount of alcohol or the presence of any controlled substance in his blood at the time alleged as shown by chemical analysis of his blood, urine, or breath. The failure or inability to obtain an additional test by a person shall not preclude the admissibility in evidence of the test taken at the direction of a law enforcement ~~peace~~ officer.

(d) Upon the request of the person tested, full information concerning the test taken at the direction of the law enforcement ~~peace~~ officer shall be made available to him or his attorney.

(e) No hospital, clinical laboratory, medical clinic, or similar medical institution or physician, registered nurse, or duly licensed clinical laboratory technologist or clinical laboratory technician shall incur any civil or criminal liability as a result of the proper withdrawal or analysis of a blood, urine, or breath specimen when requested ~~in writing~~ by a law enforcement ~~peace~~ officer.

(3) *The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.*

Section 5. Section 322.2615, Florida Statutes, is created to read:

322.2615 Blood test for impairment or intoxication.—

(1) Notwithstanding any recognized ability to refuse to submit to the chemical tests provided in s. 322.261 or any recognized power to revoke the implied consent to such tests, if a law enforcement officer has probable cause to believe that a motor vehicle driven by or in the actual physical control of a person while under the influence of alcohol or any controlled substance has caused the death or serious bodily injury of a human being, such person shall submit, upon request of a law enforcement officer, to a test of his blood for the purpose of determining the alcoholic content of or the presence of any controlled substance in his blood. The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. "Serious bodily injury" means a physical condition which creates a substantial risk of death or serious, personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(2) Only a physician, registered nurse, or duly licensed clinical laboratory technologist or clinical laboratory technician, acting at the request of a law enforcement officer, may with-

draw blood for the purpose of determining the alcoholic content or the presence of any controlled substance therein.

(3) Chemical analyses of the person's blood to determine the alcoholic content of his blood must have been performed substantially in accordance with methods approved by the Department of Health and Rehabilitative Services and by an individual possessing a valid permit issued by the department for this purpose. The Department of Health and Rehabilitative Services is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the Department of Health and Rehabilitative Services.

(4) Any criminal charge resulting from the incident giving rise to the officer's demand for testing shall be tried concurrently with a charge of any violation arising out of the same incident, unless in the discretion of the court such charges should be tried separately. If such charges are tried separately, the fact that such person refused, resisted, obstructed, or opposed testing shall be admissible at the trial of the criminal offense which gave rise to the demand for the testing.

(5) No hospital, clinical laboratory, medical clinic, or similar medical institution or physician, registered nurse, or duly licensed clinical laboratory technologist or clinical laboratory technician shall incur any civil or criminal liability as a result of the proper withdrawal or analysis of a blood specimen when requested by a law enforcement officer.

(6) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

Section 6. Section 322.262, Florida Statutes, is amended to read:

322.262 Presumption of ~~impairment intoxication~~; testing methods.—

(1) It is unlawful and punishable as provided in this chapter and in s. 316.193 for any person who is under the influence of ~~alcohol or any controlled substance alcoholic beverages~~, when affected to the extent that his normal faculties are impaired, to drive or be in actual physical control of any motor vehicle within this state.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving, or in actual physical control of, a vehicle while under the influence of ~~alcohol or any controlled substance alcoholic beverages~~, when affected to the extent that his normal faculties were impaired or that he was deprived of full possession of his normal faculties, the results of any test administered in accordance with ss. ~~322.261 and 322.2615~~, and this section shall be admissible into evidence when otherwise admissible, and the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood or breath shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of ~~alcohol alcoholic beverages~~ to the extent that his normal faculties were impaired.

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of ~~alcohol alcoholic beverages~~ to the extent that his normal faculties were impaired, but such fact may be considered with other competent evidence in determining whether the person was under the influence of ~~alcohol alcoholic beverages~~ to the extent that his normal faculties were impaired.

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be prima facie evidence that the person was under the influence of ~~alcohol alcoholic beverages~~ to the extent that his normal faculties were impaired. Moreover, such person who has a blood alcohol level of 0.10 percent or above shall be guilty of driving, or being in actual physical control of, a motor vehicle, with an unlawful blood alcohol level.

(d) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood.

(e) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of ~~alcohol alcoholic beverages~~ to the extent that his normal faculties were impaired.

(3) Chemical analyses of the person's blood to determine the alcoholic content of his blood or chemical analyses of the person's breath, in order to be considered valid under the provisions of this section, must have been performed substantially in accordance with ~~according to~~ methods approved by the Department of Health and Rehabilitative Services and by an individual possessing a valid permit issued by the department for this purpose. Any ~~insubstantial differences between approved techniques and actual testing procedures in individual cases shall not render the test or test results invalid~~. The Department of Health and Rehabilitative Services is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation pursuant to rules adopted by ~~at the discretion of~~ the Department of Health and Rehabilitative Services.

(4) Any person charged with driving a motor vehicle while under the influence of ~~alcohol or any controlled substance intoxicating beverages~~ to the extent that his normal faculties were impaired, whether in a municipality or not, shall be entitled to trial by jury according to the Florida Rules of Criminal Procedure.

Section 7. Subsection (2) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation or suspension.—

(2) Upon such hearing the person whose license has been suspended, canceled or revoked, may show that such cancellation, suspension or revocation of his license causes a serious hardship and precludes his carrying out his normal business occupation, trade, or employment, and that the use of his license in the normal course of his business is necessary to the proper support of himself or his family. The department shall require proof of a successful completion of an approved driver training or substance abuse ~~alcohol~~ education course, and may require letters of recommendation from respected businessmen in the community, law enforcement officers or judicial officers in determining whether such person should be permitted to operate a motor vehicle on a restricted basis for business use only and in determining whether such person can be trusted to so operate a motor vehicle.

Section 8. Subsection (1) and paragraphs (a), (d), and (e) of subsection (2) of section 322.28, Florida Statutes, are amended to read:

322.28 Period of suspension or revocation.—

(1) The department shall not suspend a license for a period of more than 1 year and, upon revoking a license, in all cases except in prosecutions for the offense of driving a motor vehicle while under the influence of ~~alcohol or any controlled substance intoxicating liquor~~, shall not in any event grant a new license until the expiration of 1 year after such revocation, except as provided herein.

(2) In prosecutions for the offense of driving a motor vehicle with an unlawful blood alcohol level, as defined in s. 316.193(3), or while under the influence of ~~alcohol or any controlled substance alcoholic beverages~~ to the extent that normal faculties are impaired, as defined in s. 316.193(1), the following provisions shall apply:

(a) Upon conviction of a driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon first conviction of the offense of driving with an unlawful blood alcohol level as described in s. 316.193(3) or, the driver's license or privilege shall be revoked for not less than ~~30 days or more than 90 days, and for the first conviction of the offense of driving while under the influence, as described in s. 316.193(1), the driver's license or privilege shall be revoked for not less than 6 months nor 90 days or more than 1 year. How-~~

ever, the court may, as part of the sentence, restrict the driver's license or privilege to such driving as is required to get to and from work and any necessary on-the-job driving required by the employer or occupation. ~~If such restriction is a part of the sentence, the court shall require the defendant to enroll in, and successfully complete, a driver improvement course for the rehabilitation of drinking drivers, and Any driving necessary for completion of a substance abuse education such drinking driver rehabilitation course shall be allowed under the license restriction. No pleasure, recreational, or other driving shall be permitted by such restriction, and any conviction for violation of such restriction shall be punishable by mandatory imprisonment for a period of 10 days and revocation of the driver's license or privilege for the period imposed in the original sentence. The 10-day mandatory imprisonment requirement shall not be applicable to persons 17 years of age or younger. In lieu of such 10-day imprisonment, the court may order any other sanctions normally available to the court.~~

2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193(1) or (3), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than ~~12 6~~ months ~~nor or~~ more than 24 months.

3. Upon a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193(1) or (3), or a combination of said subsections, the driver's license or privilege shall be revoked for not less than ~~1 year or more than 5 years~~, as provided in s. 322.27(5).

(d) The forfeiture of bail bond, not vacated within 20 days, in any prosecution for the offense of driving while under the influence of ~~alcohol or any controlled substance intoxicating liquor~~ to the extent of depriving the defendant of his or her normal faculties, shall be deemed equivalent to a conviction for the purposes of this paragraph, and the department shall forthwith revoke the defendant's driver's license or privilege for the maximum period applicable under paragraph (2)(a); however, if the defendant shall subsequently be convicted of said charge, the period of revocation for such conviction shall not exceed the difference between the applicable maximum under paragraph (2)(a) and the period imposed under this subsection that shall have actually expired. This paragraph shall not apply if an appropriate motion contesting the forfeiture is filed within the 20-day period.

(e) When any driver's license or privilege has been revoked pursuant to the provisions of this section, the department shall not grant a new license until the expiration of the period of revocation so prescribed. However, the department shall issue a temporary driver's permit to a licensee presenting a court order for reinstatement and a written request for a hearing established in s. 322.271, provided a record check by the department shows no other convictions ~~under s. 316.193 or s. 860.01 for driving a motor vehicle while having an unlawful blood alcohol level or while under the influence of alcoholic beverages to the extent that normal faculties are impaired~~ and that the person is otherwise entitled to the issuance of a driver's license; ~~no such permit shall be issued until 10 days after revocation.~~ Such a temporary driver's permit shall be restricted to business or employment purposes and to any necessary driving for the completion of a ~~substance abuse education drinking driver rehabilitation~~ course only and shall not be used for pleasure, recreational, or nonessential driving. ~~The department shall issue a tag to the temporary permit driver, which shall be no smaller in size than a motor vehicle license tag, which temporary permit driver tag shall contain the prominent letters DUL and which tag shall be prominently displayed on the vehicle while being driven by the temporary permit driver. Absence of display of such temporary permit driver tag shall result in revocation of the temporary driver permit.~~ Should the department determine at a later date from its records that the applicant has previously been convicted for the offense of driving of a motor vehicle while having an unlawful blood alcohol level or while under the influence of ~~alcohol or any controlled substance alcoholic beverages~~ to the extent that normal faculties are impaired, the permit issued under this section shall be canceled. Upon administrative hearing, if the department determines the applicant is not eligible for modification of revocation, the permit shall be canceled, and the original revocation imposed by the court shall be reimposed. A temporary permit issued under this section shall be valid ~~until such time as the hearing provided for in s. 322.271 is held, or until such time as it is determined that no hearing shall be held for 45 days unless canceled as herein provided.~~

Section 9. Section 322.281, Florida Statutes, is amended to read:

322.281 Mandatory adjudication.—

(1) Notwithstanding the provisions of s. 948.01, no court shall ~~suspend, defer, or withhold adjudication of guilt or imposition of sentence for any violation of s. 316.193 or s. 860.01 the offense of driving, or being in actual physical control of, a motor vehicle while having an unlawful blood alcohol level or while under the influence of alcoholic beverages, model glue, or any substance controlled by chapter 893.~~

(2) No trial judge shall accept a plea of guilty to a lesser offense from a person charged under the provisions of this act who has been given a breath or blood test to determine blood alcohol content, the results of which show a blood alcohol content by weight of ~~0.10 0.20~~ percent or more or, ~~who has been offered a breath or blood test and has refused such test.~~

(3) ~~If the court grants probation to any person convicted of any offense described in s. 316.193 or s. 860.01, it shall be a condition of probation that such person be imprisoned and fined in accordance with the penalties provided for such offenses.~~

(4) ~~Any person to be punished by imprisonment for an offense described in s. 316.193 or s. 860.01, may be imprisoned on days other than the days of regular employment of the person.~~

(5) ~~Notwithstanding the provisions of s. 951.24 a person convicted of a violation of s. 316.193 or s. 860.01 shall not have the limits of confinement extended for the mandatory period of confinement.~~

Section 10. Section 322.291, Florida Statutes, is amended to read:

322.291 Driver improvement schools; required in certain suspension and revocation cases.—Any person:

(1) Whose driving privilege has been revoked:

(a) Upon conviction for:

1. Driving, or being in actual physical control of, any vehicle while under the influence of ~~alcohol alcoholic beverages~~, model glue, or any substance controlled under chapter 893, in violation of s. 316.193 or s. 860.01; or

2. Driving with an unlawful blood alcohol level; or

(b) As a habitual offender; or

(2) Whose license was suspended under the point system shall, before the driving privilege may be reinstated, in addition to passing the complete driver's license examination, present to the department proof of enrollment in a department-approved driver training or ~~substance abuse alcohol~~ education course. If the person fails to complete such course within 90 days after reinstatement, the driver's license shall be canceled by the department until such course is successfully completed.

Section 11. Section 371.51, Florida Statutes, is amended to read:

371.51 Operating vessel while under influence of intoxicating liquor or a controlled substance.—It is unlawful for any person who is under the influence of ~~alcohol an alcoholic beverage~~, any substance controlled under chapter 893, or any chemical substance set forth in s. 877.11, when affected to the extent that his normal faculties are impaired, to operate or be in actual physical control of any vessel on the waters of this state.

Section 12. Section 860.01, Florida Statutes, is amended to read:

860.01 Driving automobile while intoxicated; punishment.—

(1) It is unlawful for any person, while in an intoxicated condition or under the influence of ~~alcohol intoxicating liquor~~, model glue, as defined in s. 877.11, or any substance controlled under chapter 893 to such extent as to deprive him of full possession of his normal faculties, to drive or operate over the highways, streets, or thoroughfares of Florida any automobile, truck, motorcycle, or other vehicle. Any person convicted of a violation of this section shall be punished ~~as provided in s. 316.193.~~

(a) For first conviction thereof, by imprisonment for not less than 48 hours nor more than 90 days and by a fine of not less than \$250 nor more than \$500.

(b) For a second conviction within a 3-year period from the date of a prior conviction for violation of this section or s. 393.193, by imprisonment for not less than 10 days nor more than 6 months and by a fine of not less than \$500 nor more than \$1,000.

(c) For a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for violation of this section or s. 393.193, by imprisonment for not less than 30 days nor more than 12 months and by a fine of not less than \$1,000 nor more than \$2,500.

(2) However:

(a) If, ~~however~~, damage to property or person of another, other than damage resulting in death of any person, is done by said intoxicated person under the influence of alcohol, model glue, or any substance controlled under chapter 893 intoxicating liquor to such extent as to deprive him of full possession of his normal faculties, by reason of the operation of any of said vehicles mentioned herein, he shall be guilty of a misdemeanor of the first degree, and on conviction be punished by a term of imprisonment of not less than 30 days nor more than 1 year, and by a fine of not less than \$300 nor more than \$1,000, ~~punishable as provided in s. 775.082 or s. 775.083, and~~

(b) If the death of any human being is ~~be~~ caused by the operation of a motor vehicle by any intoxicated person as described in paragraph (a) while intoxicated, such person shall be deemed guilty of the second degree felony of manslaughter, and on conviction be punished by a term of imprisonment of not less than 90 days nor more than 15 years and a fine of not less than \$1,000 nor more than \$10,000 ~~as provided by existing law relating to manslaughter.~~

(3) Convictions under the provisions of this section shall not be a bar to any civil suit for damages against the person so convicted.

(4) The results of any test administered pursuant to ss. 322.261, 322.2615, or 322.262 shall be admissible as evidence in any action arising out of the acts prohibited in this section.

Section 13. Subsection (3) is added to section 316.660, Florida Statutes, to read:

316.660 Disposition of fines and forfeitures collected for violations.—

(3) The county governing body shall annually, from the county fine and forfeiture fund, reimburse the officer having authority over county jails for the cost of incarcerating persons convicted of violations of s. 316.193 or s. 860.01. The amount of such reimbursement shall be equal to \$25 per offender per day.

Section 14. The Division of Statutory Revision of the Joint Legislative Management Committee shall, in preparing the text of the next official edition of the Florida Statutes, change the term "driving under the influence of alcoholic beverages" to "driving under the influence of alcohol".

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

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to driving under the influence of alcohol or controlled substances; amending s. 316.066(4), Florida Statutes; excluding chemical test results from the confidentiality of accident reports; amending s. 316.193, Florida Statutes; providing minimum penalties; clarifying language; requiring attendance at a substance abuse education course; providing for substance abuse evaluation and treatment programs; defining "substance abuse"; amending s. 322.12(2), Florida Statutes; requiring examination of license applicants on certain subjects; amending s. 322.261, Florida Statutes; providing in certain circumstances for a urine test to detect controlled substances; providing criteria for administering a urine test; authorizing suspension of a driver's license for certain periods under certain circumstances; providing that refusal to submit to tests shall be admissible in criminal proceedings; providing procedures for such suspension; providing for consent to a blood test under certain circumstances; providing for validity of test results; authorizing the

withdrawal of blood for certain purposes; providing certain persons with immunity from liability under certain circumstances; authorizing a law enforcement officer to direct that a breath or urine test be administered; limiting the admissibility of test results; creating s. 322.2615, Florida Statutes; requiring a person to submit to a chemical blood test under certain circumstances; providing for enforcement of such requirement; providing for certain criminal charges to be tried concurrently; authorizing the withdrawal of blood by certain persons; providing such persons with immunity from liability under certain circumstances; limiting the admissibility of test results; amending s. 322.262, Florida Statutes; providing for admissibility of test results under certain circumstances; providing a right to a trial by jury; amending s. 322.271(2), Florida Statutes; requiring proof of attendance at a substance abuse education course; amending s. 322.28(1), (2)(a), (d), (e), Florida Statutes; conforming certain language; providing for a temporary driving permit in specified circumstances; providing for the issuance and display of temporary driver permit tags; increasing length of revocation of driver's license; amending s. 322.281, Florida Statutes; providing for mandatory adjudication of persons for certain offenses; providing for minimum periods of imprisonment and fines for certain persons who are granted probation; providing for imprisonment for certain persons during certain time periods; amending ss. 322.291, 371.51, Florida Statutes; conforming certain language; amending s. 860.01, Florida Statutes; providing minimum penalties; providing for admissibility of certain test results in certain actions; adding s. 316.660(3), Florida Statutes; requiring reimbursement from the county fine and forfeiture fund for certain costs of county jails; requiring the Division of Statutory Revision to make certain changes; providing an effective date.

On motion by Senator Jenne, by two-thirds vote CS for HB 946 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Scott

On motion by Senator D. Childers, the Senate reconsidered the vote by which CS for HB 946 passed.

On motion by Senator D. Childers, the Senate reconsidered the vote by which CS for HB 946 was read the third time.

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

Senator D. Childers moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 25, strike lines 15-24 and insert:

Section 11. Section 327.35, Florida Statutes, is amended to read:

327.35 Operating vessel while under influence of intoxicating liquor or a controlled substance.—

(1) It is unlawful for any person who is under the influence of an alcoholic beverage, any substance controlled under chapter 893, or any chemical substance set forth in s. 877.11, when affected to the extent that his normal faculties are impaired, to operate or be in actual physical control of any vessel on the waters of this state.

(2) Any person who is convicted of a violation of subsection (1) shall be punished:

(a) For a first conviction thereof, by imprisonment for not less than 48 hours nor more than 6 months and by a fine of not less than \$250 nor more than \$500.

(b) For a second conviction within a period of 3 years from the date of a prior conviction for violation of this section, by imprisonment for not less than 10 days nor more than 6 months and by a fine of not less than \$500 nor more than \$1,000.

(c) For a third or subsequent conviction within a period of 5 years from the date of conviction for the first of three or more convictions for violation of this section, by imprisonment for not less than 30 days nor more than 12 months and by a fine of not less than \$1,000 nor more than \$2,500.

(3) A law enforcement officer may, in the course of an arrest for violation of this section, request that a person submit to a breath test for the purpose of determining the alcoholic content of his blood and a urine test for the purpose of detecting the presence of any controlled substance in his blood. If a person is admitted to a medical facility as a result of his being an operator of a vessel involved in an accident, and if administration of a breath or urine test is impossible or impractical, a blood test may be performed on such person for the purpose of detecting the presence of alcohol or controlled substances. Any breath, urine, or blood test provided for in this subsection shall be performed in the manner prescribed by law for breath, urine, or blood tests of drivers of motor vehicles. Any insubstantial differences between approved testing techniques and actual testing procedures in any individual case shall not render the test or test results invalid. Any person may refuse to submit to a test provided for in this subsection; however, such refusal shall be admissible into evidence in any criminal proceeding.

Amendment 1 as amended was adopted.

On motion by Senator D. Childers, the Senate reconsidered the vote by which Amendment 2 was adopted.

Senator D. Childers moved the following amendments to Amendment 2 which were adopted:

Amendment 2A—In title on page 1, line 15, after "driving" insert: or operating a vessel

Amendment 2B—In title on page 3, line 14, after the semicolon (;) insert: providing penalties for operating a vessel while under the influence;

Amendment 2 as amended was adopted.

On motion by Senator D. Childers, by two-thirds vote CS for HB 946 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	Lewis	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

Nays—1

Margolis

Vote after roll call:

Yea—Hair

Nay—Scott

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 477 which he had approved on March 17.

The Governor advised that he had filed with the Secretary of State SB 491 which he had approved on March 16.

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 255—A bill to be entitled An act relating to beach nourishment; amending s. 161.141, Florida Statutes; eliminating requirements for fixing and determining certain boundary lines; directing the Department of Environmental Regulation to notify applicants for proposed projects whether it intends to issue or deny a permit; adding s. 161.151(4), Florida Statutes; defining "authorized beach restoration project"; amending ss. 253.03(10)(a), 253.12(5)(b), 253.123(2)(c), Florida Statutes, to exempt from certain prohibitions the utilization of sand dredged from navigation channels for beach nourishment on public and private upland properties and in contiguous offshore waters at no cost to public or private interests; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2 line 26 after the word "beach" insert: consistent with uses which would have been allowed prior to the need for such nourishment project

Amendment 2—On page 7 line 6 strike all of said line and insert:

Section 6. Paragraph (g) is added to subsection (2) of section 20.25, Florida Statutes, to read:

20.25 Department of Natural Resources.—There is created a Department of Natural Resources.

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

(g) *Division of Beaches and Shores.*

Section 7. Subsection (5) is added to section 370.02, Florida Statutes, and paragraphs (c) and (d) of subsection (2) of said section are transferred to new subsection (5) of said section and amended to read:

370.02 Department of Natural Resources.—

(5) *DIVISION OF BEACHES AND SHORES; POWERS AND DUTIES.*—

(a) ~~(e)~~ The Department of Natural Resources acting through the Division of *Beaches and Shores Marine Resources* shall be the state agency for:

1. Administering, coordinating, enforcing, and carrying out the powers, duties, functions, and responsibilities relating to beach and shore erosion including restoration and protection against hurricane and storm damages.

2. Processing of applications and issuing of permits prior to commencement of work for all coastal construction, physical activity, or structures pertaining thereto, except those authorized to be constructed under chapter 253, below the mean high-water line of any body of tidal water within the limits of the state, and the setting of reasonable fees and costs therefor.

(b) ~~(d)~~ Specific duties of the Division of *Beaches and Shores Marine Resources* shall include the following:

1. To administer, coordinate, and enforce the provisions of chapter 161.

2. To conduct, direct, encourage, coordinate, and organize a continuing program of research into problems of beach erosion, shoreline deterioration and hurricane protection.

3. To prepare a comprehensive, and a long-range state-wide plan for erosion control, beach preservation, and hurricane protection.

4. To review all plans and activity pertinent to erosion control, beach, and hurricane protection, and to provide coordination in these fields among the various levels of government and areas of the state.
5. To make recommendations to the department concerning the use of funds in the erosion control account.
6. To insure the proper regulation of shoreline alteration and development by investigating proposed work and making recommendations to the department.
7. To promote sound planning and development of shoreline upland by devising standards and working closely with local planning and zoning bodies.
8. To coordinate erosion control, beach preservation and hurricane protection activities with waterways, harbors, water control and development projects.
9. To provide a clearing service for erosion control, beach preservation and hurricane protection matters by collecting, processing and disseminating pertinent information.
10. To assist and guide localities in the preparation and execution of integrated erosion, beach preservation and hurricane protection programs.
11. To provide such other services as the department may direct.

Section 3. The executive director of the Department of Natural Resources shall establish such bureaus in the Division of Beaches and Shores, subject to the approval of the department, as may be necessary to properly carry out the duties and responsibilities relating to beach and shore erosion, including restoration and protection against hurricane and storm damage and the administration of the provisions of part 1, chapter 161, Florida Statutes.

Section 8. This act shall take effect July 1, 1982. October 1, 1982, except that sections 6 and 7 shall take effect July 1, 1982.

Amendment 3—On page 1 in title line 17 after the semicolon (;) insert: adding s. 20.25(2)(g), Florida Statutes; creating a new Division of Beaches and Shores within the department; adding s. 370.02(5), Florida Statutes, and transferring to said section and amending paragraphs (c) and (d) of subsection (2) of said section; providing powers and duties of such division;

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

SB 255 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Scott

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

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

CS for SB 686—A bill to be entitled An act relating to public lodging and public food service establishments; adding s. 509.261(5), Florida Statutes; providing that a new license

may not be issued except in the discretion of the Director of the Division of Hotels and Restaurants where any public lodging establishment or public food service establishment premises are the subject to suspension or revocation proceedings based on any gambling, narcotics, or prostitution related offenses; amending s. 509.302(3), Florida Statutes; increasing the annual fee for funding the Hospitality Education Program; correcting a cross-reference; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 19, strike "1.50" and insert: 3.00

Amendment 2—On page 2, line 24, insert: (and renumber the subsequent sections)

Section 3. Subsection (9) of section 509.221, Florida Statutes, is amended to read:

509.221 Sanitary regulations.—

(9)(a) No person suffering from any contagious or communicable disease considered hazardous to the public's health shall be employed in any public lodging establishment, or public food service establishment, state-owned or state-operated institution, public school food service, or non-public school food service to prepare or serve food or drink or to handle food, drink, dishes, towels, or linens or in any other capacity whereby such disease might be communicated to guests or tenants. The division, in consultation with the Department of Health and Rehabilitative Services, shall promulgate rules necessary to insure accomplishment of the intent of this section. Such rules shall be enforced by representatives of the division and county health units and shall include, but not be limited to, requirements that:

1. An employer have on file documentation that each employee, has had a negative chest x-ray or a negative skin test for tuberculosis within the past three years.

2. No employer shall allow an employee to perform services listed in this section during periods when the employee is known to the employer has a fever, eruptive skin condition or diarrhea unless or until certified by a licensed physician that the condition does not constitute a threat to public health.

3. An employer shall be responsible for insuring that all employees thoroughly wash their hands after using toilet facilities.

4. Violators of rules promulgated under this section shall be subject to the penalties provided in s. 509.281 and 381.112.

(b) The rules promulgated by the division pursuant to this section shall apply only to persons who begin employment with their current employer after July 1, 1982.

Each employee shall furnish a health certificate, including the results of a Wassermann test, signed by a licensed physician, whenever the division, in its discretion, deems the furnishing of such certificate necessary for the protection of public health.

Section 4. Each section within chapter 509, Florida Statutes, which is added or amended by this act is repealed on October 1, 1990, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Amendment 3—On page 1 in the title, lines 15 and 16, strike all of said lines, and insert: providing for rules by the Division of Health of the Department of Health and Rehabilitative Services with respect to certain employees; correcting a cross reference; providing an effective date.

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

CS for SB 686 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Grizzle	Kirkpatrick	Neal	Stevens
Hair	Langley	Peterson	Stuart
Hill	Margolis	Rehm	Tobiassen
Jenkins	Maxwell	Renick	Thomas
Jenne	McClain	Skinner	Trask
Johnston	McKnight	Steinberg	

Nays—1

Lewis

Vote after roll call:

Yea—Scott

Nay to Yea—Lewis

The bill was ordered engrossed and then enrolled.

On motion by Senator Margolis, by two-thirds vote the message containing SB 682 with amendments was withdrawn from 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 with amendments—

SB 682—A bill to be entitled An act relating to the personal property of local governments; amending s. 274.02, Florida Statutes; excluding certain property from inventory requirements; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 8, after the colon (:) insert:

Section 1. Subsection 3, is added to section 136.06, Florida Statutes, to read:

136.06 How funds drawn from depositories.—

(3) Notwithstanding any other provision of law, each board or county officer who has the authority to deposit or withdraw funds is authorized to transfer funds from one depository to another or within a depository or to another institution, and may transfer funds wherein the transfer does not represent an expenditure, advance, or reduction of cash assets. Such transfer may be made by electronic, telephonic, or other media and each transfer shall be confirmed in writing and signed by the designee of the board or officer.

Section 2. Subsection (3) is added to section 155.11, Florida Statutes, to read:

155.11 County hospitals; deposit of moneys; payments.—

(3) Notwithstanding any other provision of law, the board of trustees or any agent authorized by the board who has the authority to deposit or withdraw funds is authorized to transfer funds from one depository to another or within a depository or to another institution, and may transfer funds wherein the transfer does not represent an expenditure, advance, or reduction of cash assets. Such transfer may be made by electronic, telephonic, or other media and each transfer shall be confirmed in writing and signed by the designee of the board.

Section 3. Subsection (6) is added to section 215.85, Florida Statutes, to read:

215.85 Direct deposit of public funds.—

(6) **PROCEDURES FOR WIRE TRANSFER OF FUNDS.**—Notwithstanding any other provision of law, the governing board or officer of any local government who has the authority to deposit or withdraw funds is authorized to transfer funds from one depository to another or within a depository or to another institution, and may transfer funds wherein the transfer does not represent an expenditure, advance, or reduction of cash assets. Such transfer may be made by electronic, telephonic, or other media and each transfer shall be confirmed in writing and signed by the designee of the governing board or officer of the local government.

Section 4. Subsection (2) of section 219.05, Florida Statutes, is amended to read:

219.05 Depositories.—

(2) The title of each depository account shall include the name of the office, the name of the county, and such other suitable designation as may be required or desired, and withdrawals shall be made only by checks signed with the title of the account, by such officer, or by his duly authorized and bonded deputy or employee, or by warrants or as otherwise provided in s. 136.06.

(renumber the subsequent sections)

Amendment 2—On page 1 in title, line 3, after the semicolon (;) insert: adding a subsection to ss. 136.06, 155.11, and 215.85, Florida Statutes, and amending s. 219.05(2), Florida Statutes, providing for the wire transfer of funds by the governing board or officer of any local government who has authority to deposit or withdraw funds; authorizing the boards of trustees of county hospitals to transfer funds by wire;

Amendment 3—On page 1, between lines 27 and 28, insert a new Section (2):

125.012 Project facilities; general powers and duties.—Any county and the board of county commissioners thereof shall have the power, in addition to the powers otherwise conferred:

(24) To enter into contracts with tenants or other users of the project or providers of service in, on, or in connection with any project, which contracts may include agreements to design or construct any project or improvement, extension, or enlargement thereof, on such terms and conditions as the county shall by resolution determine. Such contracts may provide for the hiring of professional services, including architects and engineers, and the award of construction contracts by said tenants, users, or providers of service and, in such cases, shall provide for their reimbursement upon audit, for their reasonable and necessary expenses incurred on behalf of the project. Such reimbursement may, at the option of the county, be provided from the proceeds or issuance of revenue bonds, bond anticipation notes, loans or any other method authorized by law, including the allowance of advance rental credits.

(renumber subsequent sections)

Amendment 4—On page 1 in title, line 5, strike “providing an effective date” and insert: adding a new section 125.012(24); granting counties the power to enter into contracts for the construction of and reimbursement for project facilities by tenants or users thereof; providing an effective date.

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

SB 682 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Scott

The Honorable W. D. Childers, President

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

SB 439—A bill to be entitled An act relating to child custody; amending s. 61.13(2)(b), (3), Florida Statutes; requiring courts to order shared parental responsibility for minors; granting standing to grandparents to seek judicial enforcement of their visitation rights; prohibiting denial of either parent's access to specified information about a minor; providing for liberal

interpretation; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Section 1. Subsection (2) of section 61.001, Florida Statutes, is amended to read:

61.001 Purpose of chapter.—

(2) Its purposes are:

(a) To preserve the integrity of marriage and to safeguard meaningful family relationships;

(b) To promote the amicable settlement of disputes that have arisen between parties to a marriage; and

(c) To eliminate ~~mitigate~~ the potential harm to the spouses and any child of that relationship which could be their children caused by the process of legal dissolution of the marriage;

(d) To assure to any child the frequent and continued contact with both parents during and after any legal dissolution of the parents' marriage; and

(e) To encourage parents to agree on matters relating to any child of the relationship through self-determination and to reduce governmental intervention in the family.

Section 2. Subsection (3) of section 61.052, Florida Statutes, is amended to read:

61.052 Dissolution of marriage.—

(3) During any period of continuance the court may make appropriate orders for the support and alimony of the parties; the support and maintenance of any minor child of the marriage; temporary custody of any minor child of the marriage pursuant to s. 61.13; custody, support, maintenance and education of the minor children of the marriage; attorney's fees; and the preservation of the property of the parties.

Section 3. Section 61.09, Florida Statutes, is amended to read:

61.09 Nonsupport.—If a person having the ability to contribute to the maintenance of his or her spouse and support of his or her minor child ~~children~~ fails to do so, the spouse who is not receiving support or who has custody of the child ~~children~~ may petition the court for alimony and for support for the minor child ~~children~~ without petitioning for dissolution of marriage, and the court shall enter such order as it deems just and proper.

Section 4. Section 61.10, Florida Statutes, is amended to read:

61.10 Rights of parties unconnected with dissolution.—Except when relief is afforded by some other pending civil action or proceeding, a spouse residing in this state apart from his spouse and minor child ~~children~~, whether or not such separation is through his fault, may obtain an adjudication of his obligation to financially contribute to the support of the ~~maintain~~ his spouse and minor child ~~children~~, if any. The court shall adjudicate the ~~his~~ financial obligations to such spouse and any child of the marriage ~~or children, or both~~, and determine the responsibilities of each parent to each minor child pursuant to s. 61.13 ~~fix the custody and visitation rights of the parties and enforce them~~. Such an action does not preclude either party from maintaining any other proceeding under this chapter for other or additional relief at any time.

Section 5. Subsections (2), (3) and (4) of section 61.13, Florida Statutes, are amended, and subsections (5) and (6) are added to said section, to read:

61.13 Responsibility for Custody and support of children, etc., power of court in making orders.—

(2)(a) In any proceeding under this chapter, the court shall have jurisdiction to determine custody or responsibility of parents for a child by a separate petition or as an issue joined with other proceedings under this chapter, and in accordance with the Uniform Child Custody Jurisdiction Act, ~~notwith-~~

standing that the child or children are not physically present within this state at the time of filing any proceeding under this chapter, if it shall appear to the court that the child or children were removed from this state for the primary purpose of removing the said child or children from the jurisdiction of the court in an attempt to avoid a determination of custody.

(b) When in dispute the court shall determine the specific award custody and visitation rights of each minor child ~~children~~ of the parties and the responsibilities of the parents to each child as a part of the proceedings ~~proceeding~~ for dissolution of marriage and shall do so in accordance with the best interests of the child, and in accordance with the Uniform Child Custody Jurisdiction Act. Upon considering all relevant factors, the father of the child shall be given the same consideration as the mother in determining custody *regardless of the age of the child*. The court may award the grandparents visitation rights of a minor child if it is deemed by the court to be in the child's best interest. *Grandparents shall have legal standing to seek judicial enforcement of such an award*. Nothing in this section shall be construed to require that grandparents be made parties to or be given notice of dissolution pleadings or proceedings, nor shall such grandparents have legal standing as "contestants" as defined in s. 61.1306. No court shall order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

(c) In any proceeding where there is at issue the responsibility of the parents for a minor child, the court may, during the pendency of the proceeding or at any time thereafter, so long as the court continues to have jurisdiction over the child, make such order for the responsibility of the parents for the child during minority as may be in the child's best interests. In determining the person or persons to whom responsibility for rearing the child should rest, the court may direct any of the following in regard to the responsibility and custody of a child:

1. Shared parenting.
2. Joint parental custody.
3. Sole parental custody.

(3) Definitions as used in this section:

(a) "Shared parenting responsibilities" means custody and responsibility of the minor child will be shared by both parents in such a way as to assure that the child has frequent and continuing contact with both parents. Without specificity, the parents shall be responsible for dividing the areas of decision-making concerning the child as they did prior to any marital separation or dissolution. Agreements for shared parenting shall not specify in writing the plan for residential care or other responsibilities pertaining to the child. Where the parents have agreed to share responsibility of rearing a minor child, such agreement shall be determinative of the best interests of the minor child. However, nothing herein shall prevent the finding of dependency where there has been a petition filed alleging child abuse or neglect under chapter 39.

(b)1. "Joint parental custody" means designating in an agreement or order how any of the following responsibilities will be divided with respect to the child:

- a. Residential care and parental contact.
- b. Educational.
- c. Religious.
- d. Moral.
- e. Disciplinary.
- f. Medical and dental.
- g. Social.
- h. Recreational.
- i. Legal.
- j. Financial decisionmaking.
- k. Travel and transportation.

1. Any other responsibilities which the court finds unique to a particular family and/or in the best interests of the child.

2. In all considerations, the father of the child shall be given equal consideration with the mother regardless of the age of the child.

3. For those areas of responsibilities upon which the parties cannot come to agreement, the court may determine how the responsibilities will be divided with respect to the child by consideration and evaluation of the following:

a. The parent who is more likely to allow the child frequent and continuing contact with the nonresidential parent.

b. The love, affection, and other emotional ties existing between the parents and the child.

c. The capacity and disposition of the parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

d. The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

e. The permanence, as a family unit, of the existing or proposed custodial home.

f. The moral fitness of the parents.

g. The mental and physical health of the parents.

h. The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

i. Any other factor considered by the court to be relevant to a particular child custody dispute.

(c) "Sole parental custody" means custody and responsibility of the minor child shall be given to one parent by the court, with or without rights of visitation to the noncustodial parent, when in the court's judgment, sole custody is in the best interests of the child in lieu of joint parental custody.

(4) Any order for the custody or responsibility of the minor child of a marriage entered by a court in this state or any other jurisdiction may, subject to the jurisdictional requirements set forth in s. 61.1308, be terminated or modified upon the petition of one or both parents if it is shown that the best interests of the child require termination or modification of the order. If modification of the order is required, the court shall decide the new divided responsibilities of the parents.

(5) Notwithstanding any other provisions of law, access to records and information pertaining to a minor child, including but not limited to medical, dental, and school records, shall not be denied to a parent or grandparent because such parent or grandparent is not the child's primary or residential parent.

(6) Except when the parents have agreed to shared parenting, the provisions of this section shall not be interpreted to restrict the court in designating, to each parent respectively, their responsibility for providing for the financial needs of the child.

(7) For purpose of custody, the best interests of the child shall be determined by the court's consideration and evaluation of all factors affecting the best welfare and interests of the child, including, but not limited to:

(a) The love, affection, and other emotional ties existing between the parents and the child.

(b) The capacity and disposition of the parents to give the child love, affection, and guidance and to continue the educating of the child.

(c) The capacity and disposition of the parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

(d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(e) The permanence, as a family unit, of the existing or proposed custodial home.

(f) The moral fitness of the parents.

(g) The mental and physical health of the parents.

(h) The home, school, and community record of the child.

(i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(j) Any other factor considered by the court to be relevant to a particular child custody dispute.

(4) In any proceeding under this chapter, the court, at any stage of the proceeding and after final judgment, may make such orders about what security is to be given for the care, custody, and support of the minor children of the marriage as from the circumstances of the parties and the nature of the case is equitable.

Section 6. Section 61.21, Florida Statutes, is created to read:

61.21 Family mediation or conciliation services.—

(1) Counties may establish a family mediation or conciliation service to assist parties in resolving any controversy involving the family.

(2) In counties which have established a mediation or conciliation service to the court, the court or the parents may, at any time, pursuant to the rules of procedure, consult with the mediation or conciliation services for the purpose of providing the parents a method of self-determination as to their shared responsibilities for their child. Such service shall assist the parents to formulate a plan for implementation of a shared parenting or a joint parental custody agreement, to resolve any controversy which has arisen in the implementation of a custody arrangement, or to assist parties in resolving any controversies within the family, including reconciliation of the marriage. In reference to mediation and conciliation services pursuant to this chapter, the court may prescribe the following procedure:

(a) Notice of the filing of the request for mediation and of the time and place of the requested conference shall be given to all parties. The court may issue an order to any party to appear at the time and place stated in the order, and may require, as in civil actions, the attendance of witnesses.

(b) The mediator shall file a report with the court which only states the outcome of the conference.

(c) Any conference conducted shall be held in private. The court shall exclude from such conference all persons except the officers of the court, the parties, their counsel, and the witnesses. Any conference may be held with either or both parties, with counsel for either or both parties, or with the children involved in the action, or any combination thereof; provided that no party shall be required to attend any such conference in the absence of counsel without the consent of the party. All verbal or written communications in any mediation proceeding shall be confidential and shall not be disclosed without the consent of all parties present during the communication, and shall not be admissible as evidence for or against either party in the action, or any subsequent action.

(d) Any mediation agreement between the parties may be reduced to writing and, with the consent of the parties, or their counsel, a court order may be made requiring the parties to comply fully therewith.

(e) With the approval of the appropriate county governing boards, the expenses of the family mediation or conciliation service may be paid from county funds, and the appropriation of county funds thereof is declared to be a valid county purpose, or may be met by fees charged on cases filed in the court.

Section 7. The provisions of this act shall be applicable to all proceedings under chapter 61, Florida Statutes, that are pending on the effective date of this act.

Section 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 9. This act shall take effect upon becoming a law and shall apply to all cases pending on the effective date of this act.

Amendment 2—On page 1, strike the title and insert: A bill to be entitled An act relating to dissolution of marriage; amending s. 61.001(2), Florida Statutes, providing for additional purposes for the enactment of chapter 61, Florida Statutes; amending s. 61.052(3), Florida Statutes, providing for the authority of the court to make certain orders with respect to dissolution proceedings; amending s. 61.09, Florida Statutes, clarifying language; amending s. 61.10, Florida Statutes, relating to the rights of parties unconnected with dissolution; amending s. 61.13(2), (3) and (4), Florida Statutes, and adding subsections thereto, setting forth criteria for determining responsibility for support of children in dissolution proceedings; providing for court orders; providing for access to records; creating s. 61.21, Florida Statutes, providing for family mediation or conciliation services; providing for the application of the act; providing for severability; providing an effective date.

Senator Johnston moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On pages 2-11, strike all of said pages and insert: Section 1. Subsection (3) and paragraph (b) of subsection (2) of section 61.13, Florida Statutes, are amended to read:

61.13 Custody and support of children, etc., power of court in making orders.—

(b)1. The court shall determine all matters relating to custody award custody and visitation rights of each minor child children of the parties as a part of any proceeding under this chapter for dissolution of marriage in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction Act. It is the public policy of this state to assure each minor child frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and to encourage parents to share the rights and responsibilities of child-rearing. Upon considering all relevant factors, the father of the child shall be given the same consideration as the mother in determining custody regardless of the age of the child.

2. The court shall order that the parental responsibility for a minor child shall be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. If the court determines that shared parental responsibility would be detrimental to the child, the court may order sole parental responsibility.

a. "Shared parental responsibility" means that both parents retain full parental rights and responsibilities with respect to their child, and requires both parents to confer so that major decisions affecting the welfare of the child will be determined jointly. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or the court may divide those aspects between the parties on the basis of the best interest of the child. Where it appears to the court to be in the best interest of the child, the court may order or the parties may agree how any such responsibility will be divided. Such areas of responsibility may include primary physical residence, education, medical and dental care, and any other responsibilities which the court finds unique to a particular family and/or in the best interest of the child.

b. "Sole parental responsibility" means responsibility of the minor child shall be given to one parent by the court, with or without rights of visitation to the other parent.

c. The court may award the grandparents visitation rights of a minor child if it is deemed by the court to be in the child's best interest. Grandparents shall have legal standing to seek judicial enforcement of such an award. Nothing in the section shall be construed to require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor shall such grandparents have legal standing as "contestants" as defined in s. 61.1306. No court shall order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including but not limited to medical, dental, and school records, shall not be denied to a parent because such parent is not the child's primary residential parent.

(3) For purposes purpose of shared parental responsibility and primary physical residence custody, the best interest of the child shall be determined by the court's consideration and evaluation of all factors affecting the best welfare and interest of the child, including, but not limited to:

(a) The parent who is more likely to allow the child frequent and continuing contact with the nonresidential parent.

(b)(a) The love, affection, and other emotional ties existing between the parents and the child.

(b) The capacity and disposition of the parents to give the child love, affection, and guidance and to continue the education of the child.

(c) The capacity and disposition of the parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

(d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(e) The permanence, as a family unit, of the existing or proposed custodial home.

(f) The moral fitness of the parents.

(g) The mental and physical health of the parents.

(h) The home, school, and community record of the child.

(i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(j) Any other factor considered by the court to be relevant to a particular child custody dispute.

Section 2. Section 61.21, Florida Statutes, is created to read:

61.21 Family mediation or conciliation services.—

(1) Counties may establish a family mediation or conciliation service to assist parties in resolving any controversy involving the family.

(2) The court on its own motion or on motion of a party may refer the parties to this service.

(3) All verbal or written communications in mediation or conciliation proceedings shall be confidential and inadmissible as evidence in any subsequent legal proceeding, unless both parties agree otherwise.

(4) A family mediation or conciliation service is hereby declared to serve a valid public purpose. The board of county commissioners may support such a service by appropriating moneys from county revenues or by levying a service charge of no more than \$2.00 on any circuit court proceeding.

Section 3. The provisions of this act shall be applicable to all proceedings under chapter 61, Florida Statutes, that are pending on the effective date of this act.

Section 4. The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared severable.

Section 6. This act shall take effect July 1, 1982.

Senator Johnston moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—In title on page 1, lines 1-22, strike all of said lines and insert: A bill to be entitled An act relating to dissolution of marriage; amending s. 61.13(2)(b), (3), Flor-

ida Statutes; requiring courts to order shared parental responsibility or sole parental responsibility for minors; providing definitions granting standing to grandparents to seek judicial enforcement of their visitation rights; prohibiting denial of either parent's access to specified information about a minor child; creating s. 61.21, Florida Statutes; authorizing establishment by counties of family mediation or conciliation services; providing for court referral; providing for funding; providing for liberal interpretation; providing severability; providing an effective date.

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

SB 439 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair, Scott

The Honorable W. D. Childers, President

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

SB 641—A bill to be entitled An act relating to intangible personal property taxes, amending s. 199.023(7), Florida Statutes; modifying a definition; amending s. 199.042(1)(a), Florida Statutes; providing that certain returns filed on certain days are not delinquent; amendment s. 199.072(1)(f), Florida Statutes; providing an exemption for all obligations, except bonds, secured by a lien on real property located outside the state; providing that such exemption is retroactive to January 1, 1979; amending s. 199.062, Florida Statutes; revising provisions relating to reports to the Department of Revenue and stockholders by companies and corporations of Florida stockholder information; specifying exemptions; revising dates and penalties; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 1 after Section 3, insert: Section 199.052(7)(d), Florida Statutes, is amended to read as follows:

199.052 Returns.—

(7)

(d) If the mortgage, deed of trust, or other lien subject to the tax levied by this chapter secures future advances, as provided in s. 697.04, the tax shall be paid at the time of execution on the initial debt or obligation secured, excluding future advances; at the time and so often as any future advance is made, the tax shall be paid on all sums then advanced. *Any increase in the amount of original indebtedness caused by interest accruing under an adjustable rate note or mortgage having an initial interest rate adjustment interval of not less than 6 months and secured by a one-to-four family structure shall, however, be taxable as a future advance only to the extent such increase is a computable sum certain when the document is executed.* The trustee under any such deed of trust or the owner of any such mortgage or other instrument evidencing such lien making any such advance shall pay the tax prescribed in this chapter in respect to the amount of the advance; and the clerk shall place a notation on the record of the mortgage, deed of trust, or other instrument evidencing such lien, or upon any supplemental instrument evidencing such advance and offered for recording, showing the amount of tax received by him. Failure to pay the tax

shall not affect the lien for any such future advance given by s. 697.04, but any person who shall fail or refuse to pay such tax due by him shall be guilty of a misdemeanor and upon conviction shall be fined accordingly. The mortgage, deed of trust, or other instrument shall not be enforceable in any court of this state as to any such advance unless and until the tax due thereon upon each advance that may have been made thereunder has been paid.

(Renumber subsequent sections.)

Amendment 2—On page 7, line 26, after "Section 5.," insert: Section 201.08(1), Florida Statutes, is amended to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, assignments of wages, or other compensation, exception.—

(1) On promissory notes, nonnegotiable notes, written obligations to pay money, or assignments of salaries, wages, or other compensation made, executed, delivered, sold, transferred, or assigned in the state, and for each renewal of the same, on each \$100 of the indebtedness or obligation evidenced thereby the tax shall be 15 cents on each \$100 or fraction thereof. On mortgages, trust deeds, security agreements, or other evidences of indebtedness filed or recorded in this state, and for each renewal of the same, on each \$100 of the indebtedness or obligation evidenced thereby the tax shall be 15 cents on each \$100 or fraction thereof. Mortgages, including, but not limited to, mortgages executed without the state and recorded in the state, which incorporate the certificate of indebtedness, not otherwise shown in separate instruments, are subject to the same tax at the same rate. When there is both a mortgage, trust deed, or security agreement and a note, certificate of indebtedness, or obligation, the tax shall be paid on the mortgage, trust deed, or security agreement at the time of recordation. A notation shall be made on the note, certificate of indebtedness, or obligation that the tax has been paid and the proper stamps affixed to the mortgage, trust deed, or security agreement. If the mortgage, trust deed, security agreement, or other evidence of indebtedness subject to the tax levied by this section secures future advances, as provided in s. 697.04, the tax shall be paid at the time of recordation on the initial debt or obligation secured, excluding future advances; at the time and so often as any future advance is made, the tax shall be paid on all sums then advanced regardless of where such advance is made. *Notwithstanding the aforesaid general rule, any increase in the amount of original indebtedness caused by interest accruing under an adjustable rate note or mortgage having an initial interest rate adjustment interval of not less than 6 months and secured by a one-to-four family structure shall be taxable as a future advance only to the extent such increase is a computable sum certain when the document is executed.* Failure to pay the tax shall not affect the lien for any such future advance given by s. 697.04, but any person who fails or refuses to pay such tax due by him is guilty of a misdemeanor of the first degree. The mortgage, trust deed, or other instrument shall not be enforceable in any court of this state as to any such advance unless and until the tax due thereon upon each advance that may have been made thereunder has been paid.

Section 8. Section 201.09(3), Florida Statutes, is created to read:

201.09 Renewal of existing promissory notes and mortgages; exemption.—

(3) *A note given in renewal of an adjustable rate note or mortgage which has an initial interest rate adjustment interval of not less than 6 months and is secured by a one-to-four family structure shall be subject to taxation only to the extent of any accrued interest upon which taxes have not previously been paid, notwithstanding the provisions contained in (1) above.*

(Renumber subsequent sections.)

Amendment 3—On page 1 in title, line 7 after "delinquent;," insert: amending s. 199.052(7)(d), Florida Statutes; providing an exception from treatment as a future advance for certain adjustable rate notes and mortgages;

Amendment 4—On page 1 in title, line 11, strike "to January 1, 1979"

Amendment 5—On page 1, line 17 in the title after "penalties;," insert: amending s. 201.08(1), Florida Statutes; pro-

viding an exception for certain adjustable rate notes and mortgages; amending s. 201.09, Florida Statutes; providing an exception for certain adjustable rate notes and mortgages;

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

SB 641 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair, Scott

The bill was ordered engrossed and then enrolled.

The Honorable W. D. Childers, President

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

CS for SB's 678, 970 and 483—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; providing eligibility and application procedures; providing duties of the Department of Education; providing for amount of awards; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 8 line 1 insert new sections 3 through 5:

Section 3. Legislative intent for the Joint Executive and Legislative Task Force for Teacher Education Quality Improvement.—

(1) The Legislature recognizes that past attempts to improve teacher education have been fragmented and lacking in clearly stated objectives. Piecemeal approaches have not made a significant impact. Not until the quality of teacher education is examined in a systematic and comprehensive manner can a variety of strategies for fundamental improvement be thoroughly considered. The Legislature hereby encourages educators of teachers to critically review their current practices and to examine the knowledge base which is already in existence, but which is inadequately utilized. The strengthening of teacher education programs will require greater coordination between the schools and universities than any other single issue.

(2) The Legislature finds that, in order to prepare the young people of Florida to function in an environment of rapid technological advancement, it is necessary to prepare teachers who are able to instruct students in the skills that are vital to their continuing welfare. Teacher preparation must encompass curriculum quality, substance, and teaching methods designed to enable the schools to meet the challenges of the 21st century. The purpose of this act is to improve teacher education and, ultimately, the schools for our children and youth.

Section 4. The Joint Executive and Legislative Task Force for Teacher Education Quality Improvement.—

(1) There is created the Joint Executive and Legislative Task Force for Teacher Education Quality Improvement, to consist of 25 members appointed by the Governor, the Presi-

dent of the Senate, and the Speaker of the House of Representatives. Such appointments shall be made after consultation with the designated councils, committees, commissions, professional associations, and other entities specified herein:

(a) The Governor shall appoint one member each from the following categories:

1. A representative of the Department of Education.
2. A representative of the Board of Regents.
3. A representative of the Postsecondary Education Planning Commission.
4. A representative of the Florida Education Council.
5. A representative of the State Board of Independent Colleges and Universities.
6. A representative of the State Community College Coordinating Board.
7. A representative of the Education Standards Commission.
8. A representative of the Governor's Commission on Secondary Schools.
9. A citizen of Florida not directly associated with any of the entities set forth in subparagraphs 1-8.

(b) The Speaker of the House of Representatives shall appoint one member each from the following categories:

1. A representative of the Florida Association of Teacher Educators.
2. A representative of the Florida Association of School Administrators.
3. A classroom teacher.
4. A dean from a college of education.
5. A representative from a college of education faculty whose primary role is teacher education at the preservice level.
6. A representative of the Florida School Board Association.
7. One member of the House of Representatives.
8. A representative of the State Advisory Committee for the Education of Exceptional Students.

(c) The President of the Senate shall appoint one member each from the following categories:

1. A representative of the Florida Association of Teacher Educators.
2. A representative of the Florida Association of School Administrators.
3. A classroom teacher.
4. A dean from a college of education.
5. A representative from a college of education faculty whose primary role is teacher education at the preservice level.
6. A representative of the Florida School Board Association.
7. One member of the Senate.
8. A representative of the Florida Vocational Association.

(2) Each member shall serve for a term of 1 year. The chairperson and three vice chairpersons shall be elected from the membership of the task force.

(3) The task force shall meet at least monthly or upon the call of the chairperson. Each member of the task force shall be entitled to receive per diem and expenses for travel as provided in s. 112.061, Florida Statutes, while carrying out the official business of the task force.

(4) A vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the vacated term.

(5) Members may be replaced because of poor attendance, lack of participation in the task force's work, or malfeasance in office.

(6) Professional staff of the Board of Regents, in cooperation with the Department of Education and staff from appropriate legislative committees, shall staff the task force.

(7) As soon as practicable following appointment of the members, the Governor shall call an organizational meeting of the task force.

Section 5. Duties and responsibilities of the task force.—The task force shall prepare a report to be submitted to the presiding officers of the House of Representatives and Senate, the Governor, the Chancellor of the State University System, the Commissioner of Education, and the chairpersons of the appropriate committees in the House and Senate by March 1, 1983. The report shall include, but not be limited to, recommendations for legislation to improve the quality of teacher education. Issues to be addressed should include, but not be limited to:

- (1) Selection procedures (beginning with admission standards) throughout the entire process of teacher preparation.
 - (2) The secondary school curriculum as it relates to the knowledge and skills needed for college entrance.
 - (3) The content and process of preservice and graduate teacher education programs.
 - (4) The variety, intensity, duration, and timing of field experiences.
 - (5) Differential funding for colleges of education.
 - (6) Review of program approval procedures.
 - (7) Staff development for university personnel.
 - (8) College and university salary and promotion procedures that recognize faculty service to schools and school districts.
 - (9) Incentives to attract teachers in areas where there is a critical shortage.
 - (10) Elimination of unnecessary duplication of teacher education programs and specialities.
 - (11) The impact of administrative and supervisory leadership on the quality of teachers.
 - (12) Sensitivity to multicultural concerns and racial and sexual equity.
 - (13) Role and scope of community colleges as they relate to teacher education.
 - (14) Role and scope of the private sector as they relate to teacher education.
 - (15) Teacher certification.
 - (16) The public image of the educational community.
- and renumber subsequent section

Amendment 2—On page 8 line 5 before the period insert: , and sections 3 through section 5 shall take effect upon becoming law.

Amendment 3—On page 1, line 14, in title insert after the word "awards;": 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;

Senator Peterson moved the following amendments to House Amendment 1 which were adopted:

Amendment 1—On page 4, strike all of lines 15-18 and insert:

(6) Professional staff of the Postsecondary Education Planning Commission shall staff the task force.

Amendment 2—On page 4, between lines 3 and 4 insert:

(3) The task force shall be administratively housed within the office of the Commissioner of Education and assigned to the Postsecondary Education Planning Commission.

(Renumber subsequent subsections.)

On motions by Senator Peterson, the Senate concurred in House Amendments 2 and 3 and House Amendment 1 as amended and the House was requested to concur in the Senate amendments.

CS for SB's 678, 970 and 483 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Scott

On motion by Senator Maxwell, by two-thirds vote HCR 1123 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Maxwell—

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 taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—37

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

Nays—None

On motions by Senator Carlucci—

HB 1—A bill to be entitled An act relating to the designation of a state animal; creating s. 15.044, Florida Statutes, designating the Florida Panther as the official state animal; providing an effective date.

—a companion measure, was substituted for SB 1 and taken up out of order by unanimous consent. On motion by Senator Carlucci, HB 1 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Henderson	Lewis	Scott
Anderson	Hill	Margolis	Steinberg
Beard	Jenkins	Maxwell	Thomas
Carlucci	Jenne	McClain	Tobiassen
Frank	Jennings	McKnight	Trask
Gersten	Johnston	Neal	Vogt
Gordon	Kirkpatrick	Peterson	Ware
Grizzle	Langley	Rehm	

Nays—4

Dunn Renick Stevens Stuart

Vote after roll call:

Yea—Hair

SB 1 was laid on the table.

On motion by Senator Thomas, the rules were waived and by two-thirds vote HCR 457 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thomas, by unanimous consent—

HCR 457—A concurrent resolution requesting the Governor to declare the first Saturday in August of each year to be set aside as Possum Day in the State of Florida.

—was taken up out of order and read the second time in full. On motion by Senator Thomas HCR 457 was adopted and certified to the House. The vote on adoption was:

Yeas—24

Mr. President	Gordon	Langley	Renick
Anderson	Grizzle	Lewis	Steinberg
Beard	Hill	McClain	Stuart
Carlucci	Jenkins	McKnight	Thomas
Dunn	Jennings	Neal	Trask
Gersten	Kirkpatrick	Rehm	Vogt

Nays—None

Vote after roll call:

Yea—Hair

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Stuart, by two-thirds vote HB 809 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Frank, by two-thirds vote HB 819 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Dunn, the rules were waived and the following special order calendar was established for this day: HB 1134, SJR 943 and SB 1032.

SPECIAL ORDER

HB 1134—A bill to be entitled An act relating to tax on sales, use and other transactions; amending ss. 212.03(1), (3), and (6), 212.031(1)(c) and (d), 212.04(1), 212.05, 212.055(1), 212.06(1)(a), 212.08(3) and (11)(c), and 125.0165(1), Florida Statutes, and amending s. 212.12(10) and (11), Florida Statutes, and adding subsection (12); increasing said tax; creating part II of chapter 212, Florida Statutes; providing legislative intent and definitions; designating one-half of said tax increase as the local government half-cent sales tax; providing for deposit in a Local Government Half-cent Sales Tax Clearing Trust Fund for distribution to participating local governments; providing distribution formulas; providing for eligibility and requiring that local governments adopt a resolution to determine uses; requiring a public hearing and notice; providing method of computing notice amounts; providing for adjustment of proposed millage rates and for specification of a "rate without sales tax"; specifying uses of such tax; providing for emergency distribution; amending s. 23.019(2)(b), Florida Statutes; revising provisions relating to population census determination; amending s. 30.49(2), Florida Statutes; specifying categories into which sheriffs' proposed budgets and expenditures shall be divided; amending s. 200.069(6) and (7), Florida Statutes, and adding subsection (10); revising requirements with respect to the notice of proposed property taxes and providing for a statement to be included with respect to effect the local government half-cent sales tax; adding

subsection (9) to s. 200.065, Florida Statutes; specifying content of notice of tax increase; adding subsection (3) to s. 218.23, Florida Statutes; providing effect of said tax on eligibility requirements for revenue sharing; providing an appropriation; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, after line 14, strike everything after the enacting clause and insert:

Section 1. Subsections (1), (3), and (6) of section 212.03, Florida Statutes, are amended to read:

212.03 Transient rentals tax; rate, procedure, enforcement, exemptions, etc.—

(1) It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, or letting any living quarters, sleeping or housekeeping accommodations in, from, or a part of, or in connection with any hotel, apartment house, roominghouse, tourist or trailer camp, as hereinbefore defined in this chapter. For the exercise of said privilege a tax is hereby levied as follows: in the amount equal to 5 4 percent of and on the total rental charged for such living quarters, sleeping or housekeeping accommodations by the person charging or collecting the rental; provided that such tax shall apply to hotels, apartment houses, roominghouses, tourist or trailer camps, as hereinbefore defined in this chapter, whether or not there be in connection with any of the same, any dining rooms, cafes, or other places where meals or lunches are sold or served to guests.

(3) Where rentals are received by way of property, goods, wares, merchandise, services or other things of value, the tax shall be at the rate of 5 4 percent of the value of said property, services or other things of value.

(6) It is the legislative intent that every person is engaging in a taxable privilege who leases or rents parking or storage spaces for motor vehicles in parking lots or garages or who leases or rents docking or storage spaces for boats in boat docks or marinas. For the exercise of this privilege a tax is hereby levied at the rate of 5 4 percent on the total rental charged.

Section 2. Paragraphs (c) and (d) of subsection (1) of section 212.031, Florida Statutes, are amended to read:

212.031 Lease or rental of real property.—

(1)

(c) For the exercise of such privilege a tax is levied in the amount equal to 5 4 percent of and on the total rent charged for such real property by the person charging or collecting the rental.

(d) Where the rental of any such real property is paid by way of property, goods, wares, merchandise, services or other thing of value, the tax shall be at the rate of 5 4 percent of the value of the property, services or other things of value.

Section 3. Subsection (1) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement, etc.— It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who sells or receives anything of value, by way of admissions. For the exercise of said privilege a tax is levied as follows:

(1) At the rate of 5 4 percent of sales price, or the actual value received from such admissions said 5 4 percent to be added and collected with all such admissions from the purchaser thereof and such tax shall be paid for the exercise of the privilege as defined in the preceding paragraph. Each ticket shall reflect on its face the actual sales price of admission and the tax shall be computed and collected on the basis of each such admission price.

Section 4. Subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of said privilege, a tax is levied on each taxable transaction or incident and shall be due and payable, according to the brackets set forth in s. 212.12(10), as follows:

(a)1. At the rate of 5 4 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, the tax to be computed on each taxable sale for the purpose of remitting the amount of tax due the state, and to include each and every retail sale. Occasional or isolated sales of aircraft, boats, and motor vehicles of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph.

2. This paragraph shall not apply to the sale of a boat by or through a registered dealer under this chapter to a purchaser who removes such boat from this state within 10 days after the date of purchase or, when the boat is repaired or altered, within 10 days after completion of such repairs or alterations. In no event shall the boat remain in this state more than 90 days after the date of purchase. This exemption shall not be allowed unless the seller:

a. Obtains from the purchaser within 90 days from the date of sale written proof that the purchaser licensed, registered, or documented the boat outside the state;

b. Requires the purchaser to sign an affidavit that he has read the provisions of this section; and

c. Makes the affidavit a part of his permanent record.

In the event the purchaser fails to remove the boat from this state within 10 days after purchase or, when the boat is repaired or altered, within 10 days after the completion of such repairs or alterations, or permits the boat to return to this state within 6 months from date of departure, the purchaser shall be liable for use tax on the cost price of the boat and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department.

(b) At the rate of 5 4 percent of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this state.

(c) At the rate of 5 4 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein, except the rental of motion-picture film where an admission is charged for viewing such film and the lease or rental of a motor vehicle to one lessee or rentee for a period of not less than 12 months where tax was paid on the acquisition of such vehicle by the lessor, where the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to said business.

(d) At the rate of 5 4 percent of the lease or rental price paid by lessee or rentee, or contracted or agreed to be paid by lessee or rentee, to the owner of the tangible personal property.

(e) At the rate of 5 4 percent on charges for all telegraph messages and long distance telephone calls beginning and terminating in this state; on recurring charges to regular subscribers for local telephone service and for wired television service; on all charges for the installation of telephonic, wired television, and telegraphic equipment; and, at the same rate, on all charges for electrical power or energy. Telephone and telegraph services originating within this state and completed outside this state or originating outside this state and completed within this state are not taxable. The provisions of s. 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, shall be equally applicable to any tax paid under the provisions of this section on charges for telephone and telegraph services and electric power subsequently found to be uncollectible. The word "charges" in this paragraph shall not include any excise or similar tax levied by the Federal Government, any political subdivision of the state, or any municipality upon the purchase or sale of tele-

phone, wired television, or telegraph service, or electric power, which tax is collected by the seller from the purchaser.

(f) At the rate of 5 4 percent on the sale, rental, use, consumption, or storage for use in this state of machines and equipment and parts and accessories therefor used in manufacturing, processing, compounding, producing, mining, or quarrying personal property for sale or to be used in furnishing communications, transportation, or public utility services.

Section 5. Subsection (1) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary tax; charter counties; administration and collection.—

(1) Each charter county which adopted a charter prior to June 1, 1976, may levy, subject to the provisions of s. 125.0165 [F. S. 1976 Supp.], a discretionary 1 percent tax on all 5 4 percent taxable transactions under the provisions of this chapter, except that the sales amount above \$1,000 of any one transaction shall not be taxable.

Section 6. Paragraph (a) of subsection (1) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; dealers defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(1)(a) The aforesaid tax at the rate of 5 4 percent of the retail sales price as of the moment of sale, 5 4 percent of the cost price as of the moment of purchase, or 5 4 percent of the cost price as of the moment of commingling with the general mass of property in this state, as the case may be, shall be collectible from all dealers as herein defined on the sale at retail, the use, the consumption, the distribution and the storage for use or consumption in this state, of tangible personal property. The full amount of the tax on credit sales, installment sales, and sales made on any kind of deferred payment plan shall be due at the moment of the transaction in the same manner as a cash sale.

Section 7. Subsection (3) and paragraph (c) of subsection (11) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, storage, use tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following tangible personal property are hereby specifically exempt from the tax imposed by this chapter.

(3) **EXEMPTIONS, PARTIAL; CERTAIN FARM EQUIPMENT.**—There shall be taxable at the rate of 4 3 percent the sale, use, consumption, or storage for use in this state of self-propelled or power-drawn farm equipment used exclusively by a farmer on a farm owned, leased, or sharecropped by him in plowing, planting, cultivating, or harvesting crops. The rental of self-propelled or power-drawn farm equipment shall be taxed at the rate of 5 4 percent.

(11) **PARTIAL EXEMPTION; FLYABLE AIRCRAFT.**—

(c) The maximum tax collectible under this subsection shall not exceed 5 4 percent of the sales price of such aircraft. No Florida tax shall be imposed on the sale of such aircraft if the state in which the aircraft will be domiciled does not allow Florida sales or use tax to be credited against its sales or use tax. Furthermore, no tax shall be imposed on the sale of such aircraft if the state in which the aircraft will be domiciled has enacted a sales and use tax exemption for flyable aircraft or if the aircraft will be domiciled outside the United States.

Section 8. Subsections (10) and (11) of section 212.12, Florida Statutes, are amended to read:

212.12 Dealer's credit for collecting tax; penalties for non-compliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(10) Taxes imposed by this chapter upon the privilege of the use, consumption, or storage for consumption, or sale of tangible personal property, admissions and rentals, and communication services as herein taxed shall be collected upon the basis of an addition of the tax imposed by this chapter to the total price of such admissions, rentals, communication services or sale price of such article or articles that are purchased, sold or leased at any one time by or to a customer or buyer, and the dealer, or person charged herein, is required to pay a privilege tax in the amount of the tax imposed by this chapter on the total of his gross sales of tangible personal property, admissions, and rentals, communication services and

such person or dealer shall add the tax imposed by this chapter to the price, rental or admissions, and communication services and collect the total sum from the purchaser, admittee, lessee or consumer. Notwithstanding the rate of taxes imposed upon the privilege of sales, admissions and rentals, and communication services, the following brackets shall be applicable to all 5 4 percent taxable transactions:

(a) On single sales of less than 10 cents no tax shall be added.

(b) On single sales in amounts from 10 cents to 20 25 cents, both inclusive, 1 cent shall be added for taxes.

(c) On sales in amounts from 21 26 cents to 40 60 cents, both inclusive, 2 cents shall be added for taxes.

(d) On sales in amounts from 41 51 cents to 60 75 cents, both inclusive, 3 cents shall be added for taxes.

(e) On sales in amounts from 61 76 cents to 80 cents \$1, both inclusive, 4 cents shall be added for taxes.

(f) On sales in amounts from 81 cents to \$1, both inclusive, 5 cents shall be added for taxes.

(g) ~~(f)~~ On sales in amounts of more than \$1, 5 4 percent shall be charged upon each dollar of price, plus the above bracket charges upon any fractional part of a dollar.

(11) In charter counties which have adopted the discretionary 1 percent tax, the following brackets shall be applicable to all taxable transactions which would otherwise have been 5 4 percent taxable transactions:

(a) On single sales of less than 10 cents, no tax shall be added.

(b) On single sales in amounts from 10 cents to 17 20 cents, both inclusive, 1 cent shall be added for taxes.

(c) On sales in amounts from 18 21 cents to 34 40 cents, both inclusive, 2 cents shall be added for taxes.

(d) On sales in amounts from 35 41 cents to 51 60 cents, both inclusive, 3 cents shall be added for taxes.

(e) On sales in amounts from 52 61 cents to 68 80 cents, both inclusive, 4 cents shall be added for taxes.

(f) On sales in amounts from 69 cents to 85 cents, both inclusive, 5 cents shall be added for taxes.

(g) ~~(f)~~ On sales in amounts from 86 81 cents to \$1, both inclusive, 6 5 cents shall be added for taxes.

(h) ~~(g)~~ On sales in amounts from \$1 up to, and including, the first \$1,000 in price, 6 5 percent shall be charged upon each dollar of price, plus the above bracket charges upon any fractional part of a dollar.

(i) ~~(h)~~ On sales in amounts of more than \$1,000 in price, 6 5 percent shall be added upon the first \$1,000 in price; and 5 4 percent shall be added upon each dollar of price in excess of the first \$1,000 in price, plus the bracket charges upon any fractional part of a dollar as provided for in subsection (10).

Section 9. Subsection (1) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense.—

(1) The department shall pay over to the Treasurer of the state all funds received and collected by it under the provisions of this chapter, to be credited as follows:

(a) 8.6 percent to the Florida Education Finance Program to be used for the operation of public schools and allocated to school districts as prescribed in s. 236.081. Such moneys shall be used to reduce the amount of ad valorem tax collections that each school district is required to provide annually toward the cost of the Florida Education Finance Program;

(b) 6.8 percent to the Local Government Property Tax Relief Trust Fund;

(c) 84.6 percent to the account of the General Revenue Fund of the state.

Section 10. Section 212.50, Florida Statutes, is created to read:

212.50 Legislative findings and intent.—It is hereby found and declared as follows:

(1) The reliance on the ad valorem tax to support essential law enforcement, crime control, and transportation programs

has placed too great a burden on Florida's local governments and as a result an additional revenue source for local governments is needed.

(2) The state has mandated that local governments perform an increasing number of services for Florida's residents and at the same time has removed a significant portion of the local ad valorem tax base through the increased homestead exemption. The additional revenues provided to local governments through the increased sales tax is needed to compensate for these actions.

(3) The burden on the ad valorem tax to support the public school system has become too great. The state, through the increased sales tax, should bear a larger part of this burden.

Section 11. Section 212.53, Florida Statutes, is created to read:

212.53 Local Government Property Tax Relief Trust Fund; creation and distribution.—

(1) The Local Government Property Tax Relief Trust Fund is hereby created. Each participating county or municipal government shall receive a portion of this fund each year as provided in this section.

(2) In order to participate in the distribution of moneys under this section, a county or municipal government must levy an ad valorem millage rate equal to or less than a rate calculated as if the rolled-back rate, as determined pursuant to s. 200.065, had been levied in each of the preceding years. The first year to be used in the calculation of this rate shall be the year in which taxes are levied on the 1982 tax roll.

(3) The proportion of the Local Government Property Tax Relief Trust Fund distributed to each participating county and municipal government shall be equal to the proportion that each government's ad valorem tax collections bears to the total ad valorem tax collections of all county and municipal governments.

(4) Distributions pursuant to this section shall be made monthly according to the following provisions:

(a) During the first 6 months of the local government fiscal year, distributions shall be calculated by multiplying the following;

1. The proportion that each participating county and municipal government's ad valorem tax collections during the previous year bears to the total ad valorem tax collections of all county and municipal governments;

2. The estimate for the current year's sales tax revenues available for distribution pursuant to this section implicit in the revenue forecast upon which the approved General Appropriations Act was based.

(b) During the remaining months, the distributions shall be calculated as in subsection (a) except that the current year's tax collections shall be used and the Department of Revenue shall use the latest estimates of sales tax collections available. Distributions shall also be changed to correct errors due to the use of the prior year's tax collections and the use of previous sales tax collection estimates. The last monthly distribution shall reconcile actual collections with estimated collections.

(c) All money not distributed to county and municipal governments shall be transferred to the Working Capital Fund.

(5) County and municipal governments are authorized to pledge distributions pursuant to this section for the payment of principal and interest on any capital project.

Section 12. Subsection (9) is added to section 200.065, Florida Statutes, to read:

200.065 Method of fixing millage.—

(9)(a) In those counties and municipalities that participate in the distribution of moneys pursuant to s. 212.53 the county and each municipality shall advertise its proposed use of such distribution. Such advertisement shall be published at the times, in the format, and in the manner required for the notice of tax increase under this section and a public hearing should be held at the time and in the manner required for such notice of tax increase.

(b) The advertisement shall be in the following form:

NOTICE OF PROPOSED PROPERTY TAX RELIEF

The ... (name of county or municipality) ... shall receive during the next budget year an estimated \$..... in revenue from the state as its share of the increased sales tax.

The ... (name of county or municipality) ... proposes to use \$..... of such revenue to provide property tax relief to taxpayers and \$..... to increase its budget.

All concerned citizens are invited to attend a public hearing on such property tax relief and on the proposed budget on ... (date and time) ... at ... (meeting place) ...

(c) The amount specified to be used as property tax relief shall be 95 percent of the difference of taxes levied at the rolled-back rate calculated pursuant to subsection (1) and the taxes levied at the proposed millage rate certified pursuant to paragraph (2)(b).

(d) At the public hearing required under subsection (2), the governing body of each county and municipality shall announce for public consideration the proposed use of the proceeds of its share of the moneys distributed pursuant to s. 212.53 in the following categories:

1. The proposed crime control plan for the county and municipality, including the specific proposed budget increases in such crime control plan.
2. The proposed local transportation plan, including the specific proposed budget increases in such local transportation plan.
3. The total amount and projected millage of proposed property tax relief.
4. Any other increases in the proposed budget.

(e) The public hearing and advertisement requirements of this subsection shall be in effect for the first fiscal year in which the county or municipal government receives a distribution pursuant to s. 212.53.

Section 13. This act shall only take effect if a constitutional amendment relating to a reduction in the maximum allowable school ad valorem millage is approved by the Legislature and placed on the November 1982 general election ballot. If such an amendment is approved by the Legislature sections 1 through 8 of this act shall take effect June 1, 1982. Section 9 shall take effect July 1, 1982. Sections 10, 11, and 12 shall take effect October 1, 1982.

Senator Ware presiding

Senator Grizzle moved the following amendment to Amendment 1 which failed:

Amendment 1A—On page 2, strike "5" on lines 17 and 22 and insert on lines 17 and 22: "4"

Senators Langley, Thomas, Trask and Skinner offered the following amendment to Amendment 1 which was moved by Senator Trask and adopted:

Amendment 1B—On page 7, line 18, strike "4" and insert: 3

Senators Thomas, Langley, Trask, Skinner and Anderson offered the following amendment to Amendment 1 which was moved by Senator Thomas and adopted:

Amendment 1C—On page 7, line 24, strike "5 4" and insert: 4

Senators Stuart and Dunn offered the following amendment to Amendment 1 which was moved by Senator Stuart:

Amendment 1D—On page 10, lines 20-30, strike all of said lines and insert: (a) 5.3 percent to the Florida Education Finance Program to be used for the operation of public schools and allocated to school districts as prescribed in s. 236.081. Such moneys shall be used to reduce the amount of ad valorem tax collections that each school district is required to provide annually toward the cost of the Florida Education Finance Program;

(b) 8.6 percent to the Local Government Property Tax Relief Trust Fund;

(c) 1.0 percent to the County Jail Construction Trust Fund;

(d) 84.6 percent to the account of the General Revenue Fund of the state.

Senator Dunn moved that the rules be waived and when the Senate recessed, it recess to reconvene at 1:00 p.m. in lieu of 2:00 p.m. The motion was adopted.

The Senate recessed at 11:57 a.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Ware at 1:00 p.m. A quorum present—40:

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

The Senate resumed consideration of—

HB 1134—A bill to be entitled An act relating to tax on sales, use and other transactions; amending ss. 212.03(1), (3), and (6), 212.031(1)(c) and (d), 212.04(1), 212.05, 212.055(1), 212.06(1)(a), 212.08(3) and (11)(c), and 125.0165(1), Florida Statutes, and amending s. 212.12(10) and (11), Florida Statutes, and adding subsection (12); increasing said tax; creating part II of chapter 212, Florida Statutes; providing legislative intent and definitions; designating one-half of said tax increase as the local government half-cent sales tax; providing for deposit in a Local Government Half-cent Sales Tax Clearing Trust Fund for distribution to participating local governments; providing distribution formulas; providing for eligibility and requiring that local governments adopt a resolution to determine uses; requiring a public hearing and notice; providing method of computing notice amounts; providing for adjustment of proposed millage rates and for specification of a "rate without sales tax"; specifying uses of such tax; providing for emergency distribution; amending s. 23.019(2)(b), Florida Statutes; revising provisions relating to population census determination; amending s. 30.49(2), Florida Statutes; specifying categories into which sheriffs' proposed budgets and expenditures shall be divided; amending s. 200.069(6) and (7), Florida Statutes, and adding subsection (10); revising requirements with respect to the notice of proposed property taxes and providing for a statement to be included with respect to effect the local government half-cent sales tax; adding subsection (9) to s. 200.065, Florida Statutes; specifying content of notice of tax increase; adding subsection (3) to s. 218.23, Florida Statutes; providing effect of said tax on eligibility requirements for revenue sharing; providing an appropriation; providing an effective date.

—with pending Amendment 1D.

Senators Langley, Poole and Jennings offered the following substitute amendment which was moved by Senator Langley and failed:

Amendment 1E—On page 10, line 20, strike "8.6" and on line 27, strike "6.8" and insert: on line 20, 11.5 and on line 27, 3.9

Amendment 1D failed.

The President presiding

Further consideration of HB 1134 was deferred.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

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

SB 143—A bill to be entitled An act relating to elections; amending s. 106.03(3)(a), (b), Florida Statutes; providing procedure for registration of political committees; amending s. 106.07(4)(d), (5), Florida Statutes; providing for reporting of proceeds from campaign fund raisers; deleting provision requiring candidates to file certain reports; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2 between lines 15 and 16 insert:

Section 3. Subsection (6) of section 101.011, Florida Statutes, is amended to read:

101.011 Voting by paper ballot.—

(6) At a general election an elector may vote for a write-in candidate by writing in the name of such person in the blank space provided. ~~In addition, on a ballot card used with an electronic or electromechanical voting system, the elector shall be required to make a notation with the marking device immediately following the blank space provided.~~

Section 4. Section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to prescribe rules and regulations.—The Department of State shall prescribe rules and regulations to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting, *including write-in voting*, and of counting, tabulating, and recording votes, by the electronic or electromechanical voting systems and methods provided by this act.

Section 5. Subsection (1) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Paper balloting procedures to apply.—So far as practicable, the procedures for voting paper ballots as prescribed in this code shall apply to procedures followed pursuant to this act. The following procedures shall apply, however, and any procedure prescribed for paper ballots which is made impractical because of any of the following requirements may be modified with approval of the Department of State to facilitate adherence to the following requirements:

(1) After preparing his ballot, the elector shall place his ballot in the secrecy envelope ~~or shall so as to~~ cover the ballot ~~with that portion on which write-in votes may be cast but shall leave the attached stub exposed.~~

Section 6. Subsection (1) of section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. The Governor, *Secretary of State and the director of the Division of Elections and Cabinet shall meet in the Secretary of State's office after reasonable notice, and they shall be the Elections Canvassing Commission.* The Elections Canvassing Commission shall, *as soon as the official results are compiled from all counties, certify canvass* the returns of the election and determine and declare who has been elected for each office. *In the event that any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the director of the Division of Elections.* If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on the file shall be certified.

Section 7. Subsection (1) of section 98.081, Florida Statutes, is amended to read:

98.081 Removal of names from registration books; procedure.—

(1) During each odd-numbered year, the supervisor shall mail, to each elector who, *during the past 2 years*, did not vote in any election in the county *or did not make a written request that his registration records be updated during the past 2 years*, a form to be filled in, signed, and returned by mail within 30 days after the notice is postmarked. The form returned shall advise the supervisor whether the elector's status has changed from that of the registration record. Electors failing to return the forms within this period shall have their names withdrawn temporarily from registration books. In addition, the name of an elector may be removed temporarily from the registration books when any first-class mail sent by the supervisor to the elector is returned as undeliverable. Such name shall not be removed until a diligent effort has been made by the supervisor to locate such elector. This shall constitute such notice for purposes of this section. The list of the electors temporarily withdrawn shall be posted at the courthouse. When the list is

completed, the supervisor shall provide a copy thereof, upon request, to the chairman of the county executive committee of any political party, and the supervisor may charge the actual cost of duplicating the list. A name shall be restored to the registration records when the elector, in writing, makes known to the supervisor that his status has not changed. A federal post card application from a citizen overseas indicating that the elector's status has not changed shall constitute such a written notification to the supervisor. The supervisor shall then reinstate the name on the registration books without requiring the elector to reregister. Notice of these requirements shall be printed on the voter registration identification card. This method prescribed for the removal of names is cumulative to other provisions of law relating to the removal of names from registration books. This is not a reregistration but a method to be used for keeping the permanent registration list up to date.

Section 8. Subsection (6) of section 101.141, Florida Statutes, is amended to read:

101.141 Specifications for primary election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the primary election ballot shall conform to the following specifications:

(6) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. The Department of State shall, not less than 60 days prior to the first primary election, mail to each supervisor of elections the format of the ballot to be used *for the primary elections in that county.*

Section 9. Subsection (8) of section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for general election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:

(8) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. Not less than 60 days prior to a general election, the Department of State shall mail to each supervisor of elections the format of the ballot to be used *for the general elections in that county.*

Section 10. Subsection (3) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(3) For each request for an absentee ballot received, the supervisor shall record the date the request was made, the date the absentee ballot was delivered or mailed, the date the ballot was received by the supervisor, and such other information he may deem necessary. *In addition, the supervisor shall indicate on the face of the mailing envelope the date the ballot was mailed to the elector.*

Section 11. Section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes, a plain white envelope into which the absent elector shall enclose and seal his marked ballot and a second envelope, into which the absent elector shall then place the sealed white envelope, which shall be addressed to the supervisor and also bear on the back side of this "mailing envelope" a certificate which shall be substantially in the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

YOU COME UNDER THE PURVIEW OF THE DEFINITION OF "ABSENT ABSENTEE ELECTOR" IF YOU:

1. Are unable without the assistance of another to attend the polls.
2. Will not be in . . . (insert appropriate county) . . . County during the hours the polls are open.

3. Are an inspector, poll worker, deputy voting machine custodian, deputy sheriff, municipal election official, supervisor of elections, or deputy supervisor of elections and will be assigned to a different precinct than that in which you are registered.

4. Cannot attend the polls on election day because of the tenets of your religion.

5. Have moved to another county in Florida within the period when the registration books are closed. You will be permitted to vote on national and statewide offices and issues.

6. Have moved to another state and are unable by that state's laws to vote in the general election. You will be permitted to vote for the President and Vice President.

I HEREBY CERTIFY THAT I AM VOTING ABSENTEE FOR ONE OF THE REASONS STATED ABOVE AND THAT I AM DULY QUALIFIED AND REGISTERED AS A ... (party) ... ELECTOR OF THE ... (precinct) ... OF ... (insert appropriate county) ... COUNTY AND THE STATE OF FLORIDA.

... (SIGNATURE OF VOTER) ... VOTER MUST SIGN ABOVE

Note: Your Signature Must Be Witnessed By Either:

1. A Notary or a Florida Supervisor of Elections or his Deputy.

Subscribed and sworn to before me this ... day of ... 19... (Official Title) ... My Commission Expires this ... day of ... 19... (Do Not Use Impression Seal) ... (Signature of Official) ... (Address) ... (City/State) ...

OR

2. Two Witnesses Eighteen (18) Years or Older.

... (Address) ... (First Witness) ... (City/State) ... (Address) ... (Second Witness) ... (City/State) ...

(2) The statement shall be so arranged that the signature of the absent elector and the attesting witness or witnesses shall be across the seal of the envelope. The absent elector and the attesting witness or witnesses shall execute the form on the envelope.

Section 12. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor of elections shall enclose with each ballot sent to an absent elector separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. Mark your ballot in secret as instructed on the ballot.

2. Place your marked ballot in the enclosed plain white envelope.

3. Securely seal the plain white envelope and place it in the enclosed mailing envelope which is addressed to the supervisor.

4. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

5. VERY IMPORTANT.

a. Sign your name on the line above "(Signature of Voter Voter's Signature)."

b. Persons serving as attesting witnesses shall affix their signatures and addresses on the Voter's Certificate. Any two persons 18 years of age or older may serve as attesting witnesses.

c. Any notary or supervisor of elections or his deputy or other officer entitled to administer oaths may serve as the sole attesting witness. The sole attesting witness shall affix his signature, official title, and address to the Voter's Certificate.

6. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

7. VERY IMPORTANT. The supervisor of elections of the county in which your precinct is located must receive your ballot no later than 7 p.m. on the day of the election.

Section 13. Paragraph (b) of subsection (6) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(6)

(6)(a) In addition to the members provided for in subsection (1), each county executive committee shall include all members of the Legislature who are residents of the county and members of their respective political party and who shall be known as at-large committeemen and committeewomen. Each state executive committee shall include, as at-large committeemen and committeewomen, all members of the United States Congress representing the State of Florida who are members of the political party, all statewide elected officials who are members of the party, the President of the Senate, the Minority Leader in the Senate, the Speaker of the House of Representatives, the Minority Leader in the House of Representatives, and 20 members of the Legislature who are members of the political party. Ten of the legislators shall be appointed with the concurrence of the state chairman of the respective party, as follows: five to be appointed by the President of the Senate; five by the Minority Leader in the Senate; five by the Speaker of the House of Representatives; and five by the Minority Leader in the House. The governing body of each state executive committee as defined by party rule shall include as at-large committeemen and committeewomen all statewide elected officials who are members of such political party; up to four members of the United States Congress representing the State of Florida who are members of such political party and who shall be appointed by the state chairman on the basis of geographic representation; the permanent presiding officer selected by the members of each house of the Legislature who are members of such political party and the minority leader selected by the members of each house of the Legislature who are members of such political party. Each at-large committeeman or committeewoman shall be entitled to a single vote, however, any such at-large committeemen and committeewomen holding another voting position on a committee shall be entitled to only one vote.

(b) The conducting of official legislative business in connection with one's public office shall constitute good and sufficient reason for failure to attend county or state executive committee meetings.

Section 14. Section 14 of chapter 81-304, Laws of Florida, is hereby repealed.

Renumber subsequent section.

Amendment 2—On page 1 in title, line 9, after the word "reports;" insert: amending ss. 101.011(6) and 101.5608(1), Florida Statutes, relating to write-in voting procedures; amending s. 101.5607, Florida Statutes, relating to rules to be adopted by the Secretary of State with respect to write-in voting; amending s. 102.111(1), Florida Statutes, relating to the Elections Canvassing Commission; changing the membership thereof; amending s. 98.081(1), Florida Statutes, modifying provisions relating to the periodic removal of names from the registration books; amending ss. 101.141(6) and 101.151(8), Florida Statutes, relating to ballot format in certain counties; amending s. 101.62(3), Florida Statutes, requiring the supervisor of elections to indicate the mailing date on the envelope of an absentee ballot; amending ss. 101.64 and 101.65, Florida Statutes, authorizing certain persons to be the sole witness to an absentee ballot; amending s. 103.091(6), Florida Statutes, relating to votes by at-large committeemen and committeewomen; expanding the excused absences of legislative members of executive committees of political parties; repealing s. 14 of chapter 81-304, Laws of Florida, relating to reports by political parties, to remove an inconsistency;

Amendment 3—On page 2 between lines 15 and 16 insert: Section 15: Paragraph (b) of subsection (2) of section 103.101, Florida Statutes, is amended to read:

(b) When provided by party rule, delegates at the congressional district level shall be elected by vote of the electors of that party at the presidential primary election. Can-

didates for delegate shall qualify in accordance with party rule at least 45 days prior to such election and the party shall forward the names of such candidates and the congressional districts within which they qualified to the department of state no less than 40 days preceding the election. The department of state shall cause the names of such candidates to be placed on the ballots of the appropriate congressional districts in the manner provided by law. Each candidate for delegate shall, at the time of qualifying, designate the presidential candidate to whom he will support, if elected or, if uncommitted, shall so designate. The name of the candidate or the word, "uncommitted," as appropriate, shall appear on the ballot next to or beneath the name of the candidate for delegate. The number of candidates for delegate receiving the highest number of votes in each congressional district which is equal to the number of delegates to be elected from such district pursuant to subsection (5) shall be deemed elected. Delegates to be elected by the state executive committee pursuant to subsection (5) shall be allocated among presidential candidates and "uncommitted," as appropriate, in accordance with the proportion which the number of delegates elected at the congressional district level for such candidate or for "uncommitted" bears to the total number of delegates to be elected at the congressional district level. If a party provides for the direct election of delegates pursuant to this paragraph. The results of the presidential primary election provided in this section shall be nonbinding as to the allocation of delegates.

(b) Any presidential candidate whose name is not selected by the Secretary of State or whose name is deleted by the selection committee may request in writing to the chairman of the selection committee, prior to the third Tuesday after the first Monday in January each year a presidential preference primary election is held, that his name be placed on the ballot. On the third Tuesday after the first Monday in January the Secretary of State shall convene the committee to consider such requests. If any member of the selection committee of the same political party as the candidate requests that such candidate's name be placed on the ballot, the committee shall direct the Department of State to place the candidate's name on the ballot. Within 5 days after such meeting, the Department of State shall notify the presidential candidate that his name will appear on the ballot.

And renumber subsequent section.

Amendment 4—On page 1 in title, line 9, insert after the word "reports," amending subsection (2)(b) of section 103.101, F.S.;

Amendment 7—On page 2 between lines 15 and 16 insert:

Section 3. Subsection (22) of section 97.021, Florida Statutes, is created to read:

97.021 Definitions.—The following words and phrases when used in this code shall be construed as follows:

(22) "Lists of registered electors" means copies of printed lists of registered electors, computer tapes or discs, or any other device used by the Supervisor of Elections to maintain voter records.

Renumber subsequent section.

Amendment 8—On page 1 in title line 9, insert after reports; creating s. 97.021(22), Florida Statutes, relating to lists of registered electors;

Senator Johnston moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 5, line 8, through page 8, line 26, strike all of said lines and insert:

Section . Section 101.64, Florida Statutes is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes, a plain white envelope into which the absent elector shall enclose and seal his marked ballot and a second envelope, into which the absent elector shall then place the sealed white envelope, which shall be addressed to the super-

visor and also bear on the back side of this "mailing envelope" a certificate which shall be substantially in the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

I,, am duly qualified and registered as a (Party) voter of the Precinct of County, Florida, coming within the purview of the definition of "absent elector," and I am entitled to vote an absentee ballot for the following reason:

CHECK ONLY ONE

YOU COME UNDER THE PURVIEW OF THE DEFINITION OF "ABSENTEE ELECTOR" IF YOU:

1. I am Are unable without another's the assistance of another to attend the polls.
2. I will not be in the county of my residence (insert appropriate county)..... County during the hours the polls are open for voting on election day.
3. I am Are an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, municipal election official, a supervisor of elections, or a deputy supervisor of elections who is and will be assigned to a different precinct than that in which I am you are registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election day because of the tenets of your religion.
5. I have changed my permanent residency have moved to another county in Florida within the time period during which when the registration books are closed for the election. I understand that I am allowed You will be permitted to vote only for on national and statewide offices and statewide issues.
6. I have changed my permanent residency moved to another state and am are unable under the laws of such state by that state's laws to vote in the general election. I understand that I am allowed You will be permitted to vote only for the President and Vice President.

.....(Voter's Signature).....

Note: Your Signature Must be Witnessed By Either

1. A Notary or Officer Defined in Item (5)(b) of the Instruction Sheet.

Subscribed and sworn to before me this day of, 19..... (Official Title) My Commission Expires this day of, 19..... (Do Not Use Impression Seal)

..... (Address)..... (Signature of Official) (City/State).....

Or

I HEREBY CERTIFY THAT I AM VOTING ABSENTEE FOR ONE OF THE REASONS STATED ABOVE AND THAT I AM DULY QUALIFIED AND REGISTERED AS A (party).... ELECTOR OF THE (precinct) .. OF (insert appropriate county).... COUNTY AND THE STATE OF FLORIDA.

.....(SIGNATURE OF VOTER).... VOTER MUST SIGN ABOVE

2. Two Witnesses Eighteen (18) Years or Older

..... (First Witness) (Address) (City/State) (Second Witness) (Address) (City/State)

(2) The statement shall be so arranged that the signature of the absent elector and the attesting witness or witnesses shall be across the seal of the envelope. The absent elector and the attesting witness or witnesses shall execute the form on the envelope.

Section . Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor of elections shall enclose with each ballot sent to an absent elector separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. Mark your ballot in secret as instructed on the ballot.
2. Place your marked ballot in the enclosed plain white envelope.
3. Securely seal the plain white envelope and place it in the enclosed mailing envelope which is addressed to the supervisor.
4. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.
5. **VERY IMPORTANT.** Sign your name on the line above "(Voter's Signature)."
 - a. Persons serving as attesting witnesses shall affix their signatures and addresses on the Voter's Certificate. Any two persons 18 years of age or older may serve as attesting witnesses.
 - b. *Any notary or other officer entitled to administer oaths or a Florida supervisor of elections or his deputy may serve as a sole attesting witness. The sole attesting witness shall affix his signature, official title, and address to the Voter's Certificate.*
6. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.
7. **VERY IMPORTANT.** The supervisor of elections of the county in which your precinct is located must receive your ballot no later than 7 p.m. on the day of the election.

¹ Senator Johnston moved the following amendment to House Amendment 2 which was adopted:

Amendment 2—In title on page 1, strike lines 13-19 and insert: format in certain counties; amending ss. 101.64, 101.65, Florida Statutes; providing form for absentee voter's certificate; providing instructions to absent electors; amending s. 103.091(6), Florida Statutes;

On motions by Senator Johnston, the Senate concurred in House Amendments 1 and 2 as amended and in House Amendments 3, 4, 7 and 8, and the House was requested to concur in the Senate amendments.

SB 143 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—24

Mr. President	Henderson	Margolis	Skinner
Beard	Hill	Maxwell	Steinberg
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Thomas
Dunn	Johnston	Peterson	Tobiasen
Frank	Lewis	Rehm	Vogt

Nays—9

Gersten	Langley	Renick	Ware
Gordon	McClain	Stevens	
Grizzle	Poole		

The Senate resumed consideration of—

HB 1134—A bill to be entitled An act relating to tax on sales, use and other transactions; amending ss. 212.03(1), (3), and (6), 212.031(1)(c) and (d), 212.04(1), 212.05, 212.055(1), 212.06(1)(a), 212.08(3) and (11)(c), and 125.0165(1), Florida Statutes, and amending s. 212.12(10) and (11), Florida Statutes, and adding subsection (12); increasing said tax; creating part II of chapter 212, Florida Statutes; providing legislative intent and definitions; designating one-half of said tax increase as the local government half-cent sales tax; providing for deposit in a Local Government Half-cent Sales Tax Clearing Trust Fund for distribution to participating local governments; pro-

viding distribution formulas; providing for eligibility and requiring that local governments adopt a resolution to determine uses; requiring a public hearing and notice; providing method of computing notice amounts; providing for adjustment of proposed millage rates and for specification of a "rate without sales tax"; specifying uses of such tax; providing for emergency distribution; amending s. 23.019(2)(b), Florida Statutes; revising provisions relating to population census determination; amending s. 30.49(2), Florida Statutes; specifying categories into which sheriffs' proposed budgets and expenditures shall be divided; amending s. 200.069(6) and (7), Florida Statutes, and adding subsection (10); revising requirements with respect to the notice of proposed property taxes and providing for a statement to be included with respect to effect the local government half-cent sales tax; adding subsection (9) to s. 200.065, Florida Statutes; specifying content of notice of tax increase; adding subsection (3) to s. 218.23, Florida Statutes; providing effect of said tax on eligibility requirements for revenue sharing; providing an appropriation; providing an effective date.

—which was taken up with pending Amendment 1.

Senators Poole and Kirkpatrick offered the following amendment to Amendment 1 which was moved by Senator Poole and adopted:

Amendment 1F—On page 7, line 17, strike all of line and insert:

(3) EXEMPTIONS, PARTIAL; CERTAIN FARM EQUIPMENT AND MOTOR VEHICLES.

Senators Poole and Kirkpatrick offered the following amendment to Amendment 1 which was moved by Senator Poole and failed:

Amendment 1G—On page 7, line 24, after the period insert: *The sale in this state of a new or used motor vehicle as defined in s. 320.01(1) shall be taxed at the rate of 4 percent until July 1, 1983. The rental of a motor vehicle shall be taxed at the rate of 5 percent.*

On motion by Senator Dunn, the rules were waived and time of adjournment was extended until final action on SB 1032.

Senator Vogt presiding

Senators Frank and McClain offered the following amendment to Amendment 1 which was moved by Senator Frank and failed:

Amendment 1H—On page 10, after line 13, strike all of sections 9, 10, 11, 12 and 13 and insert:

Section 9. Subsection (1) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense.—

(1) The department shall pay over to the Treasurer of the state all funds received and collected by it under the provisions of this chapter, to be credited as follows:

(a) *6.0 percent to the Florida Education Finance Program to be used for the operation of public schools and allocated to school districts as prescribed in s. 236.081. Such moneys shall be used to reduce the amount of ad valorem tax collections that each school district is required to provide annually toward the cost of the Florida Education Finance Program;*

(b) *6.0 percent to the Local Government Ad Valorem Tax Containment Trust Fund;*

(c) *87 percent to the account of the General Revenue Fund of the state.*

Section 10. (1) The Local Government Ad Valorem Tax Containment Trust Fund is hereby created. Each eligible county and municipality shall receive each year money from such fund determined by multiplying the total money in such fund by a fraction to be calculated as follows:

(a) The numerator shall be the product of the total taxable value shown on the ad valorem tax roll of such county or municipality for the current year multiplied by the total nondebt

service millage levied on the 1980 ad valorem tax roll for such county or municipality.

(b) The denominator shall be the sum of the values calculated in accordance with paragraph (a) for all eligible counties and municipalities.

(2) A county or municipality shall be eligible for the moneys allocated in subsection (1) if the ad valorem tax levy of such county or municipality for the current year is no greater than 5 percent above the rolled-back rate as defined in section 200.065(1), Florida Statutes; except that by a majority plus one vote the governing body of a county or municipal government may levy taxes at a higher rate for the sole purpose of the maintenance of law enforcement services and/or the construction of law enforcement facilities.

(3) No county or municipality may receive an allocation from the trust fund which, when added to the total nondebt service ad valorem tax levy of such county or municipality, exceeds by more than 20 percent the ad valorem tax revenues that would have been collected if such county or municipality had levied the rolled-back rate. Moneys in the trust fund which are undistributed at the end of the fiscal year shall revert to the General Revenue Fund.

Section 11. This act shall take effect June 1, 1982 or upon becoming a law, whichever occurs later.

Senator Gersten moved the following amendment to Amendment I which was adopted:

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

(6) When a county becomes eligible for distribution of the Local Government Property Tax Relief Trust Fund in accordance with this Act, such funds shall be expended by the local governments in the following priority:

- (a) Ad Valorem Tax Relief
- (b) Law Enforcement, including construction of local jails
- (c) Local transportation needs

(7) Upon the affirmative vote of a majority of the members of the local governing body, funds may be expended for other public purposes. However, prior to the expending of such funds, the local governing body shall conduct a public hearing in compliance with Section 12 of this Act.

Senator Lewis moved the following amendments to Amendment I which were adopted:

Amendment 1J—On page 14, line 24 strike "This" and insert:

Except for this section 13 relating to establishment of a study commission, which sections shall take effect upon becoming a law, this

Amendment 1K—On page 14, between lines 23 and 24, insert:

Section 13. A commission, whose members shall represent the business community, state and local government, and the public at large shall be established within the Department of Revenue to study alternatives which provide for restructuring the tax system of the state, to study possible changes to existing methods by which state revenues are spent, and to study the impact on local governments of the homestead exemption. The commission shall be composed of 15 members, one to be appointed by the President of the Senate, one to be appointed by the Speaker of the House of Representatives, and 13 to be appointed by the Governor. Members shall be appointed no later than October 1, 1982. The commission shall submit to the Legislature prior to its next regular session a report describing the results of such studies and providing recommendations on revising the state tax structure, methods of spending state revenues, and provisions of the homestead exemption. Members of the commission shall be entitled to receive per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(Renumber subsequent section.)

Senator Stuart moved the following amendment to Amendment I which was adopted:

Amendment 1L—On page 14, lines 29-31 strike all of said lines and insert:

Sections 1 through 8 and 12 of this act shall take effect May 1, 1981. Section 9 shall take effect June 1, 1982; provided, however, that distributions of sales tax revenues to the Florida Education Finance Program shall not begin prior to July 1, 1982 and distributions to the Location Government Property Tax Relief Trust Fund shall not begin until October 1, 1982. Prior to these dates, such revenues shall be deposited in the Working Capital Fund. Sections 10 and 11 shall take effect on October 1, 1982.

Senator Hill moved the following amendment to Amendment 1 which failed:

Amendment 1M—On page 14, between lines 23 and 24, insert:

Section 13. Section 212.052, Florida Statutes, is created to read:

212.052 Research or development costs; not subject to sales and use tax.—

(1) For the purposes of the exemption provided in this section:

(a) "Research or development" means research which has one of the following as its ultimate goal:

1. Basic research in a scientific field of endeavor.
2. Advancing knowledge or technology in a scientific or technical field of endeavor.
3. The development of a new product, whether or not the new product is offered for sale.

4. The improvement of an existing product, whether or not the improved product is offered for sale.

5. The development of new uses of an existing product, whether or not the new use is offered as a rationale to purchase the product.

6. The design and development of prototypes, whether or not a resulting product is offered for sale.

"Research or development" does not include ordinary testing or inspection of materials or products used for quality control, market research, efficiency surveys, consumer surveys, advertising and promotions, management studies, or research in connection with literary, historical, social science, psychology or other nontechnical activities.

(b) "Costs" means cost price as defined in s. 212.02(5).

(c) "Product" means any item, device, technique, prototype, invention or process, which is, was, or may be, commercially exploitable.

(2) Notwithstanding any provision of this chapter to the contrary, any person who manufactures, produces compounds, processes or fabricates in any manner, tangible personal property for his own use directly and solely in research or development shall not be subject to the tax imposed by this chapter upon the cost of the product manufactured, produced, compounded, processed or fabricated for the purpose of research and development. However, the tax imposed by this chapter shall be due on the purchase, rental or repair of real property or tangible personal property employed in research or development which is subject to the tax imposed by this chapter at the time of purchase or rental.

(3) This section shall not apply to any product of research or development which is used by a person in the ordinary course of business, other than for research or development, except and to the extent that the knowledge, technology, science, design, plan, patent or understanding which is derived from the product or research or development is applied in the ordinary course of business. In addition, this section shall not apply to any product of research or development that is tangible personal property which is offered for sale.

(4) Any person who makes a fraudulent claim under this section shall be liable for the payment of the tax due together with the penalties set forth in s. 212.085, and as otherwise provided by law.

(5) The department shall promulgate rules governing the implementation and operation of this section.

(Renumber subsequent section.)

Senator Gersten presiding

Senators Neal, Peterson, Jenne, Thomas and Kirkpatrick offered the following amendment to Amendment 1 which was moved by Senator Neal and adopted:

Amendment 1N—On page 14, between lines 23 and 24, add a new section 13 and renumber subsequent sections.

Section 13. Paragraph (e) of subsection (7) of section 212.08, F.S., is amended to read:

212.08 Sales, rental, storage, use tax; specified exemptions.— The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following tangible personal property are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(e) Professional services.—

1. Also exempted are professional, insurance, or personal service transactions which involve sales as inconsequential elements for which no separate charges are made.

2. The above exempted service transactions do not exempt the sale of information services involving the furnishing of printed, mimeographed, multigraphed matter, or matter duplicating written or printed matter in any other manner, other than professional services and services of employees, agents, or other persons acting in a representative or fiduciary capacity or information services furnished to newspapers and radio and television stations. Information services shall mean and include the services of collecting, compiling, or analyzing information of any kind or nature and furnishing reports thereof to other persons.

3. *However, notwithstanding the provisions of subparagraph 1 of this paragraph, charges for dry cleaning and laundry services shall be subject to the tax imposed by this chapter. Revenues collected from the imposition of tax on charges for dry cleaning and laundry services shall be deposited in the State Water Pollution Control Trust Fund as provided in s. 212.20(1)(b).*

Section 14. Subsection (1) of section 212.20, F.S., is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense.—

(1)(a) The department shall pay over to the Treasurer of the state all funds received and collected by it under the provisions of this chapter, *except the revenues collected from the tax imposed on dry cleaning and laundry services, to be credited to the account of the General Revenue Fund of the state.*

(b) *The department shall deposit all funds collected from the tax imposed by this chapter on charges from dry cleaning and laundry services into the State Water Pollution Control Trust Fund, created pursuant to s. 403.1824. The funds attributable to the revenue deposited in the State Water Pollution Control Trust Fund pursuant to this paragraph shall be earmarked for grants to local governments, as defined in s. 403.1822, which serve populations of 25,000 persons or less, except for any local governments in Palm Beach County, Broward County, and Dade County where, pursuant to the provisions of s. 403.085, Florida Statutes, the department may by rule allow for less than secondary waste treatment.*

Senators Trask, Beard, Thomas and Neal offered the following amendment to Amendment 1 which was moved by Senator Trask and failed:

Amendment 10—On page 10, strike lines 20-30, insert:

(a) *The following proportion of the sales tax collections from the sale of new motor vehicles shall be deposited in the State Transportation Trust Fund.*

1. *in 1982-83, one-fifth;*
2. *in 1983-84, two-fifths;*
3. *in 1984-85, three-fifths;*

4. *in 1985-86, four-fifths;*

5. *in 1986-87 and thereafter, all of said tax collections;*

(b) *The remainder of sales taxes collected shall be deposited as follows:*

1. *8.6 percent to the Florida Education Finance Program to be used for the operation of public schools and allocated to school districts as prescribed in s. 236.081. Such moneys shall be used to reduce the amount of ad valorem tax collections that each school district is required to provide annually toward the cost of the Florida Education Finance Program;*

2. *6.8 percent to the Local Government Property Tax Relief Trust Fund;*

3. *84.6 percent to the account of the General Revenue Fund of the state.*

Senator Stuart moved the following amendment to Amendment 1 which was adopted:

Amendment 1P—On page 12, lines 9, 10, 18 and 19, strike "ad valorem" and on line 11 after "governments." insert: For purposes of this section taxes shall include ad valorem taxes, municipal utility taxes, special assessments, occupational license taxes and franchise fees.

Amendment 1 as amended was adopted.

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

Amendment 2—In title on page 1, lines 2-31, and on page 2, line 11, strike all of said lines and insert: An act relating to the sales and use tax; providing legislative intent; amending ss. 212.03(1), (3), (6), 212.031(1)(c), (d), 212.04(1), 212.05(1), 212.055(1), 212.06(1)(a), 212.08(3), (11)(c), 212.12(10), (11), Florida Statutes; increasing the tax on sales, use, storage, consumption, rentals, admissions, communication services, and other transactions; amending s. 212.20, Florida Statutes; providing for the distribution of the sales tax; creating s. 212.50, Florida Statutes; providing legislative intent; creating s. 212.53, Florida Statutes; establishing the Local Government Property Tax Relief Trust Fund to provide distributions to certain local governments; providing criteria for participation; requiring the Department of Revenue to administer; amending s. 200.065, Florida Statutes; providing notice; providing an effective date.

Senators Poole and Kirkpatrick offered the following amendment to Amendment 2 which was moved by Senator Poole and adopted:

Amendment 2A—In title on page 1, line 9, after the semicolon (;) insert: *providing a partial exemption for the sale of motor vehicles;*

Senators McKnight and Jenne offered the following amendment to Amendment 2 which was moved by Senator McKnight and adopted:

Amendment 2B—On page 1, line 30, after the word "notice;" insert: *authorizing certain counties and municipalities to levy up to 10 percent above the rolled back rate for certain purposes;*

Senator Lewis moved the following amendment to Amendment 2 which was adopted:

Amendment 2C—In title on page 1, line 30, after the semicolon (;) insert: *providing for establishment of a commission to make certain finance and tax studies; requiring the committee to report to the Legislature;*

Amendment 2 as amended was adopted.

The President presiding

The Senate recessed at 4:06 p.m., awaiting the call of the President.

The Senate was called to order by Senator McKnight at 4:40 p.m. A quorum present.

The Senate resumed consideration of—

HB 1134—A bill to be entitled An act relating to tax on sales, use and other transactions; amending ss. 212.03(1), (3), and (6), 212.031(1)(c) and (d), 212.04(1), 212.05, 212.055(1), 212.06(1)(a), 212.08(3) and (11)(c), and 125.0165(1), Florida Statutes, and amending s. 212.12(10) and (11), Florida Statutes, and adding subsection (12); increasing said tax; creating part II of chapter 212, Florida Statutes; providing legislative intent and definitions; designating one-half of said tax increase as the local government half-cent sales tax; providing for deposit in a Local Government Half-cent Sales Tax Clearing Trust Fund for distribution to participating local governments; providing distribution formulas; providing for eligibility and requiring that local governments adopt a resolution to determine uses; requiring a public hearing and notice; providing method of computing notice amounts; providing for adjustment of proposed millage rates and for specification of a "rate without sales tax"; specifying uses of such tax; providing for emergency distribution; amending s. 23.019(2)(b), Florida Statutes; revising provisions relating to population census determination; amending s. 30.49(2), Florida Statutes; specifying categories into which sheriffs' proposed budgets and expenditures shall be divided; amending s. 200.069(6) and (7), Florida Statutes, and adding subsection (10); revising requirements with respect to the notice of proposed property taxes and providing for a statement to be included with respect to effect the local government half-cent sales tax; adding subsection (9) to s. 200.065, Florida Statutes; specifying content of notice of tax increase; adding subsection (3) to s. 218.23, Florida Statutes; providing effect of said tax on eligibility; requirements for revenue sharing; providing an appropriation; providing an effective date.

On motion by Senator Maxwell, by two-thirds vote HB 1134 as amended was read the third time by title.

On motion by Senator Maxwell further consideration of HB 1134 was deferred.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Johnston, the rules were waived and by two-thirds vote HB 1012 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 436, 985, 227, 259, 657, 940, CS for SB 760 and CS for SB 844 were withdrawn from the Committee on Appropriations.

On motion by Senator Margolis, the House was requested to return SB 682.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

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

SB 511—A bill to be entitled An act relating to motor vehicles licenses; amending s. 320.089, Florida Statutes; providing that an active member of any branch of the United States Armed Forces Reserve or ex-prisoner of war may, upon meeting specified requirements, obtain a specially designated license plate for his personal automobile, truck weighing 5,000 pounds or less, or recreational vehicle; deleting requirement that application be made to Department of Highway Safety and Motor Vehicles; amending subsections (3)(d) and (4)(a) of section 320.08, Florida Statutes, removing the truck net weight limit; removing trucks from the truck-tractor classification; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 27, insert:

Section 3. Subsection (2) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(2) Any person cited for an infraction under this section may:

(a) Post a bond, which shall be equal in amount to the applicable civil penalty established in s. 318.18; *provided that in the case of a violation of s. 320.07(3), the amount of such bond shall be in an amount equal to the applicable civil penalty together with the amount of the registration fee for the vehicle as set forth in s. 320.08; or*

(b) Sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty established in s. 318.18.

(Renumber subsequent section)

Amendment 2—On page 1 in title, line 16, after the semicolon (;) insert: amending s. 318.14(2), Florida Statutes, providing for the amount of a required bond with respect to certain traffic infractions;

Amendment 3—On page 1, line 19, insert:

Section 1. Subsection (3) of section 320.07, Florida Statutes, is amended to read:

320.07 Registration renewed annually.—

(3) The registration of a vehicle shall expire at midnight on the last day of the registration period, and the vehicle shall not thereafter be operated upon the highways of this state, except during the appropriate renewal period, until it has been reregistered according to law. The operation of any motor vehicle without having attached thereto a registration license plate and validation stickers for the current registration period shall subject the owner, *if he is present, otherwise the operator thereof to the penalty provided in s. 318.18.*

Section 2. Subsection (5) of section 327.25, Florida Statutes, is amended to read:

327.25 Classification and license.—Vessels which are required to be registered shall be classified for license purposes according to the following schedule, and the registration certificate license fee shall be in the following amounts:

(5) **REGISTRATION DATE.**—The registration and reregistration of boats and payment of above fees for the ensuing year shall begin on June 1 and end on June 30 except that the Governor may extend the period of registration for an additional 30 days when such extension is desirable. All motorboats previously exempt from the registration requirements of s. 371.041 shall be registered by January 1, 1975. The operation of any boat after July 1, unless the period is extended, without a current registration as provided under this law is a *noncriminal violation, as defined in s. 775.08(3), misdemeanor* and shall subject the owner, *if he is present, otherwise the and operator thereof to a fine of \$15 arrest and punishment as provided by law.*

Section 3. Subsections (1) and (2) of section 320.131, Florida Statutes, are amended to read:

320.131 Temporary tags.—

(1) The department is authorized and empowered to design, issue, and regulate the use of temporary tags to be designated "temporary tags," for use in cases in which dealer tags may not be lawfully used and in cases in which the sale of a motor vehicle constitutes a casual or private sale. A "casual or private sale" means any sale other than that by a licensed dealer or a *marine boat trailer dealer*. No such temporary tag shall be valid for more than 20 days after it is affixed to a motor vehicle.

(2) The department is authorized and empowered to sell to any franchised dealer, licensed used car dealer, trailer coach dealer, *marine boat trailer dealer*, certificated common carrier, or county tax collector temporary tags for \$1 each,

and the proceeds shall be deposited in the General Revenue Fund. The county tax collector is authorized to sell the temporary tag for \$1 plus a \$1 service charge.

(Renumber subsequent sections)

Amendment 4—On page 1 in title, line 2, after the semicolon, insert: amending ss. 320.07(3) and 327.25(5), Florida Statutes, providing that the owner of a motor vehicle or boat shall be subject to the appropriate penalty if he is present at the time the motor vehicle or boat is stopped for expired registration; decriminalizing offense of operating a boat with an expired registration; providing for issuance of temporary tags by marine boat trailer dealers; amending s. 320.131(1) and (2), Florida Statutes, relating to temporary tags;

Senator Tobiasen moved the following amendments which were adopted:

Amendment 1 to House Amendment 3—On page 2, at the end of Section 3, insert:

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared severable.

Amendment 1 to House Amendment 4—In title on page 1, line 11, after the word "tags;" insert: providing severability;

On motions by Senator Tobiasen, the Senate concurred in House Amendments 1 and 2; concurred in House Amendments 3 and 4 as amended and the House was requested to concur in the Senate amendments.

SB 511 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Renick

The Honorable W. D. Childers, President

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

SB 306—A bill to be entitled An act relating to speed limit signs; amending s. 335.14, Florida Statutes; providing that subject to federal approval new or replacement signs show the legal speed limit both in miles per hour and kilometers per hour; adding s. 335.15(6), Florida Statutes; authorizing the Department of Transportation to pay tolls on toll facilities under certain circumstances; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 14, strike all of lines 14-31, and on page 2, lines 1-5.

Renumber Section 2.

Amendment 2—On page 1 in title, line 2, strike "amending"; all of lines 3, 4, 5, and on line 6, "per hour and kilometers per hour."

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

The Honorable W. D. Childers, President

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

CS for SB 860—A bill to be entitled An act relating to non-public postsecondary schools; amending ss. 246.011(1), (3), 246.021(1), (4), (5), and adding subsection (9) to said section; amending ss. 246.031, 246.041, 246.051, 246.061, 246.071, 246.081, 246.091(1), 246.095, 246.111, 246.121, 246.131, 246.141, 246.151, Florida Statutes; creating ss. 246.085, 246.087, 246.125, Florida Statutes; dividing chapter 246, Florida Statutes, into parts; providing purpose; modifying legislative purpose; modifying the definitions of "college," "agent," and "colleges whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning" and defining "license" for purposes of the part; clarifying references to "educational institutions"; providing membership of the State Board of Independent Colleges and Universities; providing for meetings; providing powers and duties of the board; providing for the annual selection of a chairperson and a vice chairperson; authorizing certain delegation of board authority to the chairperson; deleting obsolete language; providing exemptions from licensing requirements; limiting use of designations "college" and "university"; providing for collection and dissemination of information; reviving and readopting, notwithstanding the Regulatory Sunset Act, ss. 246.011-246.151, Florida Statutes; providing for legislative review; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 15, after line 16, insert:

Section 14. Section 246.101, Florida Statutes, is amended to read:

246.101 License fees.—Each ~~initial original~~ application for a license to conduct a college chartered in Florida shall be accompanied by a license fee of \$300, and each original application for a license to conduct a Florida center of an out of state college shall be accompanied by a license fee of \$500. Each application for the annual review or other renewal of a license to conduct a college chartered in Florida or a Florida center of an out of state college shall be accompanied by a license fee of \$150. A fee of \$100 shall be charged to any in state or out of state college for a supplementary application for the approval of any additional field or course of instruction. Fees for agents representing in state colleges shall be \$25 per year. Fees for agents representing out of state colleges shall be \$50 per year. All license fees shall be submitted by the board, through the Department of Education, to the State Treasurer and shall be deposited in the General Revenue Fund of the state.

(Renumber subsequent sections.)

Amendment 2—On page 1 in the title, line 7, after 246.095, insert 246.101,

Amendment 3—On page 6, line 6, delete two and insert at least one

Amendment 4—On page 12, lines 17-23, strike: the language beginning with "However" and ending with "operations." and insert: on page 18, before line 1

Section 17. Section 246.128, Florida Statutes, is created to read:

Section 246.128 Review and authorization of branch operations of accredited nonpublic colleges.—

A branch educational operation of an accredited nonpublic college located 30 miles beyond the main campus shall be subject to review and authorization by the board, unless the branch operation is separately approved by an accrediting agency recognized by the United States Department of Education. The board shall adopt rules for the review of branch educational operations.

(Renumber subsequent sections.)

Amendment 5—On page 19, line 7, delete: July 1, 1982. and insert: October 1, 1982.

Amendment 6—On page 1 in the title, line 7, after 246.121 insert: 246.128, and on page 1, line 29, after "information;" insert: providing for review and authorization of branch operations of accredited nonpublic colleges;

On motions by Senator Frank, the Senate concurred in House amendments 1, 2, 4, 5, and 6; refused to concur in House Amendment 3 and the House was requested to recede.

CS for SB 860 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Vogt

On motion by Senator Frank, by unanimous consent—

HB 819—A bill to be entitled An act relating to the Student Financial Aid Trust Fund; amending s. 240.417, Florida Statutes; authorizing the use of moneys from such fund for student financial aid programs under certain circumstances; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Frank, by two-thirds vote HB 819 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Beard	Hill	McKnight	Stevens
Carlucci	Jenne	Neal	Stuart
Dunn	Jennings	Poole	Thomas
Frank	Kirkpatrick	Rehm	Tobiassen
Gersten	Langley	Renick	Trask
Gordon	Lewis	Scott	Ware
Grizzle	Maxwell	Skinner	
Henderson	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—D. Childers, Vogt

Senator Johnston presiding

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jenne, the rules were waived and by two-thirds vote SB 944 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Beard, the rules were waived and by two-thirds vote HB 310 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Neal, the rules were waived and by two-thirds vote CS for SB 415 was withdrawn from the Committee on Appropriations.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

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

SB 731—A bill to be entitled An act relating to maternity and infancy hygiene; amending s. 383.17, Florida Statutes; expanding beyond licensed hospitals to all health care providers the ability to receive state grants and reimbursements to establish and maintain regional perinatal intensive care centers; authorizing prepaid grants and reimbursements; amending s. 383.19(1), (2), Florida Statutes; providing for rules for the operation of such centers; providing for the establishment of centers; providing for distribution of funds; requiring contractual agreements for the receipt of reimbursements; reenacting ss. 383.171(4), 383.18, Florida Statutes; relating to neonatal intensive care centers, to incorporate the amendment to s. 383.19, Florida Statutes, in reference thereto; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 22, strike all language and insert:

Section 1. Section 383.17, Florida Statutes, is amended to read:

383.17 Regional perinatal intensive care center program; authority.—The department is authorized to make grants and reimbursements to *health care providers hospitals licensed under chapter 305*, in accordance with agreements entered into pursuant to this act. These grants or reimbursements shall be designed to assist *health care providers hospitals* in helping to establish and maintain centers and affiliated centers. The cost of administering the regional programs shall be paid by the department from funds appropriated for this purpose.

Section 2. Subsections (1) and (2) of section 383.19, Florida Statutes, are amended to read:

383.19 Grant disbursements and reimbursements; *rules guidelines.*—

(1) The department shall *adopt rules use guidelines* for development and operation of centers which include, but are not limited to:

(a) The need for regional perinatal intensive care program center and affiliated center services and the requirements of the population to be served.

(b) *Equipment.*

(c) *Facilities.*

(d) *Staffing and qualifications of personnel.*

One center may be established to serve a geographic area which experiences at least 10,000 live births per year, but in no case shall there be more than a total of 10 regional perinatal care program centers established unless there is specific authorization in the appropriations act or as otherwise provided in this subsection. First priority in the establishment of these centers shall be given to the seven neonatal intensive care centers located in Escambia, Duval, Alachua, Orange, Hillsborough, Pinellas, and Dade Counties. Three new centers shall be established, subject to further legislative approval and to appropriations becoming available specifically for such centers, to be located in Broward, Dade, and Palm Beach Counties. From funds appropriated for this program, each established center shall receive an equal minimum support grant. Affiliated centers shall be entitled to funds appropriated for the perinatal intensive care program only after established centers have received minimum support grants as provided above and after departmental approval of a working agreement between an affiliated center and a center. Each fiscal year, the amount of minimum support grants shall be computed so that the aggregate of all such grants is not less than 200 percent or more than 250 percent of the sum allocated for equalization funds. If funds designated for minimum support grants are not expended for such grants because a center terminates or if a center with which the department has been negotiating for the delivery of services does not enter into a contractual agreement

with the department *within 90 days following the beginning of a state fiscal year, the department may utilize funds appropriated for the regional perinatal intensive care center program for the permanent establishment of a new center, such funds shall revert to equalization funds and be distributed accordingly.*

(2) Centers and affiliated centers which are reimbursed funds under this act shall comply with standards established by rule of the department. *Reimbursement shall only be provided pursuant to a contract between the department and the provider. Failure to comply with the standards established under this section shall constitute grounds for termination of the contract.*

Section 3. For the purpose of incorporating the amendment to s. 383.19, Florida Statutes, in a reference thereto, subsection (4) of section 383.171, Florida Statutes, and section 383.18, Florida Statutes, are reenacted to read:

383.171 Neonatal intensive care centers; authority.—perinatal center.

(4) Neonatal centers funded pursuant to this section shall be subject to ss. 383.18, 383.19, 383.20, and 383.21 in the same way that perinatal centers are subject to those sections.

383.18 Grant and reimbursement agreements; conditions.—Grants and reimbursements made under this act shall be contingent upon the department's entering into contractual agreements with centers. The contracts shall provide that patients will receive services of such centers and that parents or guardians of these patients shall not be additionally charged for treatment and care which has been contracted for by the department. Grants and reimbursements shall be disbursed in accordance with conditions set forth in s. 383.19.

Section 4. (1) It is the intent of the Legislature to:

(a) Provide a statewide coordinated program to screen, diagnose, and manage high risk infants identified as hearing impaired.

(b) Develop a methodology to establish a statewide high risk registry to identify infants with potentially disabling conditions, including hearing impairments.

(c) Develop criteria to identify infants who are at risk of having hearing impairments.

(d) Insure that all parents or guardians of newborn infants at pilot sites are provided with materials regarding hearing impairments prior to hospital discharge of the infant, subsequently resulting in materials being provided to all parents or guardians of infants.

(2) The purpose of the infant hearing impairment program is to identify hearing loss as soon as possible so that medical or educational management can be applied as early as practical. Since early detection of hearing impairment is important for treatment and subsequent development of communication skills, such program would enable the hearing impaired child to develop speech and language to his optimum potential.

(3) The intent and purpose of this act shall be accomplished in the following manner:

(a) A statewide high risk registry to include, but not be limited to, the identification of hearing impaired infants shall be developed and implemented.

(b) A Council for the Infant Hearing Impairment Program shall be created.

(c) Five pilot sites shall be established for implementing a program to screen and identify infants at risk of having hearing impairment as soon after birth as practical, subsequently resulting in a statewide program.

(d) Criteria shall be developed to identify infants at risk of having hearing impairments.

(e) A medical and educational follow-up and management program shall be developed and implemented for infants who have been identified at the pilot sites as hearing impaired, with management beginning as soon after birth as practical.

(f) Materials regarding hearing impairments shall be provided to all parents or guardians of newborn infants at pilot sites.

(g) The program shall involve parents or guardians of identified hearing impaired infants.

(h) A plan to implement the infant hearing impairment program on a statewide basis, based upon an analysis of the findings from the pilot sites, shall be developed. Such plan shall include, but not be limited to, an analysis of cost effectiveness.

(i) Periodic evaluation of the infant hearing impairment program shall be conducted.

(j) Funds shall be appropriated to carry out the purposes of the program.

(4) As used in this act:

(a) High risk infant means an infant who exhibits any one or more of the following conditions and factors which include but shall not be limited to:

1. Family history of a congenital and/or genetic disabling condition, including hearing impairment.
2. Viral or other nonbacterial fetal infection.
3. Anatomic malformations.
4. Below normal birthweight.
5. Any free or indirect serum, bilirubin concentration judged to be potentially neurotoxic.
6. Bacterial meningitis.
7. Severe asphyxia.

(b) Hearing impaired infant means an infant born with or having acquired prelingually a hearing loss so severe that unaided he cannot learn speech and language through normal channels.

(c) Management means the habilitation of the hearing impaired infant. Medical management shall include, but not be limited to, otological ongoing assessment and treatment and audiological ongoing assessment, selection of hearing aids, and family counseling. Educational management shall include, but not be limited to, formulation and implementation of an individualized educational plan and provision of information to parents or guardians about the implications of hearing impairment.

(d) Support services means those services needed for additional handicapping conditions frequently present in the hearing impaired infant, such as physical therapy, neurological evaluation, or genetic counseling for the family.

(5) The provisions of this section shall not apply if the parents or guardians object thereto on the basis of conflicts with their religious tenets or practices.

(6) The pilot programs for infant high risk infants with hearing impairments shall continue for 2 years. Beginning July 1, 1984, a statewide program for all at risk infants shall begin implementation based on the findings of the pilot programs.

(7)(a) A fourteen-member Council for the Infant Hearing Impairment Program is created for the purpose of advising the Department of Health & Rehabilitative Services regarding the program. For administrative purposes, the council shall be assigned to the Department of Health and Rehabilitative Services. Nine members of the council shall be appointed by the Secretary of Health and Rehabilitative Services and shall include:

1. A neonatologist.
2. An otolaryngologist.
3. An audiologist.
4. A child psychologist.
5. A pediatric nurse.
6. A hospital administrator.
7. A physician specializing in family practice.
8. A specialist in developmental medicine.
9. A physician with training in clinical genetics.

Ex officio members of the council may include representatives from the Health Program Office and the Children's Medical Services Office of the department. The remaining five members shall be recommended by the Commissioner of Education and appointed by the Secretary of Health and Rehabilitative Services as follows:

1. An administrator in the Bureau of Education for Exceptional Students of the Department of Education.
2. A public school teacher certified in the area of the hearing impaired.
3. A parent of a hearing impaired child.
4. The president of the Florida School for the Deaf and the Blind or his designee.
5. A speech and language development specialist.

(b) Four members of the initial council shall be appointed for a term of 4 years, four members shall be appointed for a term of 3 years, four members shall be appointed for a term of 2 years, and two members shall be appointed for a term of 1 year. Thereafter, all appointments shall be made for a period of 4 years. Council members may be reappointed. The chairperson of the council shall be elected from the membership of the council and shall serve for a period of 1 year. Chairpersons may succeed themselves.

(c) The council shall meet at least annually or upon the call of the chairperson. Council members shall be entitled to receive per diem and expenses for travel, as provided in s. 112.061, while carrying out official business of the council.

(d) A vacancy occurring in the membership of the council shall be filled by the secretary for the unexpired portion of the vacated term.

(e) Members may be replaced because of poor attendance, lack of participation in the council's work, or malfeasance in office.

(8) For staffing purposes of the council, staff from the Department of Health and Rehabilitative Services shall assume such responsibilities.

(9) As soon as practical following appointment of the members, the Secretary of Health and Rehabilitative Services shall call an organizational meeting of the council.

(10) Duties and responsibilities of the council shall be to:

(a) Review and recommend criteria for the programs and procedures to be developed by the Department of Health and Rehabilitative Services.

(b) Review and recommend evaluation plans developed by the Department of Health and Rehabilitative Services.

(c) Review and recommend criteria for infants who are at risk of having hearing impairments.

(d) Review and recommend a system to provide cost effectiveness data developed by the Department of Health and Rehabilitative Services.

(e) Review and recommend all plans for implementation developed by the Department of Health and Rehabilitative Services.

(f) Prepare an annual report for submission to the appropriate committees of the Senate and House of Representatives, the Secretary of Health and Rehabilitative Services, and the Commissioner of Education, which report shall provide a summary of the status of the infant hearing impairment program including recommendations for appropriate legislative action when deficiencies are detected. Such report shall be submitted by March 1 of each year.

(11) The Department of Health and Rehabilitative Services shall promulgate rules for the administration of programs and activities as provided in this act.

(12) Duties and responsibilities of the Department of Health and Rehabilitative Services shall be to:

(a) Develop a methodology to establish, implement, and evaluate a statewide high risk registry.

(b) Develop criteria to identify infants who are at risk of having hearing impairments.

(c) Determine the five pilot sites.

(d) Develop procedures for screening, identification, and diagnosis of at risk infants with impaired hearing.

(e) Develop educational materials regarding hearing impairment and a plan for dissemination to all parents or guardians of newborn infants.

(f) Develop a statewide plan for implementation which includes the duties and responsibilities of all personnel involved and a system for providing support services.

(g) Develop a medical management program, including the development of procedures for the genetic evaluation of infants suspected to have genetically determined deafness and of their relatives at-risk.

(h) Develop a plan for the collection of data to determine the cost effectiveness of the program related to the duties and responsibilities of the Department of Health and Rehabilitative Services.

(i) Develop an evaluation plan for all programs related to the duties and responsibilities of the Department of Health and Rehabilitative Services.

(j) Provide staff to the council.

(13) The Department of Education in cooperation with the Department of Health and Rehabilitative Services shall:

(a) Develop an educational management program.

(b) Develop an involvement program for parents or guardians of infants identified as hearing impaired.

Section 5. No funds appropriated for this act shall be released to any pilot site until the council reviews implementation plans received.

Section 6. The provisions of this act relating to the Council for the Infant Hearing Impairment Program are repealed October 1, 1992, and shall be reviewed by the Legislature pursuant to the Sundown Act.

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

Amendment 2—On page 1, lines 1-19, strike all of said lines and insert: A bill to be entitled An act relating to maternity and infancy hygiene; amending s. 383.17, Florida Statutes, expanding beyond licensed hospitals to all health care providers the ability to receive state grants and reimbursements to establish and maintain regional perinatal intensive care centers; amending s. 383.19(1), (2), Florida Statutes, providing for rules for the operation of such centers; limiting the number of centers; deleting restrictions upon appropriations and grants; requiring contractual agreements for the receipt of reimbursements; reenacting ss. 383.17(4), 383.18, Florida Statutes, relating to neonatal intensive care centers, to incorporate the amendment to s. 383.19, Florida Statutes, in references thereto; creating an infant hearing impairment program to screen, diagnose, and manage high risk infants identified as hearing impaired; providing for pilot programs designed to result in a statewide program; establishing a statewide high risk registry; providing exemption from the program; creating the Council for the Infant Hearing Impairment Program and providing for appointment of members, terms, meetings, and staffing by the Department of Health and Rehabilitative Services; providing duties and responsibilities of the council and the department; providing for future repeal; providing an effective date.

Senator McKnight moved the following amendments which were adopted:

Amendment 1 to House Amendment 1—On page 1, line 29, after the word "act" insert: , or to make such grants and reimbursements on a prepaid per capita or prepaid aggregate fixed-sum basis

Amendment 2 to House Amendment 1—On page 2, lines 30 and 31, strike "~~From funds appropriated for this program, each established center shall receive an equal~~" and on page 3, strike all of lines 1 through 13 and insert: from funds appropriated for this program, each established center shall receive an equal

minimum support grant. Affiliated centers shall be entitled to funds appropriated for the perinatal intensive care program only after established centers have received minimum support grants as provided above and after departmental approval of a working agreement between an affiliated center and a center. Each fiscal year, the amount of minimum support grants shall be no more than 25 percent of the total legislative appropriation computed so that the aggregate of all such grants is not less than 200 percent or more than 250 percent of the sum allocated for equalization funds. If funds designated for minimum support grants are not expended for such grants because a center terminates or does not enter into a contractual agreement with the department, within 90 days following the beginning of a state fiscal year, the department may utilize such funds for the establishment of a new center or may allow such funds to ~~shall~~ revert to equalization funds and be distributed accordingly.

Amendment 1 to House Amendment 2—In title on page 1, line 8, after the word "centers" insert: authorizing prepaid grants and reimbursements

Amendment 2 to House Amendment 2—In title on page 1, lines 11 and 12, strike "deleting restrictions upon appropriations and grants;" and insert: providing for distribution of funds;

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

SB 731 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—Vogt

On motion by Senator Beard, by two-thirds vote HB 310 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Beard, by unanimous consent—

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 taken up out of order and read the second time by title. On motion by Senator Beard, by two-thirds vote HB 310 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

On motions by Senator Dunn, the rules were waived and by two-thirds vote SJR 943 was withdrawn from the Committees on Appropriations and Rules and Calendar.

Senator Gordon moved that SB 415 be re-referred to the Committee on Appropriations. The motion failed.

On motion by Senator Maxwell, by unanimous consent—

SJR 943—A joint resolution proposing an amendment to Section 9, Article VII of the State Constitution, relating to local taxes, to reduce the Maximum allowable millage for school purposes, and providing an effective date.

—was taken up out of order and read the second time by title.

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

Amendment 1—On page 2, strike lines 1-4, and insert: municipal purposes, ten mills; for all school purposes, six and six tenths mills, three of which may be levied only as required by state law for participation in a statewide equalized school funding program, one and six tenths of which school districts may levy pursuant to general law for discretionary school purposes, and two of which may be levied pursuant to general law for school capital outlay purposes ~~ten~~ mills; for water management purposes for the northwest

Further consideration of SJR 943 was deferred.

The President presiding

On motions by Senator Stuart, by two-thirds vote HB 1094 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

On motion by Senator Stuart, by unanimous consent—

HB 1094—A bill to be entitled An act relating to municipal resort tax; amending s. 2 of chapter 67-930, Laws of Florida; authorizing an increase in said tax applicable to the rental of hotel, motel, and similar rooms in those cities and towns levying a municipal resort tax under said chapter; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 1094 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator Tobiassen, by unanimous consent—

CS for HB 291—A bill to be entitled An act relating to public records; amending s. 119.07(3)(k), Florida Statutes; providing that complaints against law enforcement personnel and internal investigation information of law enforcement agencies shall be exempt from public disclosure requirements for a specified period of time; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Tobiassen, by two-thirds vote CS for HB 291 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hair

Yea to Nay—Dunn

The Senate resumed consideration of—

SJR 943—A joint resolution proposing an amendment to Section 9, Article VII of the State Constitution, relating to local taxes, to reduce the maximum allowable millage for school purposes, and providing an effective date.

Senator Maxwell moved the following amendment which was adopted:

Amendment 2—On page 2, line 21, strike "4" and insert: 6.6

Senators Dunn, Renick and Stuart offered the following amendment which was moved by Senator Stuart and adopted:

Amendment 3—On page 2, between lines 13 and 14, insert:

ARTICLE VII
FINANCE AND TAXATION

Section 17. State bonds for local correctional facilities.—

(a) When authorized by law, state bonds pledging the full faith and credit of the state and other revenues that may be legally available as fixed by law may be issued without a vote of the electors to finance or refinance all or a part of the construction and renovation of local correctional facilities.

(b) Local correctional facilities financed with the proceeds of the state bonds shall be owned by, or leased to and operated by the county or other appropriate local governmental authority. If authorized by law, either as a ratable portion of the total cost of the project or as a percentage of annual debt service on the state bonds issued, the state may require a matching contribution from the revenues of the county of appropriate local governmental authority as a condition of the financing of the local correctional facility.

(c) To the extent other legally available revenues are insufficient, moneys sufficient to pay debt service on the state bonds as the same becomes due shall be appropriated by law.

(d) If authorized by law, the state may provide from the proceeds of the state bonds grants to the appropriate county or other local governmental authority to redeem or defease a portion or all of the principal amount of the outstanding obligations issued to finance or refinance local correctional facilities whose construction and renovation were completed subsequent to July 1, 1975.

Senator Dunn moved the following amendments which were adopted:

Amendment 4—On page 1, line 11, strike the word "is" and insert: and the addition of section 17 to said article are

Amendment 5—On page 2, line 23, insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 17

STATE BONDS FOR LOCAL JAILS.—Proposing an amendment to the State Constitution, to provide for the financing and construction of local jails through the use of state full faith and credit bonds.

Senators Langley, Renick, Lewis and Jennings offered the following amendment which was moved by Senator Langley:

Amendment 6—On page 1, between lines 17 and 18 insert:

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(e) *The exemptions provided in this section shall not apply to the second five thousand dollars of assessed value of a homestead, unless the owner is a widow or widower or has attained age sixty-five.*

(f)(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

Senator Stuart presiding

The President presiding

On motion by Senator Dunn, the rules were waived and time for convening on March 18 was changed to 10:00 a.m.

CO-INTRODUCER

Senator Neal—SJR 943

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 16 was corrected and approved.

On motion by Senator Dunn, the Senate adjourned at 5:36 p.m. to convene at 10:00 a.m., Thursday, March 18.