



Journal of the Senate

Number 23

Wednesday, May 25, 1983

BILL ACTION SUMMARY

Wednesday, May 25, 1983

H 15 Passed
H 89 Passed as amended, immediately certified
H 118 Passed
H 158 Passed
H 185 Passed as amended, immediately certified
H 225 Passed
H 286 Passed
H 288 Passed
H 303 Passed
H 307 Passed
H 391 Passed
H 392 Passed as amended
H 393 Passed as amended
H 435 Passed
H 446 Passed
H 463 Passed as amended
H 472 Passed as amended
H 501 Passed
H 643 Passed
H 676 Passed
H 685 Passed
H 720 Passed
H 885 Passed
H 947 Passed
H 977 Passed
H 1036 Passed
H 1077 Passed
H 1096 Passed
H 1127 Passed as amended
H 1190 Passed
H 1194 Passed as amended
H 1203 Passed
H 1341 Passed as amended, immediately certified
S 34 C/S passed as amended, immediately certified
S 111 C/S passed as amended, immediately certified
S 124 Passed as amended
S 182 C/S passed as amended
S 195 C/S passed as amended
S 255 Adopted
S 256 Amendment pending
S 286 Concurred, C/S passed as amended
S 292 C/S passed as amended
S 306 Passed, immediately certified
S 315 Passed
S 352 Passed as amended
S 354 Concurred, passed as amended
S 368 C/S passed
S 395 Refused to concur
S 405 C/S passed, immediately certified
S 411 Passed
S 459 C/S passed
S 463 Amendment pending
S 479 Passed as amended, immediately certified
S 515 Adopted as amended
S 545 Passed as amended
S 602 Concurred, passed as amended
S 603 Passed
S 610 C/S passed, immediately certified
S 623 Passed
S 625 C/S passed as amended
S 664 Passed as amended, immediately certified
S 713 Adopted

S 783 C/S passed
S 787 Passed as amended, immediately certified
S 806 Passed as amended
S 835 Passed as amended, immediately certified
S 871 Passed as amended, immediately certified
S 894 Passed
S 914 C/S passed
S 916 C/S passed as amended
S 954 C/S passed, immediately certified
S 1001 Passed
S 1050 Passed
S 1053 Passed
S 1099 Passed as amended
S 1119 C/S passed as amended
S 1163 C/S passed as amended
S 1173 Passed as amended
S 1201 Adopted

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

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Plummer
Carlucci	Gordon	Langley	Rehm
Castor	Grant	Malchon	Scott
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Henderson	Maxwell	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein

Prayer by Senator Grant:

Our Father, we're grateful for your presence and concern about our lives. We confess that we have at times violated the trust you've placed with us to be responsible and deliberate in all we do. We pray that you'll deliver us from the thoughts of those disappointing times and that you'll renew us and lift us up and cause us to be the people you created us to be. We thank you for the opportunity that we have to serve our state. We pray that you will guide our minds and that you will set our hearts to do the things that are right because they are right. We ask this in Christ's name. Amen.

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

Vote Recorded

Senator Crawford was recorded as voting yea on SB 115 which passed May 3.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Wednesday, May 25, 1983: SB 1053, SB 1099, SCR 515, CS for SB 783, CS for SB 368, SB 306, SB 315, SB 124, SB 545, CS for SB 954, HB 185, SB 632, SB 1025, SB 411, CS for SB's 686 and 455, CS for SB 405, SB 603, SB 1050, SB 409, SB 533, SB 606, SB 804, CS for SB's 493, 518 and 714, CS for SB's 672, 943 and 1147, CS for SB 916, CS for SB 1163, SB 880, CS for SB's 640 and 775, CS for SB 459, CS for SB 914, SB 474, SB 458, SB 757, CS for SB 292, CS for SB 1119, SB 587, SB 1173, SB 554, SB 219

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special and Continuing Order Calendar for Wednesday, May 25, 1983: SB 479, SB 258, CS for SB 111, SB 835, CS for SB 610, SB 1001, SB 894, CS for SB 625, CS for SB 621, CS for SB 813, SB 463, SB 623, SB 352, CS for SB 208, CS for SB 34, SB 308, SB 787, SB 806, SB 1000, SB 947, SB 871, SB 897, SB 664, SJR 235, SB 234, SCR 713, CS for SB 854, CS for SB 274, SB 87, CS for SB's 462 and 794, SB 793, SB 632, SB 595, SB 782, SB 256, SB 388, CS for SJR 46, SB 645, SB 127, CS for SB 464, SB 575, CS for SB 1016, CS for SB 1065, SB 1104, HB 673, SB 344, SB 490, CS for SB 362, CS for SB 365, CS for SB 367, SB 123, SB 159, SB 198, CS for SB 444, CS for SB 539, CS for SB 309, SB 642, SB 1014, CS for SB 460, CS for SB 478, CS for SB's 609 and 769, SB 631, CS for SB 1150, SB 213, SB 650, CS for SB 466, SB 514, CS for SB 803, SB 283, SB 288, SB 449, SB 450, SB 290, CS for SB 137, CS for SB 56, CS for SB 374, SB 497, SB 857, SB 516, CS for SB 431, SB 471, CS for SB 156

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Corrections, Probation and Parole recommends the following pass: CS for CS for HB 1012 with 2 amendments

The Committee on Education recommends the following pass: SB 818 with 6 amendments, SB 1080, SB 1145

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB 418 with 9 amendments

The Committee on Governmental Operations recommends the following pass: SB 152, SB 456, SB 1019 with 2 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 665, SB 681, CS for SB 1148

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

The Committee on Governmental Operations recommends the following pass: SB 781

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

The Committee on Education recommends the following pass: HB 1044

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

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 320

The bill was laid on the table.

The Committee on Agriculture recommends the following pass: CS for CS for HB 1129 with 2 amendments

The Committee on Education recommends the following pass: SB 171 with 2 amendments, SB 440, SB 752, SB 867

The Committee on Finance, Taxation and Claims recommends the following pass: SB 598, SB 666 with 3 amendments, SB 919 with 1 amendment, CS for SB 1166 with 5 amendments, HB 150

The Committee on Governmental Operations recommends the following pass: SB 687, SB 899 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 990 with 2 amendments, SB 1127, SB 1176, CS for HB 97, CS for House Bills 119 and 218, CS for HB 169 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: SB 278 with 1 amendment, HB 1031

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

The Committee on Education recommends a committee substitute for the following: SB 874

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 532, SB 964, SB 998, SB 1070, SB 1097

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1112

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1010

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 661

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 1159

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1002

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 531

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

REQUESTS FOR EXTENSION OF TIME

May 25, 1983

The Committee on Education requests an extension of 15 days for consideration of the following: SB 43, SB 48, SB 102, SB 134, SB 135, SB 136, SB 146, SB 193, SB 217, SB 276, SB 277, SB 284, SB 322, SB 336, SB 407, SB 465, SB 508, SB 548, SB 557, SB 579, SB 605, SB 685, SB 724, SB 730, SB 733, SB 744, SB 785, SB 809, SB 824, SB 836, SB 870, SB 905, SB 938, SB 986, SB 993, SB 1036, SB 1071, SB 1133, SB 1157, HB 1261, HB 463

The Committee on Transportation requests an extension of 15 days for consideration of the following: SB 408, SB 470, SB 633, SB 689, SB 698, SB 753, SB 754, SB 792, SB 862, SB 893, HB 225, HB 443, HB 727

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Vogt—

SCR 1199—A concurrent resolution designating October 1, 1983, the "Twenty-fifth Anniversary of the National Aeronautics and Space Administration" and extending congratulations and appreciation to NASA.

—was referred to the Committee on Rules and Calendar.

By Senator Hair—

SR 1200—A resolution honoring the members of the Duval County All Star Brain Brawl Team for their victory in the Third Annual National Academic Super Bowl.

—was referred to the Committee on Rules and Calendar.

By Senator Rehm—

SR 1204—A resolution commending the Winn Dixie Corporation for its efforts in organizing Project "Identi-Child".

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

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

CS for SB 531—A bill to be entitled An act relating to public health; amending s. 381.494(6)(c), (8)(c), Florida Statutes, 1982 Supplement; relating to health-related projects; providing additional criteria for consideration by the Department of Health and Rehabilitative Services in the issuance of certificates of need; providing for denial of a certificate of need under certain circumstances; providing an effective date.

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

CS for SB 532—A bill to be entitled An act relating to certificates of need; adding s. 381.495(5), (6), Florida Statutes; providing that hospitals which do not have a budget accepted by the Hospital Cost Containment Board shall not be issued a certificate of need; providing an effective date.

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

CS for SB 661—A bill to be entitled An act relating to public health units; amending s. 20.19(3)(b), Florida Statutes, 1982 Supplement, to provide for the establishment of a public health unit subcouncil 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, 1982 Supplement, exempting public health unit directors and public health unit administrators 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; requiring certain contractual agreements and specifying component parts of the agreements; providing for use of facilities; providing for funding of construction and expansion projects; 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, to conform to the act; providing for review and repeal of s. 20.19(3)(b)3.f., Florida Statutes, in accordance with the Sundown Act; relating to the Health Program Office of the Department of Health and Rehabilitative Services; providing effective dates.

By the Committee on Education and Senator Johnston (by request)—

CS for SB 874—A bill to be entitled An act relating to public schools; amending ss. 236.081(1), (3), (6), (7), 236.083, Florida Statutes; amending s. 236.25, Florida Statutes, 1982 Supplement; revising formulas for funds for operation of public schools and funds for student transportation; providing for establishment of cost factors and required local effort in the General Appropriations Act; providing that expenditures for inservice training shall be provided for in the General Appropriations Act; providing an effective date.

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

CS for SB 964—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.04(4), Florida Statutes, relating to structure of the executive branch; amending s. 20.19(1), (3), (4)(a) and (g), (5)(a), (9)(a) and (c), (11), and (17)(b), Florida Statutes, 1982 Supplement; clarifying provisions relating to the organizational structure of the department; providing for establishment of a set of goals, to be revised every 5 years; redesignating the Assistant Secretary for Administrative Services and the Assistant Secretary for Program Planning and Development as the Assistant Secretary for Administration and the Assistant Secretary for Program Planning, respectively; reorganizing service districts and subdistricts; providing for annual departmental program evaluation of 10 percent of the department's programs, rather than 20 percent; providing criteria for transfer of staff and funding; providing an effective date.

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

CS for SB 998—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 827.09, Florida Statutes, relating to protection of abused, aged, and disabled persons; requiring certain reports and authorizing the department to take certain action with respect thereto; providing for certain confidentiality; providing penalties; amending s. 410.035, Florida Statutes, relating to subsidy payments; providing for development of a schedule of subsidy payments by October 1, 1983; deleting minimum and maximum limits thereon; repealing ss. 410.10-410.11, Florida Statutes, relating to the "Adult Protective Services Act;" providing an effective date.

By the Committee on Governmental Operations and Senator Kirkpatrick—

CS for SB 1002—A bill to be entitled An act relating to dentistry; amending s. 466.006(1), (3), Florida Statutes, 1982 Supplement, and adding paragraph (c) to subsection (4) of said section; requiring submission of reasonable and reliable evidence of the educational credentials of graduates of nonaccredited dental schools prior to taking the dental examination; providing exceptions; requiring successful completion of diagnostic skills test as a condition of licensure; providing exceptions; providing for examination fees; amending s. 466.028(1)(n), (t), Florida Statutes, and adding paragraph (ee) to said subsection; providing for disciplinary actions; providing an effective date.

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

CS for SB 1010—A bill to be entitled An act relating to facilities for the developmentally disabled; creating s. 393.0671, Florida Statutes; authorizing the Department of Health and Rehabilitative Services to deny, suspend or revoke licenses and impose fines; providing for deposit of fines in the Patient Protection Trust Fund; creating s. 393.0672, Florida Statutes; authorizing the department to institute injunction proceedings for certain purposes; creating s. 393.0673, Florida Statutes; authorizing the department to petition for the appointment of a receiver for an intermediate care facility for the mentally retarded, residential habilitation center, or group home when certain conditions exist; providing for hearings and notice; providing qualifications of a receiver and time limitations; providing duties of the department; providing powers and duties of the receiver with respect to the facility and related contracts and the residents and their property; specifying liability of certain persons to pay a receiver for goods or services provided; providing that the receiver may petition to avoid certain contracts and specifying liabilities associated therewith; providing for compensation and liability of the receiver; providing for bond; providing conditions for termination of receivership; requiring an accounting to the court; providing liabilities of the owner, operator and employees of a facility placed in receivership; providing applicability of the Patient Protection Trust Fund; amending s. 400.063(1), Florida Statutes, relating to the Patient Protection Trust Fund; changing references to nursing homes to include certain other facilities; providing an effective date.

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

CS for SB 1070—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 402.33, Florida Statutes, substantially revising provisions authorizing the department to charge, assess, or collect fees for services provided; providing definitions; increasing the types of services for which no fee may be charged; expanding provisions relating to the liability of clients and certain other persons, including third party payors for such fees; expanding provisions relating to the collection of such fees; requiring the department to review its services and fees therefor; providing criteria for determining a client's or responsible party's ability to pay; providing for procedures for review of assessed fees; providing for the use of any excess fee collections; exempting s. 410.024(8), Florida Statutes; providing an effective date.

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

CS for SB 1097—A bill to be entitled An act relating to habitual truancy; renumbering s. 39.01(33)-(36), Florida Statutes, and adding a new subsection (33) to said section; defining the term "to be habitually truant"; amending s. 39.403(2), Florida Statutes; requiring the completeness of a report or complaint on truancy to be governed by such defini-

tion; amending s. 232.19(3), (6)(a), Florida Statutes; requiring specific actions prior to a filing of a petition for dependency for habitual truancy; requiring certain actions to be taken upon refusal or failure of parent, legal guardian, or child to make a good faith effort to participate in activities prescribed; providing penalties for a parent who refuses or fails to comply with requirements specified; requiring the development and promulgation of rules; providing an effective date.

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

CS for SB 1112—A bill to be entitled An act relating to public bathhouses and swimming or bathing places; amending s. 514.033, Florida Statutes; changing fee schedule and funding; providing an effective date.

By the Committee on Education and Senator Meek—

CS for SB 1159—A bill to be entitled An act relating to approved teacher education programs; amending s. 240.529(2), Florida Statutes, 1982 Supplement; delaying the effective date of the requirement that continued approval is contingent upon at least 80 percent of program graduates passing the specified state examination for certain institutions; providing an effective date.

On motion by Senator Stuart, the rules were waived and by two-thirds vote SR 255 was withdrawn from the Committee on Rules and Calendar.

SR 255—A resolution commending John Larkin Jr., for his heroic life-saving actions.

—was read the second time in full. On motion by Senator Stuart, SR 255 was adopted. The vote on adoption was:

Yeas—32

Mr. President	Dunn	Hill	Meek
Barron	Fox	Jennings	Myers
Beard	Frank	Johnston	Neal
Carlucci	Gordon	Langley	Plummer
Castor	Grant	Malchon	Rehm
Childers, D.	Grizzle	Margolis	Stuart
Childers, W. D.	Hair	Maxwell	Thomas
Crawford	Henderson	McPherson	Thurman

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Scott

By Senator W. D. Childers—

SR 1201—A resolution commending the Woodham High School football team of the City of Pensacola for winning the Class AAAA State High School Football Championship for 1982-1983

—was read the first time by title. On motion by Senator W. D. Childers, SR 1201 was read the second time in full and adopted. The vote on adoption was:

Yeas—30

Mr. President	Frank	Johnston	Plummer
Barron	Girardeau	Langley	Stuart
Carlucci	Grant	Margolis	Thomas
Castor	Grizzle	Maxwell	Thurman
Childers, D.	Hair	McPherson	Vogt
Childers, W. D.	Henderson	Meek	Weinstein
Crawford	Hill	Myers	
Fox	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Scott

All Senators were recorded as co-introducers of SR 1201.

Senator Barron offered the following amendment to Rule 1.1 which was referred to the Committee on Rules and Calendar:

Rule 1.1—Election of the President, President Pro Tempore, Minority Leader, and Minority Leader Pro Tempore

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office. At a regular session the Majority Party may, by caucus called by the President, elect a ~~Majority Leader~~ (President Designate) and a ~~Majority Leader Pro Tempore~~ (President Pro Tempore Designate), and their names shall be certified to the Secretary of the Senate. The Minority Party shall by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

On motions by Senator Barron, by unanimous consent the amendment was withdrawn from the Committee on Rules and Calendar and unanimously adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 85 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 272 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 398 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Barron, the rules were waived and the Committee on Appropriations was granted permission to meet May 26 from 1:00 until 2:00 p.m.

On motion by Senator Johnston, the rules were waived and the Committee on Appropriations was granted permission to consider Senate Bills 1140, 833, 401, 98, 233 and CS for SB 476 May 26.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 130, 214, 327, 509, 572, 593, 654, 721, 995, 1086, 1095, CS for SB 196, CS for SB 218, CS for SB 313, CS for SB 492, CS for SB 626, CS for SB 723, CS for SB 816, CS for SB 823, CS for SB 971, CS for SB 915, CS for SB 1156 and CS for SB's 1152, 266, 888, 1039 and 1102 were withdrawn from the Committee on Appropriations.

On motions by Senator Rehm, by two-thirds vote Senate Bills 876 and 1123 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Margolis, the rules were waived and by two-thirds vote Senate Bills 673, 952 and CS for SB 342 were withdrawn from the Committee on Finance, Taxation and Claims.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 25, 294, 340, 350 and 472, which he approved May 23.

The Governor advised that he had filed with the Secretary of State Senate Bills 316 and 875, which he approved May 25.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed HB 472, as further amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary—

HB 472—A bill to be entitled An act relating to garnishment; amending s. 77.031, Florida Statutes, providing for issuance of writs of garnishment before judgment; amending s. 77.07(1), Florida Statutes, providing for the dissolution of a writ of garnishment; amending s. 77.083, Florida Statutes, providing that no judgment in excess of the amount remaining unpaid on the final judgment against the defendant or in excess of the liability of the garnishee to the defendant, whichever is less, shall be

entered against the garnishee; amending s. 77.28, Florida Statutes, providing for the deposit of \$25 with the court before the issuance of a writ of garnishment as partial payment of the garnishee's attorney's fees; providing that where costs are taxed against the defendant in the proceeding, such costs shall be deducted from the debt owed to the defendant; providing an effective date.

House Amendment 2 to Senate Amendment 1—On page 3, line 3 insert:

Section 3. Section 77.083, Florida Statutes, is amended to read:

77.083 Judgment.—Judgment against garnishee on his answer or after trial of a reply to his answer shall be entered for the amount of his liability as disclosed by the answer or trial. Instead of scire facias, the court may subpoena garnishee to inquire about his liability to or possession of property of defendant. *No judgment in excess of the amount remaining unpaid on the final judgment against the defendant or in excess of the liability of the garnishee to the defendant, whichever is less, shall be entered against the garnishee.*

(Renumber remaining section accordingly.)

House Amendment 1 to Senate Amendment 2—On page 1, in the title, line 17 following the word "garnishment;" insert: amending s. 77.083, Florida Statutes, providing that no judgment in excess of the amount remaining unpaid on the final judgment against the defendant or in excess of the liability of the garnishee to the defendant, whichever is less, shall be entered against the garnishee;

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

HB 472 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Jenne	Myers
Barron	Frank	Jennings	Neal
Beard	Girardeau	Johnston	Plummer
Carlucci	Gordon	Kirkpatrick	Rehm
Castor	Grant	Langley	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Hill	McPherson	Weinstein

Nays—1

Meek

Vote after roll call:

Yea—Scott

The Honorable Curtis Peterson, President

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

SB 354—A bill to be entitled An act relating to the Administrative Procedure Act, amending s. 120.52(10), Florida Statutes, 1982 Supplement; changing the types of proceedings to which a prisoner or parolee may be a party under the Administrative Procedure Act; amending s. 120.57(1)(b), Florida Statutes; providing that a water management district shall refer consumptive use permit application hearings to a hearing officer assigned by the Division of Administrative Hearings when requested by the applicant or the governing board; providing that an applicant so requesting shall bear the cost of preserving testimony and providing transcripts to the district; providing for application to pending permit applications; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—On page 4, line 5, insert after "d.": *Except for hearings before unemployment compensation appeals referees,*

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

SB 354 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Fox	Jenne	Rehm
Barron	Frank	Jennings	Stuart
Beard	Girardeau	Johnston	Thomas
Carlucci	Gordon	Margolis	Thurman
Castor	Grant	Maxwell	Vogt
Childers, D.	Grizzle	McPherson	Weinstein
Childers, W. D.	Hair	Myers	
Crawford	Henderson	Neal	
Dunn	Hill	Plummer	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Scott

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

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

SB 395—A bill to be entitled An act relating to bail bond forfeiture; amending s. 903.27(1), Florida Statutes, 1982 Supplement; extending the time for payment of forfeiture prior to entry of judgment; clarifying that discharge of forfeiture shall be by order of court; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 10, after the colon, insert:

Section 1. Section 903.133, Florida Statutes, 1982 Supplement, is amended to read:

903.133 Bail on appeal; prohibited for certain first-degree felony convictions.—Notwithstanding the provisions of s. 903.132, no person adjudged guilty of a felony of the first degree for a violation of s. 782.04(2) or s. 782.04(3), s. 787.01, s. 794.011(4), s. 806.01, or s. 893.13 or s. 893.135 shall be admitted to bail pending appellate review *either by post-trial motion or appeal.*

—and renumber subsequent sections.

Amendment 2—On page 1 in the title, line 2, after the semicolon, insert:

amending s. 903.133, Florida Statutes, 1982 Supplement, expanding the prohibition of bail following adjudication of guilt of certain felonies;

On motions by Senator Rehm, 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 Curtis Peterson, President

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

SB 602—A bill to be entitled An act relating to the Beverage Law; amending s. 561.422, Florida Statutes, modifying provisions authorizing the Director of the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to issue permits to nonprofit civic organizations for the sale of alcoholic beverages on the premises; amending s. 561.14(3), Florida Statutes, modifying vendor to vendor purchases of alcoholic beverages; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 27, after the period, insert:

Section 2. Paragraph (a) of subsection (3) of section 565.02, Florida Statutes, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(3)(a) Operators of steamships and steamship lines, buses and bus lines, airplanes and airlines engaged in interstate or foreign commerce or plying between fixed terminals and upon fixed schedules in this state may obtain licenses to sell the beverages mentioned in the Beverage Law on steamships, buses, and airplanes operated by such operators on payment of an annual license tax of \$1,100 and in no more than one passenger waiting lounge licensed by the division and operated by an airline licensed herein at each of its terminals in the state for ticketed passengers whose flights are scheduled to depart within 24 hours of service and guests in the company of such ticketholders, provided such licensed airline shall have first obtained an appropriate space lease or permit providing for payment of nondiscriminatory rental and concession fees and filed a tariff for such lounge with the Civil Aeronautics Board, and on payment of an additional license tax of \$1,100 per lounge. All of the aforesaid license tax shall be paid to the division. Such licenses shall authorize the holders thereof to keep for sale and sell all beverages mentioned in the Beverage Law upon any steamship, bus, or airplane or in any such airline passenger waiting lounge operated by such operators in this state, but said beverages may be sold only to passengers upon such steamships, buses, and airplanes and to ticketed passengers and their guests in such airline passenger waiting lounges and may be served only for consumption on such steamships, buses, and airplanes or in such airline passenger waiting lounges. It is unlawful for such licensees to purchase for resale any liquor except in miniature bottles of not more than 2 ounces or liquor in individual containers of not less than one-fifth of 1 gallon. Such sales shall be permitted only while said steamships, buses, and airplanes are in transit and shall not be permitted while such steamships are moored at docks or wharves in ports of this state, while said buses are at stations, or while such airplanes are in airports. Every such license shall be good throughout the state. No license shall be required or tax levied by any municipality or county for the privilege of selling such beverages for consumption on such steamships, buses, or airplanes or in such airline passenger waiting lounges. Such beverages shall be sold only on steamships, buses, and airplanes in which are posted certified copies of the license issued to their operators. Certified copies of such license shall be issued by the division upon payment of a fee of \$25 for each certified copy. However, this paragraph shall not apply to operators of pleasure, or excursion, sightseeing, or charter boats not having regular round-trip runs of more than 100 miles in each direction, but operators of such ~~pleasure or excursion~~ boats may obtain a license, with such boats being designated as their place of business, upon compliance with all the laws relating to vendors operating places of business where consumption on the premises is permitted; *provided however, the operator of any pleasure, excursion, sightseeing, or charter boat which has a Coast Guard approved capacity of at least 125 passengers and which docks at a public marina, may be granted a special liquor license to sell and serve alcoholic beverages when the boat is in operation on a scheduled or chartered cruise for consumption on the premises only. The provisions of this section shall not be deemed to permit the sale or service of alcoholic beverages while the boat is docked at any docking facility or marina. The fee for such special license shall be the same as that charged pursuant to s. 565.02(1)(b) through (f) based on wherein the home port of the boat is located.* Also, no license to sell the beverages herein defined shall be issued to the operator of any boat which plies upon or is anchored upon the waters of any lake within this state.

Amendment 2—On page 1 in the title, line 9 after the semicolon, insert: amending s. 565.02(3)(a), Florida Statutes; adding sightseeing and charter boats, and providing for special liquor licenses permitting the sale and service of alcoholic beverages on certain boats while in operation; prohibiting such sale or service while docked;

Amendment 3—On page 1, line 28, strike all of Section 2 and insert: Section 2. Subsection (3) of Section 561.14, Florida Statutes, is amended to read:

561.14 License classification.—Licenses referred to in the Beverage Law shall be classified as follows:

(3) Vendors licensed to sell alcoholic beverages at retail only. No vendor shall purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law. *however, such purchases from vendors shall be strictly limited to purchases between members of a pool buying group which initial purchase has been ordered by a pool buying agent as a single transaction.* No vendor shall import, or engage in the importation of, any alcoholic beverages from places beyond the limits of the state.

Amendment 4—On page 2, line 11 insert: the following (renumber remaining section accordingly)

Section 3. Subsection (3) of section 564.02, Florida Statutes, is amended to read:

564.02 License fees; vendors; manufacturers and distributors.—

(3)(a) Each distributor who shall sell beverages containing alcohol of more than 1 percent by weight and not more than 14 percent by weight, and wines regardless of alcoholic content, in counties where the sale of intoxicating liquors, wines, and beers is permitted shall pay for each and every such establishment or branch he may operate or conduct a state license tax of \$1,250.

(b) A manufacturer licensed under paragraph (2)(a) may be licensed as a distributor under this subsection if the manufacturer's sales and distribution are limited to wines manufactured under such license and made from Florida-grown fresh fruits, berries, or grapes or concentrates of fruits, berries, or grapes grown and concentrated in Florida and bottled in Florida. A manufacturer so licensed shall pay a state license tax of \$50 for each and every such distribution establishment or branch he may operate or conduct.

(c) *A bona fide religious order, monastery, church, or religious body that has a tax exempt status as a religious organization as provided by s. 212.08(7)(a) may be licensed as a distributor under this subsection if its sales and distribution are limited to wines sold solely for religious or sacramental purposes to holders of valid permits obtained under s. 564.03. Any such bona fide religious order, monastery, church, or religious body that has a tax exempt status as a religious organization as provided by s. 212.08(7)(a) shall pay a state license tax of \$50 for each and every such distribution establishment to be operated by the licensee.*

Amendment 5—On page 1 in the title, line 11 following the word "beverages;" insert: amending s. 564.02(3), Florida Statutes, to lower the state license tax for certain distributors of wines sold for religious or sacramental purposes only;

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

SB 602 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Barron	Frank	Johnston	Rehm
Beard	Girardeau	Malchon	Scott
Carlucci	Gordon	Mann	Stuart
Castor	Grant	Margolis	Thomas
Childers, D.	Grizzle	Maxwell	Thurman
Childers, W. D.	Hair	McPherson	Vogt
Crawford	Hill	Meeke	Weinstein
Dunn	Jenne	Neal	
Fox	Jennings	Plummer	

Nays—2

Mr. President Langley

Vote after roll call:

Yea—Kirkpatrick

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

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

CS for SB 182—A bill to be entitled An act relating to child abuse; amending s. 450.151, Florida Statutes; removing the prohibition against using a child for obscene, indecent or immoral purposes; amending s. 827.07(2)(d), Florida Statutes; removing the prohibition against a parent or other responsible person exploiting a child for pornographic purposes; creating s. 827.071, Florida Statutes; providing definitions; providing penalties for employing, authorizing, or inducing a child of less than 18 years of age to engage in sexual conduct in a sexual performance; providing penalties for consenting to the participation of such child in a sexual performance; providing penalties for promoting such a performance by a

child; providing penalties for possession with intent to promote any representation of sexual conduct by a child; repealing s. 847.014, Florida Statutes, relating to minors participating in harmful motion pictures, exhibitions, shows, presentations, or representations; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 28, strike everything after the enacting clause and insert:

Section 1. Section 450.151, Florida Statutes, is amended to read:

450.151 Hiring and employing; penalty.—

(1) Whoever takes, receives, hires, employs, uses, exhibits, or in any manner or under any pretense sells, apprentices, gives away, lets out, or otherwise disposes of to any person any child 17 years of age or younger for any obscene, indecent, or immoral purpose, or for the production of any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a minor, or causes, procures, or encourages any child to engage therein, or has in custody any such child for any of these purposes, or for or in any business, exhibition, or vocation injurious to the health or dangerous to the life or limbs of such child, or causes or procures or encourages any such child to engage therein, or causes or permits any such child less than 18 years of age to suffer, or inflicts upon it unjustifiable physical pain or mental suffering, or willfully causes or permits the life of any such child to be endangered or its health to be injured, or such child to be placed in such situation that its life may be endangered or its health injured, or has in custody any such child for any of the purposes aforesaid, shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) As used in this section:

(a) “Sexual conduct” means acts of masturbation; sexual intercourse; or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such a person be a female, breast or any act or conduct which constitutes the commission of sexual battery or suggests that such crime is being or will be committed.

(b) “Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(c) “Sadomasochistic abuse” means the flagellation or torture by or upon a person clad in undergarments, a mask, or a bizarre costume or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

Section 2. Paragraph (d) of subsection (2) of section 827.07, Florida Statutes, is amended to read:

827.07 Abuse or neglect of children.—

(2) DEFINITIONS.—As used in this section:

(d) “Harm” to a child’s health or welfare can occur when the parent or other person responsible for the child’s welfare:

1. Inflicts, or allows to be inflicted, upon the child physical or mental injury, including injury sustained as a result of excessive corporal punishment;
2. Commits, or allows to be committed, sexual battery, as defined in chapter 794, against the child;
3. Exploits a child, or allows a child to be exploited, for pornographic purposes as provided in s. ss. 847.014 and 450.151, or for prostitution;
4. Abandons the child;
5. Fails to provide the child with supervision or guardianship by specific acts or omissions of a serious nature requiring the intervention of the department or the court; or
6. Fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so; however, a parent or other person responsible for the child’s welfare legitimately practicing his religious beliefs, who by reason thereof does not provide specified medical treatment for a child, shall not be considered abusive or neglectful for that reason alone, but such an exception shall not:

a. Eliminate the requirement that such a case be reported to the department;

b. Prevent the department from investigating such a case; or

c. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined herein, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

Section 3. Paragraph (c) of subsection (2) of section 948.03, Florida Statutes, is amended to read:

948.03 Terms and conditions of probation.—

(2) The court shall require a diagnosis and evaluation to determine the need of a probationer for treatment. If the court determines that a need therefor is established by such diagnosis and evaluation process, the court shall require outpatient counseling as a term or condition of probation for any person who was found guilty of any of the following, or whose plea of guilty or nolo contendere to any of the following was accepted by the court:

(c) Exploitation of a child for pornographic purposes, as provided in s. ss. 450.151 and 847.014, or for prostitution.

Such counseling shall be required to be obtained from a community mental health center, a recognized social service agency providing mental health services, or a private mental health professional or through other professional counseling. The plan for counseling for the individual shall be provided to the court for review.

Section 4. Section 827.071, Florida Statutes, is created to read:

827.071 Sexual performance by a child; penalties.—

(1) As used in this section, the following definitions shall apply:

(a) “Sexual performance” means any performance or part thereof which includes sexual conduct by a child of less than 18 years of age.

(b) “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals.

(c) “Performance” means any play, motion picture, photograph, or dance. Performance also means any other visual representation exhibited before an audience.

(d) “Promote” means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.

(e) “Simulated” means the explicit depiction of any of the conduct set forth in paragraph (b) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(f) “Deviate sexual intercourse” means sexual conduct between persons not married to each other consisting of the contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(g) “Sadomasochistic abuse” means flagellation or torture by or upon a person clad in undergarments, a mask, or a bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

(2) A person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he employs, authorizes, or induces a child less than 18 years of age to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he produces, directs, or promotes any performance which includes sexual conduct by a child less than 18 years of age. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes any sexual conduct by a child. The possession of 3 or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. Whoever violates this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Section 847.014, Florida Statutes, is hereby repealed.

Section 6. This act shall take effect October 1, 1983.

Amendment 2—On page 1, strike title and insert:

A bill to be entitled An act relating to child abuse; amending s. 450.151, Florida Statutes, removing the prohibition against using a child for obscene, indecent, or immoral purposes; amending ss. 827.07(2)(d) and 948.03(2)(c), Florida Statutes, to conform; creating s. 827.071, Florida Statutes; providing definitions; providing penalties for employing, authorizing, or inducing a child of less than 18 years of age to engage in sexual conduct in a sexual performance; providing penalties for consenting to the participation of such a child in a sexual performance; providing penalties for promoting such a performance by a child; providing penalties for possession with intent to promote any representation of sexual conduct by a child; repealing s. 847.014, Florida Statutes, relating to minors participating in harmful motion pictures, exhibitions, shows, presentations, or representations; providing an effective date.

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

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

Yeas—34

Mr. President	Frank	Jennings	Rehm
Barron	Girardeau	Johnston	Scott
Carlucci	Gordon	Langley	Stuart
Castor	Grant	Mann	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	McPherson	Vogt
Crawford	Henderson	Myers	Weinstein
Dunn	Hill	Neal	
Fox	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

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

CS for SB 195—A bill to be entitled An act relating to retirement; amending s. 121.011(3)(f), Florida Statutes; clarifying the applicability of the preservation of rights of members transferring into the Florida Retirement System; amending s. 121.021(19)(d), Florida Statutes; revising the dates applicable to certain prior service by Florida highway patrolmen; amending s. 121.031, Florida Statutes; revising the frequency of actuarial studies of the Florida Retirement System; authorizing the Division of Retirement to require oaths and acknowledgments; adding s. 121.051(1)(c), Florida Statutes; authorizing optional membership in the Florida Retirement System for any member of an existing system who returns to work after termination of employment; amending s. 121.071(5), Florida Statutes, 1982 Supplement; providing for the frequency of submitting retirement contributions and increasing the interest charge on delinquent contributions to the Florida Retirement System; amending s. 121.091(4)(d), (6)(a), (9)(b), Florida Statutes; providing for optional forms of calculation of disability benefits, and providing for the use of actuarial equivalency tables for such calculations, and providing for the reinstatement of membership in the Florida Retirement System of certain retirees who are elected or appointed to office; amending s. 121.121(4), Florida Statutes; revising the criteria for purchase of credit for authorized leaves of absence; amending s. 121.24(1)(a), Florida Statutes; revising the voting requirements for the conduct of business of the

State Retirement Commission; amending s. 321.17(5), Florida Statutes; revising the hiring dates applicable to persons who may purchase certain service credit under the highway patrol pension plan; amending s. 650.05(4), Florida Statutes; increasing the interest charge on delinquent social security contributions by political subdivisions; repealing s. 121.054, Florida Statutes, relating to the prohibition against retirees under the Florida Retirement System joining any other state or local government supported retirement system in the state; providing for retroactivity of certain provisions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, lines 13-14, strike all of said lines and insert:

Section 2. Subsection (17) and paragraph (d) of subsection (19) of section 121.021, Florida Statutes, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(17)(a) "Creditable service" of any member means the sum of his past service, prior service, military service, workers' compensation credit, and future service allowed within the provisions of this chapter if all required contributions have been paid and all other requirements of this chapter have been met. However, in no case shall a member receive credit for more than a year's service during any 12-month period. Service as applied to a teacher or a nonacademic employee of a school board shall be based on contract years of employment or school term years of employment, as provided in chapters 122 and 238, rather than 12-month periods of employment. For purpose of this chapter, "creditable service" shall include the period from November 1972 to January 1973 which would have been served by an elected county commissioner but for the enactment of chapter 67-510, Laws of Florida, if the inclusion of such period would provide any person affected with sufficient creditable service to qualify for retirement benefits pursuant to this chapter.

(b) For purposes of the definition of "creditable service," monthly service credit under the Florida Retirement System and existing state systems shall be awarded as follows:

1. A month of service credit shall be awarded for each month of service performed prior to July 1, 1974.

2. A month of service credit shall be awarded for each month of service performed on and after July 1, 1974, in which the member was paid a salary of \$100 or more. If the member was paid less than \$100 during a month of employment, the service credit for that month shall be a fraction of a month credit, such fraction to be determined by dividing the actual salary by \$100.

3. A month of service credit shall be awarded for each month of service performed on and after July 1, 1979, for which the member was paid a salary of \$250 or more, including any amount which was set aside for participation in a deferred compensation plan. If the member was paid less than \$250 during a month of employment, the service credit for that month shall be a fraction of a month credit, such fraction to be determined by dividing the actual salary payment by \$250.

Amendment 2—In title, on page 1, lines 6-7, strike all of said lines and insert: Retirement System; amending s. 121.021(17) and (19)(d), Florida Statutes; redefining the term "creditable service"; providing criteria for the determination of monthly service credit under the Florida Retirement System and existing state systems; revising the dates applicable

Amendment 3—On page 4, line 24, insert a new Section 5, to read:

Section 5. Subsection (1) of section 121.053, Florida Statutes, is amended to read:

121.053 Optional participation in the Elected State Officers' Class for retired members of any existing system.—

(1) Any member who retires under any existing system as defined in s. 121.021(2), and who receives a benefit thereof, and who serves in an office covered by the Elected State Officers' Class for a period of at least 8 years, shall be entitled to receive an additional retirement benefit, any law to the contrary notwithstanding, under the Elected State Officers' Class of the Florida Retirement System, as follows:

(a) Such member shall notify the administrator of his intent to purchase 8 or more years of creditable service under the Elected State Officers' Class, s. 121.052, and shall pay ~~the member contribution applicable for 8 percent of all salary received in~~ the period being claimed, plus 4 percent interest compounded annually from first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Florida Retirement Trust Fund; however, such member may purchase retirement credit under the Elected State Officers' Class only for such service as an Elected State Officer.

(b) Upon payment of the above amount, ~~shall be matched by the employer shall pay and paid~~ into the Florida Retirement Trust Fund the applicable employer contributions for the period being claimed by the member, plus 4 percent interest compounded annually from first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Florida Retirement Trust Fund.

Amendment 4—In title, on page 1, line 18, after the semi-colon (;) insert: amending s. 121.051(1), Florida Statutes; revising the contributions for the purchase of service in the Elected State Officers' Class by retired members of existing systems;

Amendment 5—On page 5, line 26, after the comma (,), insert: paragraph (e) of subsection (5),

and, on page 7, line 3, before subsection (6), insert:

(5) TERMINATION BENEFITS.—

(e) A member shall be deemed a terminated member only at such time as he is no longer employed by an employer, *except as provided in s. 121.091(9)(b)7.*

Amendment 6—On page 9, line 26, strike all of said line and insert: *7. Any person who is holding an elective public office which is covered by the Florida Retirement System may elect to retire while continuing employment in the elective public office, provided that, if the elected official is dually employed under the Florida Retirement System, he shall be required to terminate his non-elected covered employment. Any person exercising this election shall receive his retirement benefits in addition to the compensation of the elective office without regard to the time limitations otherwise provided in this subsection; however, no additional creditable service shall be earned for such continued employment.*

87. The limitations of this paragraph shall apply to

Amendment 7—In title, on page 1, line 24, after "(d)," insert: (5)(e),

and, on line 28, after the comma (,), insert: revising the requirement for termination of employment for any person holding an elective public office;

Amendment 8—On page 12, between lines 9 and 10, insert:

Section 12. Subsection (38) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(38) "Continuous service" means creditable service as a member, beginning with the first day of employment with an employer covered under a state-administered retirement system consolidated herein and continuing for as long as the member remains in an employer-employee relationship with an employer covered under this chapter. An absence of 1 calendar month or more from an employer's payroll shall be considered a break in continuous service, except for periods of absence during which an employer-employee relationship continues to exist and such period of absence is creditable under this chapter or under one of the existing systems consolidated herein; *provided that with respect to state employed law enforcement officers who meet the criteria specified in s. 121.0515(2)(a), if the absence from the employer's payroll is the result of a layoff as defined in s. 110.203(24), no break in continuous service shall be deemed to have occurred if the member is reemployed as a state law enforcement officer within 12 calendar months after the date of the layoff notwithstanding the fact that such period of layoff is not creditable service under this chapter.* A withdrawal of contributions will constitute a break in service. Continuous service shall also include past ser-

vice purchased under this chapter, provided such service is continuous within this definition and the rules established by the administrator. The administrator may establish administrative rules and procedures for applying this definition to creditable service authorized under this chapter.

Renumber subsequent sections.

Amendment 9—On page 2 in the title, line 18, insert after the semi-colon ";": amending s. 121.021(38), Florida Statutes; redefining "continuous service";

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

CS for SB 195 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Jenne	Myers
Barron	Frank	Jennings	Neal
Beard	Girardeau	Johnston	Plummer
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Hill	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed SB 21.

Allen Morris, Clerk

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed SB 511.

Allen Morris, Clerk

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 585, 220, 190 and 564.

Allen Morris, Clerk

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed SB 671.

Allen Morris, Clerk

The bills contained in the foregoing messages were ordered enrolled.

FIRST READING

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 303, HB 158, HB 668, HB 207, HB 375, HB 60, HB 8, HB 947, HB 520, HB 82, HB 461, HB 1109, HB 721, HB 7, HB 1287, HB 769, HB 608, HB 1182, HB 1023, CS for HB 855, HB 478, CS for HB 208, HB 187, HB 403, HB 1225, HB 290, HB 420, CS for HB 1008, HB 1077, HB 1076, HB 1169 and HB 1233 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Evans-Jones and others—

CS for HB 303—A bill to be entitled An act relating to precious metals; providing definitions; requiring maintenance of records; requiring

a dealer to retain possession of all precious metals purchased for a specified period; requiring periodic inspection of premises and records of dealers by local law enforcement officers; restricting purchase of precious metals from persons under a specified age; providing penalties; amending ss. 812.049, 812.051, Florida Statutes; deleting references to precious metals; providing an effective date.

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

By Representative Drage and others—

HB 158—A bill to be entitled An act relating to motor vehicle titles; creating s. 319.22(5), Florida Statutes, 1982 Supplement, requiring an odometer reading on the certificate of title; amending s. 319.23, Florida Statutes, 1982 Supplement, requiring an affidavit verifying odometer readings for used car originals, providing a definition; amending s. 319.35, Florida Statutes, 1982 Supplement, providing penalties for providing false odometer readings; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Lehman—

HB 668—A bill to be entitled An act relating to maternal deaths; amending s. 382.081(3) and (4), Florida Statutes, and adding subsection (5) thereto, requiring that medical certification of death shall include a determination as to whether the death was a maternal death; providing a definition of maternal death; creating s. 383.22, Florida Statutes, providing legislative intent; authorizing the director of the Health Program Office of the Department of Health and Rehabilitative Services to initiate a prompt and thorough investigation of all reported maternal deaths; providing an effective date.

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

By Representative Simon—

HB 207—A bill to be entitled An act relating to the grand jury; amending s. 905.01, Florida Statutes, authorizing the replacement of grand jurors; authorizing the convening of two contemporaneous grand juries in certain circuits; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative Evans-Jones—

HB 375—A bill to be entitled An act relating to regulation of wells; amending s. 373.303(6), Florida Statutes; repealing s. 373.303(9), Florida Statutes; eliminating the exemption of sand-point wells from well regulations; providing an effective date.

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

By Representatives Wetherell and Crotty—

HB 60—A bill to be entitled An act relating to education; creating the "Florida Community College Scholarship Program"; authorizing community college district boards of trustees to assess additional fees for the purpose of rendering financial aid to students; providing limitations; providing for the establishment of eligibility criteria; providing for placement of funds collected; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Meffert—

HB 8—A bill to be entitled An act relating to damage by dogs; amending s. 767.03, Florida Statutes, to provide that, in an action for damages or a criminal prosecution, satisfactory proof that the person against whom such action is brought had a reasonable belief that a dog was killing, harassing, or causing injury to livestock or horses shall constitute a good defense to the killing or injuring of the dog; providing an exception; providing a definition; providing an effective date.

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

By Representatives Thompson and Robinson—

HB 947—A bill to be entitled An act relating to not for profit corporations; amending s. 617.041(1), Florida Statutes, 1982 Supplement, relating to quorum, voting and notice requirements for membership meetings and activities; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative D. L. Jones—

HB 520—A bill to be entitled An act relating to public food service establishments; creating s. 509.213, Florida Statutes, requiring such establishments to post a sign informing employees how to administer emergency first aid to choking victims; requiring such establishments to familiarize their employees with such first aid procedures; providing exemption from liability; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

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

By Representative Arnold and others—

HB 82—A bill to be entitled An act relating to jurors and jury lists; amending s. 40.01, Florida Statutes; eliminating the requirement that jurors be registered electors and requiring a driver data base list to be used for the selection of jurors; creating s. 40.011, Florida Statutes, requiring the Department of Highway Safety and Motor Vehicles to furnish a driver data base list to the clerk of the court and providing for affidavits for application for jury duty for those citizens whose names do not appear on the list; creating s. 40.022, Florida Statutes, requiring the clerk of the court to purge the jury lists once a month of convicted felons, mentally incompetent persons, and deceased persons; providing for affidavits for application for jury duty for those citizens whose civil rights and mental competency have been restored; amending s. 905.37(3), Florida Statutes, eliminating the requirement that statewide grand jurors be registered electors; excusing certain persons from jury service; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representatives Bell and R. C. Johnson—

HB 461—A bill to be entitled An act relating to the hearing impaired; providing legislative intent; creating the Florida Council for the Hearing Impaired; providing for membership and organization thereof; providing duties and responsibilities of the council; providing for future repeal and review; providing an effective date.

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

By the Committee on Health & Rehabilitative Services—

HB 1109—A bill to be entitled An act relating to cancer control and research; amending s. 381.3712(4)(a), Florida Statutes, 1982 Supplement, expanding the membership of the Florida Cancer Control and Research Advisory Board; amending s. 381.3812(4), Florida Statutes, 1982 Supplement; eliminating the proportional utilization requirement with respect to funds for the statewide cancer registry program; requiring reimbursement of reasonable costs to reporting hospitals; providing an effective date.

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

By Representative Reddick—

HB 721—A bill to be entitled An act relating to personnel of the school system; amending s. 231.24, Florida Statutes, relating to extension of teacher's certificates, to expand the list of subjects which may be studied to satisfy additional training requirements prescribed by the State Board of Education for extension; providing an effective date.

—was referred to the Committee on Education.

By Representative Meffert—

HB 7—A bill to be entitled An act relating to uniform traffic control; amending s. 316.073, Florida Statutes; specifying that provisions of the Uniform Traffic Control Law applicable to pedestrians shall apply to persons riding or leading an animal upon a roadway or shoulder; providing an exception; creating s. 316.0825, Florida Statutes; requiring the operator of a motor vehicle approaching an animal being led or ridden to use reasonable care; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Higher Education—

HB 1287—A bill to be entitled An act relating to education; adding paragraph (p) to s. 229.053(2), Florida Statutes, 1982 Supplement; directing the State Board of Education to adopt rules which require each state university and public community college to review any course that has not been offered for a specified period; providing for deletion of courses not reapproved; amending s. 246.021(2), Florida Statutes, expanding the definition of an out-of-state college; providing an effective date.

—was referred to the Committee on Education.

By Representative Gordon and others—

HB 769—A bill to be entitled An act relating to custody and support of children; amending s. 61.13(2)(b), Florida Statutes, 1982 Supplement; providing that the court, in a dissolution proceeding, shall consider evidence of spouse abuse as evidence of detriment to a child; providing discretionary authority for the award of sole parental responsibility in the event of spouse abuse; renumbering s. 61.13(4), (5), Florida Statutes, 1982 Supplement, and adding a new subsection (4) to said section; requiring the custodial parent to give the noncustodial parent certain notice of any intended move removing the child more than 150 miles from the residence occupied by the family prior to separation or dissolution; providing for court action where the parties cannot agree concerning the removal of the child; providing factors for the court to consider; providing for severability; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative B. L. Johnson—

HB 608—A bill to be entitled An act relating to elections; creating s. 106.1425, Florida Statutes, requiring specified political candidates to file statements with respect to the removal of political campaign advertisements; providing an exemption; authorizing political subdivisions to remove advertisements and assess costs for noncompliance; prohibiting the display of campaign advertisements at certain locations; providing an effective date.

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

By the Committee on Commerce and Representative Grindle—

HB 1182—A bill to be entitled An act relating to insurance and health care cost containment; adding subsections (3) and (4) to s. 627.411, Florida Statutes, 1982 Supplement, providing for filing and review of health insurance rates; creating s. 627.4115, Florida Statutes, providing for examination of health insurers to ascertain compliance with chapter 627; amending s. 627.4235(1) and (2), Florida Statutes, 1982 Supplement; providing for coordination of health insurance benefits; adding subsection (3) to s. 627.602, Florida Statutes, 1982 Supplement, providing for printing of notice of co-insurance provision on an insurance policy; amending s. 627.6056, Florida Statutes, 1982 Supplement, providing for individual insurance policy coverage for outpatient services if such services are covered on an inpatient basis; creating s. 627.6095, Florida Statutes, requiring second medical opinion prior to coverage for nonemergency surgery under individual health insurance policies; amending subsection (2) of s. 627.614, Florida Statutes, as amended by chapter 82-243, Laws of Florida, providing that an insurer may require services be rendered by a specified provider if the policy so states; amending s. 627.6176, Florida Statutes, 1982 Supplement, requiring coinsurance in all individual health insurance policies; renumbering and amending ss. 627.621 and 627.622, Florida Statutes, 1982 Supplement, providing for insurer payment of benefits and recovery of benefits paid under certain circumstances; repealing s. 627.623, Florida Statutes, 1982 Supplement; to conform to the act; creating s. 627.6371, Florida Statutes, providing that an insurer may contract with providers for alternate rates of payment, and may offer individual health insurance policies reflecting such rates to insureds; adding subsections (4) and (5) to s. 627.643, Florida Statutes, 1982 Supplement, requiring that the department disseminate health insurance information for the benefit of individual purchasers; providing that the department shall adopt rules to govern preferred provider contracts; amending s. 627.6573, Florida Statutes, 1982 Supplement, requiring coinsurance in all group health insurance policies; amending s. 627.6616, Florida Statutes, 1982 Supplement, providing for group insurance policy coverage for outpatient services if such services are covered on an inpatient basis; creating s. 627.6665, Florida Statutes, providing for recovery of benefits paid under certain circumstances; cre-

ating s. 627.6666, Florida Statutes, requiring second medical opinion prior to coverage for nonemergency surgery under group health insurance policies; creating s. 627.6691, Florida Statutes, providing that an insurer may contract with providers for alternate rates of payment, and may offer group health insurance policies reflecting such rates to insureds; creating s. 627.916, Florida Statutes, requiring insurers to report cost containment practices; providing that the provisions of this act shall apply to health insurance policies issued or renewed after the effective date of this act; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Gustafson—

HB 1023—A bill to be entitled An act relating to insurance; amending s. 627.351(2)(c), Florida Statutes, 1982 Supplement, relating to the windstorm insurance risk apportionment plan; limiting assessments against certain insurers; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Health & Rehabilitative Services and Representative Bell—

CS for HB 855—A bill to be entitled An act relating to certificates of need; amending s. 381.494(8)(e), Florida Statutes, 1982 Supplement, limiting review of certain facts with respect to applications for certificates of need for certain health care related projects; adding subsection (9) to s. 381.494, Florida Statutes, 1982 Supplement, relating to certificates of need; prohibiting the transfer of certificates without approval of the department; providing an effective date.

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

By Representative Hazouri—

HB 478—A bill to be entitled An act relating to group insurance; creating s. 627.5675, Florida Statutes; requiring notice to covered individuals of expiration or cancellation of group life insurance coverage; creating s. 627.6652, Florida Statutes; requiring notice to covered individuals of expiration or cancellation of group health insurance coverage; providing for review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Judiciary and Representatives Pajcic and Grant—

CS for HB 208—A bill to be entitled An act relating to sheriffs; amending s. 30.231(1), Florida Statutes, 1982 Supplement; increasing sheriffs' fees for service of writs, subpoenas, and executions; adding s. 39.405(12), Florida Statutes; providing that certain dependency orders need not be served under specified circumstances; amending s. 76.13, Florida Statutes; clarifying duties of the sheriff with respect to writs of attachment; creating s. 76.151, Florida Statutes; providing for service of writs of attachment upon property passing into possession of third persons; amending s. 78.065(2)(a), Florida Statutes; deleting a restriction upon show cause order hearings relating to property to be taken under a writ of replevin; amending s. 78.08, Florida Statutes; clarifying sheriffs' duties with respect to such a writ; amending s. 78.10, Florida Statutes; providing a procedure for the execution of a writ of replevin on property where there are no reasonable grounds to believe it is located in certain enclosures; amending ss. 83.13, 83.14, and 83.19(2), Florida Statutes, 1982 Supplement; clarifying sheriffs' duties in the execution of writs pursuant to distress for rent actions against commercial tenants; expanding the locations of sale of property levied pursuant to such writs; amending s. 559.23, Florida Statutes; increasing the permit fee for fire and going-out-of-business sales; providing an effective date.

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

By Representative T. C. Brown—

HB 187—A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.3143, Florida Statutes, relating to voting conflicts, to provide for prior disclosure of conflicts of interest and abstention from voting in certain cases; providing exceptions; reenacting s. 286.012, Florida Statutes, to incorporate the amendment to s. 112.3143, Florida Statutes, in a reference thereto; providing an effective date.

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

By the Committee on Veterans Affairs and Representative L. Hawkins—

HB 403—A bill to be entitled An act relating to motor vehicle license taxes; amending s. 320.10(1)(f) and (2), Florida Statutes, 1982 Supplement, providing that nationally chartered veterans' organizations maintaining state headquarters in Florida, rather than the American Legion, shall be eligible for reduced rate, series "X" license plates; repealing s. 320.10(1)(f) and (2), Florida Statutes, relating to motor vehicle license tags; providing for future review and repeal; providing an effective date.

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

By the Committee on Ethics & Elections—

HB 1225—A bill to be entitled An act relating to elections; amending s. 97.061(3), Florida Statutes, relating to electors requiring assistance; amending s. 98.031(5), Florida Statutes, relating to changes in precincts and polling places; amending s. 99.021(1)(a), Florida Statutes, relating to the candidate's oath; creating s. 99.0968, Florida Statutes, relating to petition requirements; amending s. 99.103(2), Florida Statutes, relating to filing fees; amending s. 101.051(1) and (3), Florida Statutes, relating to electors requiring assistance in voting; amending s. 101.141(4), Florida Statutes, 1982 Supplement, relating to the primary election ballot; amending s. 101.151(3)(a), Florida Statutes, 1982 Supplement, relating to the general election ballot; amending s. 106.011(4), Florida Statutes, relating to expenditures; amending s. 106.07(1)(a), Florida Statutes, 1982 Supplement, relating to reporting dates; amending s. 106.12(3), Florida Statutes, relating to petty cash expenditures; providing an effective date.

—was referred to the Committees on Judiciary-Civil; and Finance, Taxation and Claims.

By Representative Thompson and others—

HB 290—A bill to be entitled An act relating to the transportation of farm products; amending s. 316.515(3), Florida Statutes; allowing combinations of up to three vehicles to carry certain farm products from their point of production and to return to such point of production; providing an effective date.

—was referred to the Committee on Agriculture.

By Representative Mills—

HB 420—A bill to be entitled An act relating to the Department of State; creating s. 15.20, Florida Statutes, to provide for the development and coordination of a program for the protection of the rights, privileges, and immunities of foreign government officials residing or otherwise having jurisdiction in Florida; providing for the promulgation of rules; providing an effective date.

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

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

CS for HB 1008—A bill to be entitled An act relating to runaway youths; providing legislative intent; providing definitions; providing for the development of a statewide plan for handling runaway youths; providing for the development of specific licensing criteria for runaway youth centers; providing for the establishment and future termination of a statewide and a district task force; requiring the Department of Health and Rehabilitative Services to adopt rules pertaining to such licensing criteria; providing an effective date.

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

By the Committee on Governmental Operations—

HB 1077—A bill to be entitled An act relating to the state communications system; amending s. 287.251, Florida Statutes, 1982 Supplement, providing that municipalities participating in the state long-distance communications system shall pay initial installation charges; deleting references to connection and service charges and equipment costs; amending s. 287.255(1) and (2), Florida Statutes, 1982 Supplement, clarifying a cost benefit criterion for eligibility to use the system; providing for termination of service under certain circumstances; adding subsection (3) to s. 287.272, Florida Statutes, 1982 Supplement, providing that certain non-

profit corporations and certain other nonstate agencies may qualify to use the system; providing an effective date.

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

By the Committee on Governmental Operations—

HB 1076—A bill to be entitled An act relating to purchase of motor vehicles by state officials and employees; amending s. 116.12, Florida Statutes; providing legislative intent; providing a definition; providing that it is unlawful for any state officer or employee to authorize purchase or continuous lease of a motor vehicle except under certain conditions; providing exemption under certain circumstances; providing for retention of motor vehicles by state agencies under certain conditions; prohibiting acquisition of a motor vehicle by a certain deferred payment contract; providing an exception; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Retirement, Personnel & Collective Bargaining—

HB 1169—A bill to be entitled An act relating to the investment of state funds; amending s. 215.44(2), Florida Statutes, and adding a subsection; providing for legal representation of the State Board of Administration by the Department of Legal Affairs, and providing for transition of legal service from private attorneys to the department; creating a 6-member advisory council to advise the State Board of Administration on investment matters; providing for membership and meetings; providing travel expense reimbursement for members; providing for review and repeal in accordance with the Sundown Act; amending s. 215.47, Florida Statutes, 1982 Supplement; establishing the "prudent expert rule" as the standard of judgment and care regarding investments made by the State Board of Administration on behalf of the Florida Retirement System, and eliminating certain limitations on such investments; requiring the Board to adopt and maintain an investment policy; authorizing the use of outside investment advisors and managers; providing intent; requiring annual independent audits; requiring annual performance reports; amending ss. 197.0168(2)(b) and 242.331(5)(e), Florida Statutes, and s. 218.407(1), Florida Statutes, 1982 Supplement, relating to purchase of deferred payment tax certificates, investments by the Board of Trustees for the Florida School for the Deaf and the Blind, and investments by local governments, conforming language; providing an effective date.

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

By the Committee on Transportation and Representative Williams—

HB 1233—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.08(12), Florida Statutes, 1982 Supplement; providing a fee for career foreign consul license tags; amending s. 320.0805(9), Florida Statutes, 1982 Supplement; amending section 320.0805(9)(a), Florida Statutes, 1982 Supplement, changing the designation on the personalized prestige license plates for members of Congress; providing for the issuance of personalized prestige foreign consul license plates to honorary foreign consuls; amending s. 320.0848, Florida Statutes; authorizing the issuance of parking permits to certain businesses and organizations which transport handicapped persons; creating s. 320.115, Florida Statutes; authorizing the issuance of license plates to career and honorary foreign consuls; providing license taxes; providing penalties for failure to replace a foreign consul plate when the person is no longer certified as a career or honorary foreign consul; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed HB 481, HB 1149, HB 1190, CS for HB 720, HB 257, HB 1237, HB 1038, HB 929, HB 825, HB 1123, HB 1265, HB 1288, HB 391, CS for HB 1056, CS for HB 632, HB 347, CS for HB 977, CS for HB 87, CS for HB 885, HB 1257 and HB 1080 and requests the concurrence of the Senate

Allen Morris, Clerk

By Representative McEwan—

HB 481—A bill to be entitled An act relating to the offense of trespass; amending s. 810.08(2), Florida Statutes; providing that trespass of a structure or conveyance that is a dwelling is a felony of the third degree; providing penalties; providing an effective date.

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

By the Committee on Natural Resources—

HB 1149—A bill to be entitled An act relating to hazardous materials safety; amending s. 404.30, Florida Statutes, 1982 Supplement, changing the name of the Southeast Interstate Low-Level Radioactive Waste Compact to the Southeast Interstate Low-Level Radioactive Waste Management Compact; providing legislative policy and purpose; providing definitions; providing for rights and obligations of party states; creating the Southeast Interstate Low-Level Radioactive Waste Management Commission; directing the commission to identify a host state for the development of a second regional disposal facility under certain circumstances; authorizing the commission to prohibit the exportation of waste from a region for the purposes of management subsequent to January 1, 1986; providing for the development and operation of facilities; providing for the effect of the compact on other laws, rules and regulations; including Virginia within the list of parties to the compact; providing for revocation, entry into force and termination of the compact; amending s. 404.31, Florida Statutes, 1982 Supplement, relating to Florida's participation in the compact; providing for two alternate members to the commission; providing an effective date.

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

By the Committee on Regulated Industries & Licensing—

HB 1190—A bill to be entitled An act relating to telephone companies; creating s. 364.037, Florida Statutes, requiring the Public Service Commission to consider certain directory advertising revenues in establishing rates; amending s. 364.05(4), Florida Statutes, allowing certain rates to become effective under certain conditions; amending s. 364.07(2), Florida Statutes, authorizing the Public Service Commission to review intrastate interexchange service contracts and take certain actions; creating s. 364.285, Florida Statutes, authorizing the Public Service Commission to impose certain penalties; providing that such penalties become liens on certain property; providing for the deposit of such penalties in the General Revenue Fund unallocated; amending s. 364.33, Florida Statutes, requiring a certificate of necessity for persons obtaining ownership or control of certain telephone property; adding subsection (6) to s. 364.335, Florida Statutes, 1982 Supplement, relating to duplicative or competitive cellular mobile radio telephone service; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representative Wetherell—

CS for HB 720—A bill to be entitled An act relating to archives, history, and records management; creating s. 267.0612, Florida Statutes, establishing the Historic Preservation Advisory Council to advise the Division of Archives, History and Records Management of the Department of State in matters related to the preservation and protection of the state's historic and archaeological sites and properties; providing for appointment, qualifications, terms, meetings, compensation, and organization; providing for staff assistance; providing responsibilities of the council; providing for review and repeal in accordance with the Sundown Act; providing an effective date.

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

By Representative Gardner and others—

HB 257—A bill to be entitled An act relating to campaign financing; amending s. 106.1405, Florida Statutes; prohibiting a candidate from using campaign funds to pay himself a salary or to defray personal living expenses for himself or his family prior to qualifying for office; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Commerce—

HB 1237—A bill to be entitled An act relating to securities; amending s. 517.07, Florida Statutes, relating to registration of securities; authorizing the Department of Banking and Finance to issue a permit to sell debt securities for a period longer than one year under certain circumstances; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations—

HB 1038—A bill to be entitled An act relating to the Secretary of State; adding subsection (7) to s. 15.18, Florida Statutes, authorizing the Secretary of State to promulgate certain rules for the purpose of entering into contracts for promotional services and events; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Representative Deutsch—

HB 929—A bill to be entitled An act relating to nursing homes; adding paragraph (o) to subsection (1) of section 400.022, Florida Statutes, 1982 Supplement, relating to patients' rights, to add the right to be informed of a bed reservation policy; providing an effective date.

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

By Representative Morgan and others—

HB 825—A bill to be entitled An act relating to the naming of state buildings; authorizing and directing the Board of Regents of the Division of Universities of the Department of Education to name the expanded business building at Florida State University the "Charles A. Rovetta Building"; providing an effective date.

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

By the Committee on Appropriations—

HB 1123—A bill to be entitled An act relating to trust fund deposits; amending s. 496.285, Florida Statutes; requiring all moneys collected under the chapter to be deposited in the Division of Licensing Trust Fund; amending s. 496.335(5), Florida Statutes; requiring recovered civil penalties, attorney's fees, and court costs to be deposited in the Division of Licensing Trust Fund; repealing s. 5, ch. 81-92, Laws of Florida, relating to repeal of provisions relating to the collection and deposit of fees in the Division of Corporations Trust Fund; providing an effective date.

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

By the Committee on Appropriations—

HB 1265—A bill to be entitled An act relating to the Department of State; amending s. 267.072(4), Florida Statutes, authorizing the Division of Archives, History and Records Management to pay discounts and service charges in connection with the use of credit cards at the museum store of the Museum of Florida History; providing an effective date.

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

By the Committee on Higher Education—

HB 1288—A bill to be entitled An act relating to the State University System; adding paragraph (1) to s. 240.209(3), Florida Statutes, 1982 Supplement; requiring the Board of Regents to seek cooperation of superintendents and district school board members in performing its duties; requiring master plans to include certain provisions; providing an effective date.

—was referred to the Committee on Education.

By Representative McEwan—

HB 391—A bill to be entitled An act relating to fire prevention and control; amending s. 633.175, Florida Statutes, expanding provisions relating to the release to the State Fire Marshal and law enforcement agencies of certain information relating to the investigation of fraudulent insurance claims; deleting a limitation upon immunity from liability for persons furnishing such information; providing limitations upon the confidentiality of such information; providing an effective date.

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

By the Committee on Community Affairs and Representative Logan—

CS for HB 1056—A bill to be entitled An act relating to investment of surplus county funds; amending s. 125.31(1), Florida Statutes; increasing the authority of county commissioners to invest surplus funds; providing an effective date.

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

By the Committee on Judiciary and Representative Hill—

CS for HB 632—A bill to be entitled An act relating to local government; amending ss. 125.68(1) and 166.041(5), Florida Statutes; providing that county and municipal ordinances held invalid by a court of last resort shall be so noted in the records of the local government; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative Lehtinen—

HB 347—A bill to be entitled An act relating to the Florida Primary Education Program; adding paragraph (e) to s. 230.2312(9), Florida Statutes, 1982 Supplement, authorizing each school district to apply to the Commissioner of Education for approval to update or amend its approved primary education program plan; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Judiciary and Representative Drage—

CS for HB 977—A bill to be entitled An act relating to licensure of motor vehicle manufacturers, factory branches, distributors, and importers; adding a subsection (15) to s. 320.64, Florida Statutes, relating to grounds for denial, suspension, or revocation of license, to provide additional grounds; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Finance & Taxation and Representative Ward—

CS for HB 87—A bill to be entitled An act relating to the Property Assessment Loan Fund; adding subsection (7) to s. 195.094, Florida Statutes; requiring that the Department of Revenue notify the county commission prior to authorizing a loan from the fund; providing that the commission may submit pertinent material to the department within a specified time period; providing an effective date.

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

By the Committee on Judiciary and Representative Drage and others—

CS for HB 885—A bill to be entitled An act relating to motor vehicle warranties; creating the "Motor Vehicle Warranty Enforcement Act"; providing legislative intent; providing definitions; requiring new motor vehicles to conform to all applicable express warranties; providing requirements for the manufacturer when a new motor vehicle does not conform to applicable express warranties; providing penalties for bad faith claims; providing for an informal dispute settlement procedure; providing an effective date.

—was referred to the Committees on Commerce and Transportation.

By the Committee on Governmental Operations—

HB 1257—A bill to be entitled An act relating to public hearings and meetings; adding a subsection to s. 120.52, Florida Statutes, 1982 Supplement, defining "communications media technology"; adding subsection (6) to s. 120.53, Florida Statutes, requiring state agencies to adopt rules for conducting meetings, hearings, and workshops by communications media technology; providing requirements for notice and availability of documents and other physical objects; providing for applicability of other laws; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Governmental Operations—

HB 1080—A bill to be entitled An act relating to the John and Mable Ringling Museum of Art; amending s. 265.26(7), Florida Statutes, 1982 Supplement, relating to the authority of the board of trustees of the museum to purchase insurance for certain works of art, to remove a restriction on the purchase of such insurance; providing an effective date.

—was referred to the Committee on Governmental Operations.

CONSENT CALENDAR

SB 1053—A bill to be entitled An act relating to a road in Okaloosa and Santa Rosa Counties; designating a portion of United States Highway 98 extending west from Fort Walton Beach through the community of Mary Esther past the main gate of Hurlburt Field and westward to the community of Navarre; directing the Department of Transportation to erect appropriate markers; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote SB 1053 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Plummer
Carlucci	Gordon	Langley	Rehm
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Hill	McPherson	Weinstein
Fox	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Scott

SB 1099—A bill to be entitled An act relating to criminal traffic offenses; amending s. 316.655, Florida Statutes; providing for suspension of the driver's license of persons charged with criminal traffic offenses under certain circumstances; providing a delinquency fee; providing for reinstatement upon certification that certain requirements have been met; amending s. 320.57, Florida Statutes; specifying penalties; amending s. 322.29, Florida Statutes; providing for reinstatement of the driver's license following suspension; amending s. 322.39, Florida Statutes; specifying penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 4, between lines 13 and 14, insert:

Section 3. Subsection (7) of s. 322.18, Florida Statutes, is amended to read:

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

(7) An expired Florida driver's license may be renewed any time within 12 months after the expiration date, with reexamination, if required, upon presenting to the department a valid certificate of eligibility and upon payment of the required delinquent fee or taking and passing the written examination. If the final date upon which a license may be renewed under this section falls upon a Saturday, Sunday, or legal holiday, the renewal period shall be extended to midnight of the next regular working day. The department may refuse to issue any license if:

(a) The department has reason to believe the licensee is no longer qualified to receive a license.

~~(b) The licensee has failed to answer a traffic summons involving a moving violation.~~

(b)(e) The records of the department reflect that the applicant's driving privilege is under suspension or revocation.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, between lines 10 and 11, insert: amending s. 322.18(7), Florida Statutes; specifying when the department may refuse to issue a license;

On motion by Senator Beard, by two-thirds vote SB 1099 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Jenne	Myers
Barron	Frank	Jennings	Neal
Beard	Gersten	Johnston	Rehm
Carlucci	Girardeau	Kirkpatrick	Scott
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Hair	Mann	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Hill	McPherson	Weinstein

Nays—None

SCR 515—A concurrent resolution requesting the relocation of the United States Army School of the Americas from Fort Gulick, Panama to Camp Albert H. Blanding, Florida.

—was read the second time in full.

Senator Carlucci moved the following amendment which was adopted:

Amendment 1—On page 1, between lines 25 and 26, insert: WHEREAS, Camp Albert H. Blanding is in close proximity to Keystone Heights City Airport which has three 5,000 foot long paved landing strips which presently accommodate large jet transports, and

On motion by Senator Carlucci, SCR 515 as amended was adopted, ordered engrossed and then certified to the House. The vote on adoption was:

Yeas—36

Mr. President	Fox	Hill	McPherson
Barron	Frank	Jenne	Myers
Beard	Gersten	Jennings	Neal
Carlucci	Girardeau	Johnston	Plummer
Castor	Gordon	Langley	Rehm
Childers, D.	Grant	Malchon	Scott
Childers, W. D.	Grizzle	Mann	Thomas
Crawford	Hair	Margolis	Vogt
Dunn	Henderson	Maxwell	Weinstein

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

CS for SB 783—A bill to be entitled An act relating to solid waste transport; amending s. 403.713, Florida Statutes; providing for special laws or local ordinances limiting the free flow of solid waste; providing an effective date.

—was read the second time by title. On motion by Senator Castor, by two-thirds vote CS for SB 783 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Jenne	Meek
Barron	Gersten	Jennings	Myers
Beard	Girardeau	Johnston	Neal
Carlucci	Gordon	Kirkpatrick	Plummer
Castor	Grant	Malchon	Rehm
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Dunn	Henderson	Maxwell	Thurman
Fox	Hill	McPherson	Vogt

Nays—1

Langley

Vote after roll call:

Yea—Scott

CS for SB 368—A bill to be entitled An act relating to child care facilities; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ss. 402.301-402.316, Florida Statutes; amending ss. 402.305, 402.308, 402.310, 402.315, Florida Statutes; providing for minimum standards for personnel and transportation; providing for issuance of license; providing for disciplinary actions and fines; providing for fees; providing for legislative review; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote CS for SB 368 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Hill	Myers
Barron	Frank	Jenne	Plummer
Beard	Gersten	Jennings	Rehm
Carlucci	Girardeau	Johnston	Scott
Castor	Gordon	Kirkpatrick	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	Maxwell	Vogt
Dunn	Henderson	McPherson	Weinstein

Nays—2

Langley Neal

Vote after roll call:

Yea—Malchon

SB 306—A bill to be entitled An act relating to comprehensive health education program; amending s. 233.067(4)(b), Florida Statutes, 1982 Supplement; providing that such program include the development of programs, training, and materials for life fitness and wellness programs; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 306 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Kirkpatrick	Plummer
Barron	Gersten	Langley	Rehm
Beard	Girardeau	Malchon	Scott
Carlucci	Gordon	Mann	Stuart
Castor	Grant	Margolis	Thomas
Childers, D.	Grizzle	Maxwell	Thurman
Childers, W. D.	Henderson	McPherson	Vogt
Crawford	Jenne	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnston	Neal	

Nays—None

On motion by Senator W. D. Childers, the rules were waived and SB 306 was ordered immediately certified to the House.

SB 315—A bill to be entitled An act relating to the excise tax on documents; amending ss. 201.04(1), 201.05, Florida Statutes; providing that the excise tax on documents not apply to the stocks or shares of certain mutual funds; providing an effective date.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote SB 315 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gersten	Kirkpatrick	Rehm
Barron	Girardeau	Langley	Scott
Beard	Gordon	Malchon	Stuart
Carlucci	Grant	Margolis	Thomas
Castor	Grizzle	Maxwell	Thurman
Childers, W. D.	Hair	McPherson	Vogt
Crawford	Henderson	Meek	Weinstein
Dunn	Hill	Myers	
Frank	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—D. Childers, Jenne

SB 124—A bill to be entitled An act relating to abuse of the elderly; amending s. 410.11, Florida Statutes; providing that abuse, neglect, exploitation, or maltreatment of certain elderly persons, without resulting injury to such person being proven, is a misdemeanor of the first degree; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 13-29, strike everything after the enacting clause and insert:

Section 1. Section 827.09, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 827.09, F.S., for present text.)

827.09 Abuse, neglect, or exploitation of aged or disabled persons.—

(1) **LEGISLATIVE INTENT.**—The Legislature recognizes that there are many persons in this state who, because of age or disability, are in need of protective services. Such services should allow the individual the same rights as other citizens, and at the same time protect the individual from abuse, neglect, and exploitation. It is the intent of the Legislature to provide for the detection and correction of abuse, neglect, and exploitation and to establish a program of protective and supportive services for all persons in need of them. It is intended that the mandatory reporting of such cases will cause the protective services of the state to be brought to bear in an effort to prevent further abuse, neglect, and exploitation. In doing so, the Legislature intends to place the least possible restrictions on personal liberty and the exercise of constitutional rights, consistent with due process and protection from abuse, neglect, and exploitation.

(2) **DEFINITIONS.**—As used in this section:

(a) “Abuse” means treatment under which an aged or disabled person is deprived, or allowed to be deprived, of necessary treatment, habilitation, care, sustenance, clothing, shelter, supervision, or medical services essential to his well-being; or is permitted to live in an environment, when such deprivation or environment causes, or is likely to cause impairment of physical or emotional health; or is subject to physical or psychological injury.

(b) “Abused person” means any aged or disabled person who has been subjected to abuse or whose condition suggests that he has been abused.

(c) “Aged person” means a person suffering from the infirmities of aging as manifested by organic brain damage, advanced age, or other physical, mental, or emotional dysfunctioning to the extent that the person is impaired in his ability to adequately provide for his own care or protection.

(d) “Department” means the Department of Health and Rehabilitative Services.

(e) “Disabled person” means any person who suffers from a condition of mental retardation, epilepsy, cerebral palsy, mental illness, or other disability which causes the person to be substantially unable to protect himself from the abusive conduct of others.

(f) “Exploitation” means an unjust or improper use of another person for one’s own profit or advantage.

(g) “Facility” means any public or private hospital, training center, clinic, school, or other program or service for aged or disabled persons.

(h) “Indicated report” means a report made pursuant to this section when a protective investigation determines that some indication of abuse, neglect, or exploitation exists.

(i) “Neglect” means to omit, forbear, or fail to exercise a degree of care and caution that a prudent person would deem essential to insure the well-being of an aged or disabled person and, by such omission, forbearance, or failure, significantly impair or jeopardize the physical or emotional health of the aged or disabled person.

(j) “Protective services” means those services, the objective of which is to protect an aged or disabled person. Such protective services shall include, but shall not be limited to, evaluation of the need for services, arrangements for appropriate living quarters, obtaining financial benefits to which the person is entitled, or securing medical and legal services. In those situations where exploitation, prevention of injury, and protection of the person and his property are at issue, protective services shall include seeking the appointment of a guardian for the person or seeking protective placement.

(k) “Unfounded report” means a report made pursuant to this section when a protective investigation determines that no indication of abuse, neglect, or exploitation exists.

(3) **REPORTS OF ABUSE, NEGLECT, OR EXPLOITATION OF AGED OR DISABLED PERSONS REQUIRED.**—

(a) Any person, including, but not limited to, any:

1. Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons.

2. Health or mental health professional other than one listed in subparagraph 1.

3. Practitioner who relies solely on spiritual means for healing.

4. Nursing home worker, adult congregate living facility worker, adult day care center worker, social worker, or other professional adult care, foster care, residential or institutional worker.

5. Law enforcement officer.

who knows, or has reasonable cause to suspect, that an aged or disabled person is an abused, neglected, or exploited person shall immediately report such knowledge or suspicion to the department’s abuse registry on the single statewide tollfree telephone number or directly to the local office of the department responsible for investigation of reports made pursuant to this section.

(b) Each report made by a person in an occupation designated in paragraph (a) shall be confirmed in writing by the individual making the report to the local office of the department within 48 hours of the initial report.

(c) Reports involving known or suspected institutional abuse, neglect, or exploitation shall be made and received in the same manner as all other reports made pursuant to this section.

(d) The statewide tollfree telephone number for the central abuse registry shall be posted in all facilities operated by or under contract with or licensed by the department which provide services to aged or disabled persons. Such posting shall be clearly visible and in a prominent place within the facility and shall be accompanied by the words, “To Report the Abuse, Neglect, or Exploitation of an Elderly or Disabled Person, Please call the Tollfree Number.”

(4) **MANDATORY REPORTING OF DEATH AND POSTMORTEM INVESTIGATION BY MEDICAL EXAMINER.**—Any person required to report or investigate cases of suspected abuse, neglect, or exploitation who has reasonable cause to suspect that an aged or disabled person died as a result of abuse, neglect, or exploitation, shall report his suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation pursuant to s. 406.11 and shall report his findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner shall not be subject to the confidentiality requirements provided for in this section.

(5) **REPORTS OF INSTITUTIONAL ABUSE, NEGLECT, OR EXPLOITATION.**—The department shall conduct a protective investigation of each report of institutional abuse, neglect, or exploitation. Upon receipt of a report which alleges that an employee or agent of the department acting in an official capacity, has committed an act of abuse, neglect, or exploitation, the department shall immediately initiate a protective investigation and shall notify the state attorney in whose circuit the alleged abuse, neglect, or exploitation occurred.

(6) **ABUSE REGISTRY.**—

(a) The department shall establish and maintain a central abuse registry which shall receive reports made pursuant to this section in writing or through a single statewide tollfree telephone number which any person may use to report known or suspected abuse, neglect, or exploitation at any hour of the day or night, any day of the week. The abuse registry shall be operated in such a manner as to enable the department to:

1. Immediately identify and locate prior reports or cases of abuse, neglect, or exploitation.

2. Regularly evaluate the effectiveness of the department’s program for abused, neglected, or exploited persons through the development and analysis of statistical and other information.

(b) Upon receiving an oral or written report of known or suspected abuse, neglect, or exploitation, the abuse registry shall immediately notify the local office of the department with respect to the report, any previous report concerning a subject of the present report, or any other pertinent information relative thereto.

(c) Upon completion of its investigation, the local office of the department shall classify reports either as indicated or unfounded. All identifying information in the abuse registry maintained in unfounded reports shall be expunged immediately. All identifying information in the abuse registry maintained in indicated reports shall be expunged from the registry 7 years from the date of the last indicated report concerning the same victim or the same perpetrator. All information, other than identifying information, maintained in indicated or unfounded reports at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to s. 119.041 and s. 267.051(6). Nothing in this section is intended to require the expunction or destruction of case records or information required by the Federal Government to be retained for future audit.

(7) PROTECTIVE INVESTIGATIONS.—

(a) The department shall, upon receipt of a report of abuse, neglect, or exploitation of an aged or disabled person, cause an immediate protective investigation to be made and shall in turn, upon determining probable cause, notify the state attorney. The department shall, within 24 hours of receipt of the report notify the appropriate human rights advocacy committee, as established pursuant to s. 20.19(7), that an alleged abuse has occurred. Such notice may be accomplished verbally or in writing and shall include the name of the person alleged to have been abused and the nature of the report. The department shall provide protective services under any of the following conditions:

1. The person demonstrates a need for, and requests, such services.
2. An interested person requests such services on behalf of a person in need of services.
3. The department determines a person is in need of such services.
4. A court orders such services.

(b) Voluntary services.—An individual shall receive protective services voluntarily unless ordered by the court, requested by a guardian, or provided in accordance with subsection (8).

(8) INVOLUNTARY PROVISION OF SERVICES.—

(a) Every reasonable effort shall be made to secure the consent and participation of the aged or disabled person in the assessment and resolution of his own need for protective services.

(b) Upon probable cause to believe that an aged or disabled person is being abused, neglected, or exploited, a representative of the department, accompanied by a law enforcement officer may enter a premises after obtaining a court order and announcing their authority and purpose.

(c) Forcible entry shall be attained only after a court order has been obtained, unless there is probable cause to believe that the delay incident of such an order would cause an aged or disabled person to incur a substantial risk of life-threatening physical harm.

(d) When, from the personal observation of a representative of the department and a law enforcement officer, it appears probable that an aged or disabled person is likely to incur a substantial risk of life-threatening physical harm or deterioration if not immediately removed from the premises, the department's representative may, when authorized by a court order, take into custody and transport, or make arrangements for the transportation and payment thereof, the individual to an appropriate medical or protective services facility.

(e) When action is taken under this section, a preliminary hearing shall be held within 48 hours of the signing of the court order, excluding Saturdays, Sundays, and legal holidays, to establish probable cause for grounds for protective placement.

(f) Upon a finding of probable cause, the court may order temporary placement for up to 4 days, pending the hearing for a need for continuing services.

(9) COOPERATION WITH LAW ENFORCEMENT AND OTHER AGENCIES.—

(a) All state, county, and municipal law enforcement and public agencies have a duty to cooperate with the department and its employees, transmit reports of abuse, neglect, and exploitation to the department, and protect and enhance the welfare of aged or disabled persons who are potentially subject to abuse, neglect, or exploitation detected by a report made pursuant to this section.

(b) Any funds appropriated by counties for home health care or boarding home, foster home, or nursing home services may be matched by state and federal funds; such funds shall be utilized by the Department of Health and Rehabilitative Services for the benefit of aged or disabled persons in said counties.

(c) The Department of Health and Rehabilitative Services may purchase services from any public or private institution, or institution or agency within the state which meets the standards and rules prescribed by the department for the proper care and supervision of abused, neglected, or exploited persons.

(d) Every facility serving aged or disabled persons shall inform residents of their rights to report abusive, neglectful, or exploitive practices and shall establish appropriate policies and procedures to facilitate such reporting.

(10) CONFIDENTIALITY OF REPORTS AND RECORDS.—

(a) In order to protect the rights of the individual or other persons responsible for the welfare of the aged or disabled person, all records concerning reports of abuse, neglect, or exploitation of the aged or disabled person, including reports made to the abuse registry and to local offices of the department and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s. 119.07(1), and shall not be disclosed except as specifically authorized by this section.

(b) Access to such records, excluding the name of the person making the report, which shall be released only as provided in paragraph (d), shall be granted only to the following persons, officials, and agencies for the following purposes:

1. Employees or agents of the department responsible for carrying out protective investigations, ongoing protective services, or licensure or approval of nursing homes, adult congregate living facilities, adult day care centers or other facilities, used for the placement of aged or disabled persons.
2. A law enforcement agency investigating a report of known or suspected abuse, neglect, or exploitation.
3. The state attorney of the judicial circuit in which the aged or disabled individual resides or in which the alleged abuse, neglect, or exploitation occurred.
4. Any aged or disabled person or perpetrator who is the subject of a report or the subject's guardian, custodian, guardian ad litem, or counsel.
5. A court, by subpoena, upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to in camera inspection, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.
6. A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.
7. Any appropriate official of the department responsible for:
 - a. Administration or supervision of the department's program for the prevention, investigation, or treatment of abuse, neglect, or exploitation when carrying out his official function; or
 - b. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated institutional abuse, neglect, or exploitation.
8. Any person engaged in bona fide research or audit purposes. However, no information identifying the subjects of the report shall be made available to the researcher unless such information is absolutely essential to the research purpose, suitable provision is made to maintain the confidentiality of the data, and the department has given written approval.

(c) The department may release to professional persons such information as is necessary for the diagnosis and treatment of the victim or the person perpetrating the abuse.

(d) The name of any person reporting abuse, neglect, or exploitation shall in no case be released to any person other than employees of the department responsible for protective services, the abuse registry, or the appropriate state attorney without the written consent of the person reporting abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect an aged or disabled person who is the subject of a report, provided that the fact that such person made the report is not disclosed. The department shall, upon receipt of an application of a person applying for approval or licensure of a facility to care for the aged or disabled persons, whether such care is for less than or more than 24 hours, search its abuse registry for the existence of an indicated report and the results of the adult protective assessment conducted pursuant thereto.

(11) TRANSMITTAL OF RECORDS.—With respect to any case of reported abuse of an aged or disabled person, the department, when appropriate, shall transmit all reports received by it, which shall contain the results of the investigation, to the state attorney of the county where the incident occurred.

(12) IMMUNITY.—Anyone participating in the making of a report pursuant to this section or participating in a judicial proceeding resulting therefrom shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed. Further, no resident or employee of a facility serving aged or disabled persons shall be subjected to reprisal or discharge because of his actions in reporting abuse pursuant to the requirements of this section.

(13) ABROGATION OF PRIVILEGED COMMUNICATIONS.—The privileged quality of communication between husband and wife and between any professional person and his patient or client, and any other privileged communication except that between attorney and client, as such communication relates to both the competency of the witness and to the exclusion of confidential communications, shall not apply to any situation involving known or suspected abuse, neglect, or exploitation and shall not constitute grounds for failure to report as required by this section, failure to cooperate with the department in its activities pursuant to this section, or failure to give evidence in any judicial proceeding relating to abuse, neglect, or exploitation of an aged or disabled person.

(14) RULES TO BE PROMULGATED.—The Department of Health and Rehabilitative Services shall promulgate rules for the implementation of this section.

(15) PENALTIES.—

(a) Any person required by this section to report a case of known or suspected abuse, neglect, or exploitation of an aged or disabled person who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who knowingly and willfully makes public or discloses any confidential information contained in the abuse registry or in the records of any case of abuse, neglect, or exploitation except as provided in this section, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or 775.084.

(c) Any person who knowingly or willfully abuses, neglects or exploits an aged or disabled person and, in so doing, causes great bodily harm, permanent disfigurement, or permanent disability to such person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Any person who knowingly or willfully abuses, neglects, or exploits an aged or disabled person is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Section 410.035, Florida Statutes, is amended to read:

410.035 Subsidy payments.—

(1) The department shall develop by October 1, 1983, ~~establish by rule by January 1, 1978,~~ a schedule of subsidy payments to be made to persons providing home care for certain eligible elderly persons. ~~Payments shall be no less than 10 percent of the prevailing rate paid by the department for the lowest level of nursing home care under s. 409.266, and no greater than 45 percent of said amount.~~ Payments shall be based on the financial status of the person receiving care. Payments shall include, but not be limited to:

(a) A support and maintenance element, to include costs of housing, food, clothing, and incidentals.

(b) Payments for medical, pharmaceutical, and dental services essential to maintain the health of the elderly person and not covered by Medicare, Medicaid, or any form of insurance.

(c) When necessary, special supplements to provide for any service and specialized care required to maintain the health and well-being of the elderly person.

(2) The department shall develop a plan for the implementation of ~~the schedule of a program of uniform~~ subsidy payments to persons providing home care for the elderly.

Section 3. Sections 410.10-410.11, Florida Statutes, are hereby repealed.

Section 4. This act shall take effect July 1, 1983.

Amendment 2—In title, on page 1, lines 1-9, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 827.09, Florida Statutes, relating to protection of abused, aged, and disabled persons; requiring certain reports and authorizing the department to take certain action with respect thereto; providing for certain confidentiality; providing penalties; amending s. 410.035, Florida Statutes, relating to subsidy payments; providing for development of a schedule of subsidy payments by October 1, 1983; deleting minimum and maximum limits thereon; repealing ss. 410.10-410.11, Florida Statutes, relating to the "Adult Protective Services Act;" providing an effective date.

On motion by Senator Dunn, by two-thirds vote SB 124 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Malchon	Scott
Castor	Grant	Mann	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Dunn	Henderson	McPherson	Vogt
Fox	Jenne	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Crawford, Langley

SB 545—A bill to be entitled An act relating to historic preservation; designating Sunset Drive as a historic highway; providing definitions; prohibiting the use of state funds for certain physical changes on or near Sunset Drive; requiring the approval of the Division of Archives, History and Records Management of the Department of State for other specified changes; limiting the erection of signs; authorizing the division to erect markers and to obtain historic easements in property along the road; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike all of lines 23-30 and insert:

(1) "Sunset Drive" means those portions of Sunset Drive located between Cartagena Plaza and Southwest 56th Avenue and between Southwest 69th Avenue and Southwest 87th Avenue, otherwise known as Galloway Road, in Dade County.

On motion by Senator Fox, by two-thirds vote SB 545 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Beard	Castor	Childers, W. D.
Barron	Carlucci	Childers, D.	Crawford

Fox	Hill	Maxwell	Stuart
Frank	Jenne	McPherson	Thomas
Gersten	Jennings	Meek	Thurman
Gordon	Johnston	Myers	Vogt
Grant	Kirkpatrick	Neal	Weinstein
Grizzle	Langley	Plummer	
Hair	Mann	Rehm	
Henderson	Margolis	Scott	

Nays—None

CS for SB 954—A bill to be entitled An act relating to anatomical gifts; amending s. 732.914(2)(a), Florida Statutes; deleting the provision for a document making an anatomical gift to be a card carried on the person; amending s. 732.915, Florida Statutes; providing for filing of donor registration cards with the Department of Highway Safety and Motor Vehicles; amending ss. 732.916(1), 732.917(1), Florida Statutes; limiting their application to gifts made under certain programs; amending s. 732.921(1), (2), Florida Statutes, and adding subsection (4) to said section; requiring the Department of Highway Safety and Motor Vehicles and the Department of Health and Rehabilitative Services to develop and implement a donor program; providing for promulgation of administrative rules; providing for an educational project; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote CS for SB 954 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnston	Neal
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Langley	Rehm
Carlucci	Grant	Malchon	Scott
Castor	Grizzle	Mann	Stuart
Childers, D.	Hair	Margolis	Thomas
Childers, W. D.	Henderson	Maxwell	Thurman
Crawford	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Gersten

On motion by Senator Frank, the rules were waived and CS for SB 954 was ordered immediately certified to the House.

HB 185—A bill to be entitled An act relating to the Career Service System; adding paragraph (s) to s. 110.205(2), Florida Statutes, 1982 Supplement, exempting the Capitol Curator from the Career Service System; providing for the salary of the Capitol Curator; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 1, line 10, insert:

Section 1. Subsection (8) is added to section 110.123, Florida Statutes, to read:

110.123 State group insurance program.—

(8) *The Legislature may provide coverage for its members and employees under all or any part of the state group insurance program; may provide coverage for its members and employees under a legislative group insurance program in lieu of all or any part of the state group insurance program; and, notwithstanding the provisions of paragraph (4)(c), may assume the cost of any group insurance coverage provided to its members and employees.*

(Renumber subsequent sections.)

Amendment 2—On page 1, strike all of line 22 and insert:

Section 2. Section 110.128, Florida Statutes, is created to read:

110.128 Service awards.—Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such service, not to cost in excess of \$25 each; and to award suitable framed certificates, pins or other tokens of recognition to state employees who have achieved increments of 5 continuous years of satisfactory service in the agency, in appreciation and recognition of such service, not to cost in excess of \$10 each.

Section 3. This act shall take effect July 1, 1983.

Amendment 3—In title, on page 1, strike line 2 and insert: An act relating to public officers and employees; adding s. 110.123(8), Florida Statutes; providing for group insurance for members and employees of the Legislature;

Amendment 4—In title, on page 1, strike line 7 and insert: Curator; adding section 110.128, Florida Statutes, authorizing department heads to make service recognition, retirement, and sustained performance awards to state employees; providing an effective date.

On motion by Senator Gersten, by two-thirds vote HB 185 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Johnston	Plummer
Barron	Girardeau	Kirkpatrick	Rehm
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Castor	Grizzle	Mann	Thomas
Childers, D.	Hair	Maxwell	Thurman
Childers, W. D.	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	
Frank	Jennings	Neal	

Nays—None

On motion by Senator Gersten, the rules were waived and HB 185 was ordered immediately certified to the House.

On motions by Senator Gordon, the rules were waived and by two-thirds vote HB 288 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Finance, Taxation and Claims.

On motion by Senator Gordon—

HB 288—A bill to be entitled An act relating to municipal resort tax; amending s. 2 of chapter 67-930, Laws of Florida, as amended, relating to the levy of said tax in cities and towns in counties of the state having a population of not less than 330,000 and not more than 340,000 and counties having a population of more than 900,000; deleting the deadline for referendum approval of an increase in said tax applicable to the rental of hotel, motel, and similar rooms; authorizing an additional increase; providing an effective date.

—a companion measure, was substituted for SB 632 and read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 288 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnston	Plummer
Barron	Gersten	Kirkpatrick	Rehm
Beard	Girardeau	Malchon	Scott
Carlucci	Gordon	Mann	Stuart
Castor	Grant	Margolis	Thomas
Childers, D.	Grizzle	Maxwell	Thurman
Childers, W. D.	Hair	McPherson	Vogt
Crawford	Henderson	Meek	Weinstein
Dunn	Hill	Myers	
Fox	Jennings	Neal	

Nays—1

Langley

SB 632 was laid on the table.

On motions by Senator Grant, the rules were waived and by two-thirds vote HB 446 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Grant—

HB 446—A bill to be entitled An act relating to saltwater fisheries; creating s. 370.158, Florida Statutes, prohibiting shrimping in a described area in Taylor County; providing exceptions; providing a penalty; providing an effective date.

—a companion measure, was substituted for SB 1025 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 446 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnston	Neal
Barron	Gersten	Kirkpatrick	Plummer
Beard	Girardeau	Langley	Rehm
Carlucci	Grant	Malchon	Scott
Castor	Grizzle	Mann	Stuart
Childers, D.	Hair	Margolis	Thomas
Childers, W. D.	Henderson	Maxwell	Thurman
Crawford	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	

Nays—None

SB 1025 was laid on the table.

SB 411—A bill to be entitled An act relating to county hospitals; adding s. 155.40(3), Florida Statutes, 1982 Supplement; providing that the governing board of certain hospitals may be abolished and a new board established under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote SB 411 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Jennings	Plummer
Barron	Gersten	Johnston	Rehm
Beard	Girardeau	Kirkpatrick	Scott
Carlucci	Gordon	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	McPherson	Vogt
Crawford	Henderson	Meek	Weinstein
Dunn	Hill	Myers	
Fox	Jenne	Neal	

Nays—None

CS for SB's 686 and 455—A bill to be entitled An act relating to patient records; amending ss. 455.241, 395.017(3), Florida Statutes, 1982 Supplement; providing that medical records may be furnished to certain persons in specified circumstances; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator Hair:

Amendment 1—On page 3, line 4, after "patient," insert: *for administrative purposes,*

Senator Hair moved the following substitute amendment which was adopted:

Amendment 2—On page 3, line 4, after "patient" insert: *or to hospital personnel only for internal hospital administrative purposes associated with the treatment*

Pending further consideration of CS for SB's 686 and 455 as amended, on motions by Senator Hair, the rules were waived and by two-thirds vote HB 1127 was withdrawn from the Committees on Health and Rehabilitative Services, Judiciary-Civil and Governmental Operations.

On motion by Senator Hair—

HB 1127—A bill to be entitled An act relating to patient records; amending s. 395.017(3), Florida Statutes, 1982 Supplement, providing for disclosure of a patient's medical records under certain conditions; providing an effective date.

—a companion measure, was substituted for CS for SB's 686 and 455, as amended, and read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Section 455.241, Florida Statutes, 1982 Supplement, is amended to read:

455.241 Patient records; copies of records to be furnished.—

(1) Any health care practitioner licensed pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, or chapter 474 making a physical or mental examination of, or administering treatment to, any person shall, upon request of such person or his legal representative, furnish copies of all reports made of such examination or treatment. The furnishing of such copies shall not be conditioned upon payment of a disputed fee for services rendered.

(2) Such records shall not be furnished to any person other than the patient or his legal representative, except upon written authorization of the patient. However, ~~Nothing shall prevent the furnishing of such records may be furnished without written authorization to any person, firm, or corporation which, with the patient's consent,~~ has procured or furnished such examination or treatment *with the patient's consent* or when compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical record shall be furnished to both the defendant and the plaintiff. *Such records may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice by the party seeking such records to the patient or his legal representative.* The Department of Professional Regulation may obtain patient records pursuant to a subpoena without written authorization from the patient if the department and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of s. 458.331(1)(q), s. 459.015(1)(q), s. 461.013(1)(p), s. 466.028(1)(q), s. 474.214(1)(z), or s. 474.214(1)(aa); but the patient record obtained by the department pursuant to this subsection shall be used solely for the purpose of the department and board in disciplinary proceedings. The record shall otherwise be sealed and shall not be available to the public pursuant to the provisions of s. 119.07 or any other statute providing access to public records. Nothing in this section shall be construed to limit the psychotherapist-patient privilege of a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency.

Section 2. Subsection (3) of section 395.017, Florida Statutes, 1982 Supplement, is amended to read:

395.017 Patient records; copies; examination.—

(3) Patient records shall have a privileged and confidential status and shall not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to hospital personnel for use in connection with the treatment of the patient, *or to hospital personnel only for internal hospital administrative purposes associated with the treatment or in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice by the party seeking such records to the patient or his legal representative.* ~~upon the order of a court of competent jurisdiction upon application therefor showing good cause.~~

Section 3. This act shall take effect October 1, 1983.

Amendment 2—In title, on page 1, strike all of lines 1-6 and insert: A bill to be entitled An act relating to patient records; amending ss. 455.241, 395.017(3), Florida Statutes, 1982 Supplement; providing that medical records may be furnished to certain persons in specified circumstances; providing an effective date.

On motion by Senator Hair, by two-thirds vote HB 1127 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Jennings	Neal
Barron	Gersten	Johnston	Rehm
Beard	Girardeau	Kirkpatrick	Scott
Carlucci	Gordon	Langley	Thomas
Castor	Grant	Malchon	Thurman
Childers, D.	Grizzle	Mann	Vogt
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Henderson	Maxwell	
Dunn	Hill	McPherson	
Fox	Jenne	Myers	

Nays—None

CS for SB's 686 and 455 was laid on the table.

CS for SB 405—A bill to be entitled An act relating to insurance agents; amending s. 626.733, Florida Statutes, 1982 Supplement; allowing an insurance company to exclude certain persons from licensing requirements; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote CS for SB 405 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Plummer
Carlucci	Gordon	Langley	Rehm
Castor	Grant	Malchon	Scott
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Henderson	Maxwell	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein

Nays—None

SB 603—A bill to be entitled An act relating to public officers and employees; amending s. 112.08(1), Florida Statutes; authorizing local governmental units to provide legal expense insurance for officers and employees and their dependents; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote SB 603 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Plummer
Carlucci	Gordon	Langley	Rehm
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Hill	McPherson	Weinstein
Fox	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Scott

SB 1050—A bill to be entitled An act relating to community redevelopment; amending s. 163.356(2), Florida Statutes; specifying membership of a community redevelopment agency; amending s. 163.357(1), Florida Statutes; authorizing the governing body of a county or municipality which declares itself to be the community redevelopment agency to appoint additional members to the agency in certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 1050 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Jenne	Meek
Barron	Frank	Jennings	Myers
Beard	Gersten	Johnston	Neal
Carlucci	Girardeau	Kirkpatrick	Rehm
Castor	Gordon	Langley	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	Maxwell	Vogt
Dunn	Henderson	McPherson	Weinstein

Nays—None

Vote after roll call:

Yea—Scott

SB 409—A bill to be entitled An act relating to motor vehicle titles; amending s. 319.23(8), Florida Statutes, 1982 Supplement, and adding subsection (11) thereto, requiring an odometer reading on the certificate of title; providing a definition; providing for a 3-year phase in for the capture of odometer readings on titles; amending s. 319.35, Florida Statutes, 1982 Supplement, providing penalties for providing false odometer readings; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 15, strike everything after the enacting clause and insert:

Section 1. Subsection (5) is added to section 319.22, Florida Statutes, 1982 Supplement, to read:

319.22 Transfer of title.—

(5) Each certificate of title shall contain a labeled place for the odometer reading to be indicated. No notary public shall notarize a title transfer until the seller properly indicates the odometer reading, if a labeled place is provided on the certificate of title. No title shall be accepted for transfer by any county tax collector or other agent of the state unless the odometer reading is entered in the appropriately labeled place on the certificate of title by the seller, if a labeled place is provided.

Section 2. Subsection (3) of section 319.23, Florida Statutes, 1982 Supplement, is amended to read:

319.23 Application for, and issuance of, certificate of title.—

(3) If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the law of the state or country from which the motor vehicle or mobile home was brought into this state. The application shall also be accompanied by either:

(a) A sworn affidavit from the seller and purchaser verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle; or

(b) An appropriate departmental form evidencing that a physical examination has been made of the motor vehicle by the owner and by a duly constituted law enforcement officer in any state, a licensed motor vehicle dealer, a license inspector as provided by s. 320.58, or a notary public commissioned by the State of Florida and that the vehicle identification number shown on such form is identical to the vehicle identification number shown on the motor vehicle; and

(c) If the vehicle is a used car original, a sworn affidavit from the owner verifying that the odometer reading shown on the affidavit is identical to the odometer reading shown on the motor vehicle at the time that application for title is made. For the purposes of this section, the term "used car original" means a used vehicle coming into and being titled in Florida for the first time.

Section 3. Subsection (1) of section 319.35, Florida Statutes, 1982 Supplement, is amended to read:

319.35 Unlawful acts in connection with motor vehicle odometer readings; penalties.—

(1)(a) It is unlawful for any person knowingly to tamper with, adjust, alter, set back, disconnect, or fail to connect an odometer of a motor vehicle, or to cause any of the foregoing to occur to an odometer of a motor vehicle, so as to reflect a lower mileage than the motor vehicle has actually been driven, or to supply any written odometer statement knowing such statement to be false or based on mileage figures reflected by an odometer that has been so tampered with or altered, except as hereinafter provided. It is unlawful for any person to knowingly bring into this state a motor vehicle which has an odometer that has been illegally altered.

(b) It is unlawful for any person to knowingly provide false information on odometer readings pursuant to the requirements of ss. 319.22(5) and 319.23(3)(c).

Section 4. This act shall take effect March 1, 1984, provided, however, that the Department of Highway Safety and Motor Vehicles may issue certificates of title containing a labeled place for the odometer reading prior to the effective date.

Senator Jennings moved the following amendment which was adopted:

Amendment 2—On page 2, strike line 25 and insert: *titled in Florida for the first time.*

Verification of the vehicle identification number shall not be required for any new motor vehicle sold in this state by a licensed motor vehicle dealer; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth wheel recreation trailer.

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

Amendment 3—In title, on page 1, line 11, strike everything before the enacting clause and insert: A bill to be entitled An act relating to motor vehicle titles; adding subsection (5) to s. 319.22, Florida Statutes, 1982 Supplement; requiring title certificates to contain a labeled space for the odometer reading; precluding notarization of a title transfer and acceptance of a title for transfer by the tax collector until the odometer reading is properly entered by the seller; amending s. 319.23(3), Florida Statutes, 1982 Supplement; requiring the owner of a used car original, as defined, to verify the odometer reading on a sworn affidavit accompanying the title application; amending s. 319.35(1), Florida Statutes, 1982 Supplement; specifying penalties for providing false odometer readings; providing an effective date and an exception thereto.

Pending further consideration of SB 409 as amended, on motion by Senator Jennings, by two-thirds vote HB 158 was withdrawn from the Committee on Transportation.

On motion by Senator Jennings—

HB 158—A bill to be entitled An act relating to motor vehicle titles; creating s. 319.22(5), Florida Statutes, 1982 Supplement, requiring an odometer reading on the certificate of title, amending s. 319.23, Florida Statutes, 1982 Supplement, requiring an affidavit verifying odometer readings for used car originals, providing a definition; amending s. 319.35, Florida Statutes, 1982 Supplement, providing penalties for providing false odometer readings, providing an effective date.

—a companion measure, was substituted for SB 409. On motions by Senator Jennings, by two-thirds vote HB 158 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Plummer
Barron	Girardeau	Langley	Rehm
Beard	Gordon	Malchon	Scott
Carlucci	Grant	Mann	Stuart
Castor	Grizzle	Margolis	Thomas
Childers, D.	Hair	Maxwell	Thurman
Childers, W. D.	Henderson	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnston	Neal	

Nays—None

SB 409 was laid on the table.

SB 533—A bill to be entitled An act relating to corporations not for profit; amending s. 617.041(1), Florida Statutes, 1982 Supplement; providing for quorum, voting, and notice requirements; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 13-25 and insert:

(1) *The quorum and voting requirements for meetings and activities of the membership and notice requirements sufficient to provide notice of meetings and activities of the membership may be provided by the articles of incorporation or by the bylaws of the corporation. If such requirements are not established by the articles of incorporation or by the corporation's bylaws, then the provisions of chapter 607 relating to meetings and activities of shareholders shall apply to meetings and activities of members of not-for-profit corporations not for profit to the extent that such provisions are consistent with the provisions of this chapter. Applicable sections include but are not limited to: ss. 607.084, 607.094, 607.101, 607.301, and 607.394. This subsection shall not apply to any condominium association organized pursuant to chapter 718.*

Amendment 2—On page 1, line 26, strike "October 1, 1983" and insert: upon becoming law

Senator Johnston moved the following amendment which was adopted:

Amendment 3—On page 1, line 23, after the period (.) insert: *The articles of incorporation or bylaws of any corporation not for profit which maintains chapters or affiliates may grant representatives of such chapters or affiliates the right to vote in conjunction with the corporation's board of directors without regard to the quorum requirements of chapter 607, provided said corporation not for profit is registered with the Department of State pursuant to chapter 196, Florida Statutes, Solicitation of Charitable Funds Act.*

On motion by Senator Johnston, by two-thirds vote HB 947 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Johnston—

HB 947—A bill to be entitled An act relating to not for profit corporations; amending s. 617.041(1), Florida Statutes, 1982 Supplement, relating to quorum, voting and notice requirements for membership meetings and activities; providing an effective date.

—a companion measure, was substituted for SB 533. On motions by Senator Johnston, by two-thirds vote HB 947 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Johnston	Rehm
Barron	Gersten	Langley	Scott
Beard	Girardeau	Malchon	Stuart
Carlucci	Gordon	Mann	Thomas
Castor	Grant	Margolis	Thurman
Childers, D.	Grizzle	Maxwell	Vogt
Childers, W. D.	Hair	McPherson	Weinstein
Crawford	Henderson	Meek	
Dunn	Jenne	Myers	
Fox	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 533 was laid on the table.

On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote HB 391 was withdrawn from the Committees on Commerce and Judiciary-Civil.

On motion by Senator Kirkpatrick—

HB 391—A bill to be entitled An act relating to fire prevention and control; amending s. 633.175, Florida Statutes, expanding provisions relating to the release to the State Fire Marshal and law enforcement agencies of certain information relating to the investigation of fraudulent insurance claims; deleting a limitation upon immunity from liability for persons furnishing such information; providing limitations upon the confidentiality of such information; providing an effective date.

—a companion measure, was substituted for SB 606.

On motions by Senator Kirkpatrick, by two-thirds vote HB 391 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Kirkpatrick	Rehm
Barron	Gersten	Langley	Scott
Beard	Girardeau	Malchon	Stuart
Carlucci	Grant	Mann	Thomas
Castor	Grizzle	Margolis	Thurman
Childers, D.	Hair	Maxwell	Vogt
Childers, W. D.	Henderson	McPherson	Weinstein
Crawford	Jenne	Meek	
Dunn	Jennings	Myers	
Fox	Johnston	Neal	

Nays—None

SB 606 was laid on the table.

On motions by Senator Langley, the rules were waived and by two-thirds vote HB 1096 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Langley—

HB 1096—A bill to be entitled An act relating to chiropractic; adding paragraphs to s. 460.413(1), Florida Statutes, providing additional grounds for disciplinary action; providing an effective date.

—a companion measure, was substituted for SB 804 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 1096 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnston	Neal
Barron	Gersten	Kirkpatrick	Plummer
Beard	Girardeau	Langley	Rehm
Carlucci	Gordon	Malchon	Stuart
Castor	Grant	Mann	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Henderson	Maxwell	Vogt
Crawford	Hill	McPherson	Weinstein
Dunn	Jenne	Meek	
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Scott

SB 804 was laid on the table.

CS for SB's 493, 518, and 714—A bill to be entitled An act relating to precious metals; providing definitions; requiring maintenance of records; requiring a dealer to retain possession of all precious metals purchased for a specified period; requiring periodic inspection of premises and records of dealers by local law enforcement officers; restricting purchase of precious metals from persons under a specified age; providing penalties; amending ss. 812.049, 812.051, Florida Statutes; deleting references to precious metals; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 3, lines 24 and 25, strike "excluding state holidays and weekends,"

Amendment 2—On page 4, line 10, after the period (.) insert: a new subsection 9

(9) Nothing in this section shall preclude political subdivisions of the state and municipalities from enacting laws more restrictive than the provisions of this section.

Amendment 3—On page 6, strike all of lines 2-4 and insert:

(2) *The premises and required records shall be subject to inspection during regular business hours by the sheriff of the county and the municipal police department of the municipality and shall be preserved for a period of 1 year after purchase. The records shall at all times be subject to inspection by all law enforcement officers and shall be preserved for a period of 3 years after purchase.*

On motions by Senator Malchon, by two-thirds vote CS for HB 303 was withdrawn from the Committees on Commerce, Judiciary-Civil and Appropriations.

On motion by Senator Malchon—

CS for HB 303—A bill to be entitled An act relating to precious metals; providing definitions; requiring maintenance of records; requiring a dealer to retain possession of all precious metals purchased for a specified period; requiring periodic inspection of premises and records of dealers by local law enforcement officers; restricting purchase of precious metals from persons under a specified age; providing penalties; amending ss. 812.049, 812.051, Florida Statutes; deleting references to precious metals; providing an effective date.

—a companion measure, was substituted for CS for SB's 493, 518 and 714. On motions by Senator Malchon, by two-thirds vote CS for HB 303 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fox	Johnston	Myers
Barron	Frank	Kirkpatrick	Plummer
Beard	Grant	Langley	Stuart
Carlucci	Grizzle	Malchon	Thomas
Castor	Hair	Mann	Thurman
Childers, D.	Henderson	Margolis	Vogt
Childers, W. D.	Hill	Maxwell	Weinstein
Crawford	Jenne	McPherson	
Dunn	Jennings	Meek	

Nays—1

Scott

Vote after roll call:

Yea—Rehm

CS for SB's 493, 518 and 714 was laid on the table.

On motion by Senator Grant, by two-thirds vote HB 463 was withdrawn from the Committee on Education.

On motion by Senator Grant—

HB 463—A bill to be entitled An act relating to education; creating s. 232.0316, Florida Statutes, providing for district school personnel to assist students in the administration of prescribed medications under certain circumstances; providing for training of school personnel and adoption of school board policies and procedures; requiring written parental permission to include an explanation of the necessity for the medication; requiring proper storage of prescribed medications; removing liability; providing an effective date.

—a companion measure, was substituted for CS for SB's 672, 943 and 1147 and read the second time by title.

Senators Grant, Frank and Mann offered the following amendments which were moved by Senator Mann and adopted:

Amendment 1—On page 1, line 17, strike everything after the enact-ing clause and insert:

Section 1. Section 232.0316, Florida Statutes, is created to read:

232.0316 Administration of medication by school district person-nel.—

(1) Notwithstanding the provisions of the Nurse Practice Act, chapter 464, school district personnel shall be authorized to assist students in the administration of prescription medication when the following conditions have been met:

(a) Each district school board shall include in its approved school health services plan a procedure to provide training to the school personnel designated by the principal to assist students in the administration of prescribed medication.

(b) Each district school board shall adopt policies and procedures governing the administration of prescription medication by school district personnel. The policies and procedures shall include, but not be limited to, the following provisions:

1. For each prescribed medication, the student's parent or guardian shall provide to the school principal a written statement which shall grant the principal or his designee the permission to assist in the administration of each prescribed medication and which shall explain the necessity for the prescribed medication to be provided during the school day, including when the student is away from school property on official school business. The school principal or his trained designee shall assist the student in the administration of such medication.

2. All prescribed medications to be administered by school personnel shall be received and stored in original containers. When the medication is not in use, it shall be stored in its original container in a secure fashion under lock and key in a location designated by the principal.

(2) No act or omission committed in good faith while administering any medication according to the stipulations of this section shall impose any liability upon the person administering the medication, the principal, the school, or district school board, or upon a state, county, city or other local government unit or its employees.

Section 2. This act shall take effect July 1, 1983.

Amendment 2—In title, on page 1, strike all of lines 1-13 and insert: A bill to be entitled An act relating to education; creating s. 232.0316, Florida Statutes, providing for district school personnel to assist students in the administration of prescribed medications under certain circumstances; providing for training of school personnel and adoption of school board policies and procedures; requiring written parental permission to include an explanation of the necessity for the medication; requiring proper storage of prescribed medications; removing liability; providing an effective date.

On motion by Senator Mann, by two-thirds vote HB 463 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Jennings	Rehm
Barron	Gersten	Johnston	Scott
Beard	Girardeau	Kirkpatrick	Stuart
Carlucci	Gordon	Langley	Thomas
Castor	Grant	Mann	Thurman
Childers, D.	Grizzle	Margolis	Vogt
Childers, W. D.	Hair	Meek	Weinstein
Crawford	Henderson	Myers	
Dunn	Hill	Neal	
Fox	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—McPherson

CS for SB's 672, 943 and 1147 was laid on the table.

CS for SB 916—A bill to be entitled An act relating to the tax on sales, use and other transactions; amending s. 212.08(7)(c), Florida Statutes, 1982 Supplement; including certain organizations within the definitions of charitable institutions or veterans organizations; providing the Department of Revenue with authority to review and renew or revoke certain sales tax exemptions; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

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

Section 1. Paragraphs (a) and (c) of subsection (7) of section 212.08, Florida Statutes, 1982 Supplement, 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.—

(a) Religious, charitable, educational, and veteran.—There shall be exempt from the tax imposed by this chapter articles of tangible personal property sold or leased directly to or by churches or sold or leased to nonprofit religious, nonprofit educational, or nonprofit charitable institutions and state headquarters for veterans' organizations and state headquarters of their auxiliaries when used in carrying on their customary nonprofit religious, nonprofit educational, nonprofit charitable, or veterans' organization activities, including church cemeteries. *If a qualified veteran organization or its auxiliary does not maintain a permanent state headquarters, then articles of tangible personal property sold or leased to such organization and used to maintain the office of the highest ranking state official shall be exempt from the tax imposed by this chapter.*

(c) Restrictive definitions.—The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

1. "Religious institutions" means churches and established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on.

2. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Secondary Schools, Department of Education, or the Florida Council of Independent Schools. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit corporations whose purpose is to raise funds for colleges and universities located in this state.

3. "Charitable institutions" means only:

a ~~Nonprofit corporations providing operating physical facilities in Florida at which are provided~~ charitable services, a reasonable percentage of which shall be provided without cost to those unable to pay; and qualified as charitable organizations under s. 501(c)(3), United States Internal Revenue Code, 1954 as amended; and

b. Nonprofit organizations, nonprofit associations, or other nonprofit entities whose sole or primary function is providing, or serving, one or more of the following charitable services or purposes.

(I) Providing medical aid for the relief of disease, injury, or disability, a reasonable percentage of which aid must be rendered without cost to those unable to pay;

(II) Providing on a regular basis physical necessities such as foods, clothing, or shelter, a reasonable percentage of which must be without cost to those unable to pay;

(III) Engaging in activities which contribute to the development of good character, good sportsmanship, or moral improvement or to the cultural development of minors in this state, a reasonable percentage of which shall be provided without charge to those unable to pay;

(IV) Providing telephone or personal counseling or referral services to the poor or services which provide for the prevention or rehabilitation of alcoholism, drug abuse, the prevention of suicides, or the alleviation of mental health problems, a reasonable percentage of which are provided without cost to those unable to pay;

(V) Engaging primarily in medical research for the relief of disease, injury, or disability; or

(VI) Providing legal services, a reasonable percentage of which are provided without cost to those unable to pay.

Any nonprofit organization, nonprofit association, or other nonprofit entity whose sole or primary function is raising funds which are distributed to any organization providing charitable services or serving a charitable purpose as described in this subparagraph shall be deemed to be serving a charitable purpose. Nonprofit corporations or nonprofit organizations operating hospitals in Florida shall not be required to be classified under the Internal Revenue Code as a s. 501(c)(3) organization in order to obtain the exemption provided herein.

4. "Veterans' organizations" means nationally chartered veterans' organizations and their auxiliary and nationally recognized veterans' organizations and their auxiliary holding a current exemption from federal income tax under s. 501(c)(19) or s. 501(c)(4) of the Internal Revenue Code, or, in the case of the Disabled American Veterans, Department of Florida, Inc., and its auxiliaries, under s. 501(c)(4) of said code.

5. The Department of Revenue may adopt rules providing for the review and renewal or revocation of exemptions granted to religious, educational, or charitable institutions hereunder within 5 years from the date the exemption was established by the department. Such rules shall provide procedures which allow an organization whose exemption is proposed to be revoked by the department a period of 6 months before the revocation shall become effective to correct any operational deficiencies determined by the department to exist.

a. Any institution whose exemption is revoked by the department shall be subject to any tax, penalty, or interest due under this chapter only after the effective date of the revocation.

b. Any institution whose qualification for exemption under s. 501(c)(3), Internal Revenue Code, 1954, as amended, is revoked by the Internal Revenue Service and which has used such qualification as the basis for exemption under this subsection, shall notify the Department of Revenue of the revocation within 30 days and shall provide to the department the facts and circumstances surrounding the revocation.

c. All exemptions which have been heretofore granted by the department under this subsection may be reviewed and renewed or revoked after the effective date of this act

Section 2. This act shall take effect October 1, 1983.

Amendment 2—In title, on page 1, line 3, strike "s. 212.08(7)(c)," and insert: s. 212.08(7)(a), (c),

On motion by Senator Margolis, by two-thirds vote CS for SB 916 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Jenne	Myers
Barron	Gersten	Jennings	Neal
Beard	Girardeau	Langley	Plummer
Carlucci	Gordon	Malchon	Rehm
Childers, D.	Grant	Mann	Scott
Childers, W. D.	Grizzle	Margolis	Stuart
Crawford	Hair	Maxwell	Thurman
Dunn	Henderson	McPherson	Vogt
Fox	Hill	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1163—A bill to be entitled An act relating to the creation of mobile home park recreation districts; providing procedures for the creation of such districts; providing for membership, duties, and terms of office of the governing body of a district; providing power of the district, including the power to levy and assess special assessments and issue bonds; providing for abolishment of the districts; providing an effective date.

—was read the second time by title.

Senator Maxwell moved the following amendments which were adopted:

Amendment 1—On page 7, line 21, strike "limited to" and insert: extended to the general public as well as

Amendment 2—On page 7, line 19, after "collect" insert: reasonable

On motion by Senator Maxwell, by two-thirds vote CS for SB 1163 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Fox	Henderson	McPherson
Barron	Frank	Hill	Meek
Beard	Gersten	Jenne	Myers
Carlucci	Girardeau	Jennings	Neal
Castor	Gordon	Johnston	Plummer
Childers, W. D.	Grant	Langley	Scott
Crawford	Grizzle	Malchon	Vogt
Dunn	Hair	Maxwell	Weinstein

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Rehm

SB 880—A bill to be entitled An act relating to vessels; adding subsections (6), (7), and (8) to s. 328.07, Florida Statutes, requiring manufacturers of vessels for sale in Florida to have hull identification numbers displayed; requiring certain manufacturers to include secondary hull identification numbers; prohibiting duplicate numbers; creating s. 328.135, Florida Statutes, prohibiting the duplication of a manufactured vessel hull, or component parts of a vessel, by the direct molding process without the written consent of the manufacturer; prohibiting the knowing sale of such illegally produced hulls or vessel parts; providing for the application of the section; providing for injunctive relief; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 20 and 21, insert:

Section 1. Section 327.10, Florida Statutes, is amended to read:

327.10 Operation of unnumbered vessels prohibited.—Every vessel which is required to be registered and which is using the waters of this state shall be registered and numbered within 10 days after purchase by the owner except as specifically exempt. No person shall operate or give permission for the operation of any such vessel on such waters unless such vessel is registered within 10 days after purchase by the owner and numbered with the identifying number set forth in the certificate of registration, displayed on each side of the bow of such vessel, *except, if the vessel is an airboat, the registration number may be displayed on each side of the rudder*, or in accordance with applicable federal law or with a federally approved numbering system of another state, and unless the certificate of number awarded to such vessel is in full force and effect.

Section 2. Subsection (5) of section 327.11, Florida Statutes, 1982 Supplement, is amended to read:

327.11 Application, certificate, number, decal, duplicate certificate.—

(5) Each certificate of registration issued shall state among other items the numbers awarded to the boat, the hull identification number or hull serial number, the name and address of the owner, and a description of the boat, except that certificates of registration for boats constructed or assembled by the owner registered for the first time shall state all the foregoing information except the hull identification number or hull serial number. The numbers shall be placed on each side of the forward half of the vessel in such position as to provide clear legibility for identification, *except, if the vessel is an airboat, the numbers may be placed on each side of the rudder*. The numbers awarded to the boat shall read from left to right and shall be in block characters of good proportion not less than 3 inches in height. The numbers shall be of a solid color which will contrast with the color of the background and shall be so maintained as to be clearly visible and legible; i.e., dark numbers on a light background or light numbers on a dark background. The certificate of registration shall be pocket-sized and shall be available for inspection on the boat for which issued whenever such boat is in operation.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 19, after the colon (:): insert:

Section 1. Section 328.08, Florida Statutes, is created to read:

328.08 OUTBOARD BOAT MOTORS, IDENTIFICATION NUMBERS.—

(1) Any outboard boat motor manufactured after July 1, 1984 for sale in the State of Florida shall have the serial number of the motor permanently stamped at a location directly under the serial number plate. In addition, a confidential serial number shall be placed at another location on the motor. Any person, firm or corporation who sells or offers for sale any outboard boat motor manufactured after July 1, 1984, which does not comply with this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, or s. 775.083.

(2) Any person who possesses any outboard boat motor with the knowledge that the serial number required in section (1) of this law has been removed, erased, defaced, or otherwise altered to prevent identification is guilty of a felony of the third degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.

Section 2. Section 812.055, Florida Statutes, is amended to read:

812.055 Physical Inspection of junkyards, scrap metal processing plants, salvage yards, licensed motor vehicle or vessel dealers, repair shops, parking lots, public garages.—

(1) Any law enforcement officer shall have the right to inspect any junkyard, scrap metal processing plant, motor vehicle or vessel salvage yard, licensed motor vehicle or vessel dealer's lot, motor vehicle, vessel, or outboard repair shop, parking lot, public garage, or other establishment dealing with salvaged motor vehicle, vessel or outboard parts.

(2) Such physical inspection shall be conducted during normal business hours and shall be for the purpose of locating stolen vehicles, vessels, or outboard motors, investigating the titling and registration of vehicles or vessels, inspecting vehicles, vessels, or outboard motors wrecked or dismantled, or inspecting records required in s. 319.30.

Section 3. This act shall take effect July 1, 1983, except that Section 1 of this act shall take effect July 1, 1984.

Amendment 3—On page 3, line 4, strike "injured by a" and insert: *who suffers injury or damage as the result of a*

Amendment 4—On page 3, line 7, strike "the injured" and insert: *such*

Amendment 5—In title, on page 1, line 2, after "vessels" insert: ; amending s. 327.10, Florida Statutes, 1982 Supplement; allowing registration numbers for airboats to be placed on the rudder; providing penalties; creating s. 328.08, Florida Statutes, requiring manufacturers identification numbers; requiring confidential identification numbers; providing a penalty; amending s. 812.055, Florida Statutes, authorizing law enforcement inspection of certain establishments for stolen vessels or outboard motors;

Pending further consideration of SB 880 as amended, on motion by Senator McPherson, the rules were waived and by two-thirds vote HB 685 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator McPherson—

HB 685—A bill to be entitled An act relating to vessels; amending s. 327.10, Florida Statutes, and s. 327.11(5), Florida Statutes, 1982 Supplement; allowing registration numbers for airboats to be placed on the rudder; providing penalties; creating s. 328.08, Florida Statutes, requiring manufacturers identification numbers; requiring confidential identification numbers; providing a penalty; amending s. 812.055, Florida Statutes, authorizing law enforcement inspection of certain establishments for stolen vessels or outboard motors; adding subsections (6), (7), and (8) to s. 328.07, Florida Statutes, requiring manufacturers of vessels for sale in Florida to have hull identification numbers displayed; requiring certain manufacturers to include secondary hull identification numbers; prohibiting duplicate numbers; creating s. 328.135, Florida Statutes, prohibiting the duplication of a manufactured vessel hull, or component parts of a vessel, by the direct molding process without the written consent of the manufacturer; prohibiting the knowing sale of such illegally produced hulls or vessel parts; providing for the application of the section; providing for injunctive relief; providing an effective date.

—a companion measure, was substituted for SB 880 and read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 685 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Jennings	Plummer
Barron	Gersten	Johnston	Scott
Beard	Girardeau	Kirkpatrick	Stuart
Carlucci	Gordon	Langley	Thomas
Castor	Grant	Malchon	Thurman
Childers, D.	Grizzle	Maxwell	Vogt
Childers, W. D.	Hair	McPherson	Weinstein
Crawford	Henderson	Meek	
Dunn	Hill	Myers	
Fox	Jenne	Neal	

Nays—None

Vote after roll call:

Yea—Rehm

SB 880 was laid on the table.

On motions by Senator Meek, by two-thirds vote HB 89 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Appropriations.

On motion by Senator Meek—

HB 89—A bill to be entitled An act relating to disabled veterans; amending ss. 196.081(1) and (2), 295.016(1), 295.16, and 322.21(7), Florida Statutes, adding a new subsection (2) to s. 320.084, Florida Statutes, and amending ss. 295.01 and 372.57(4)(e), Florida Statutes, 1982 Supplement; providing that valid identification cards issued in accordance with the provisions of s. 295.17, Florida Statutes, shall be accepted by agencies of state and local governments as proof of eligibility for benefits provided by state law for 100-percent service-connected totally and permanently disabled veterans; providing an exception; providing an effective date.

—a companion measure, was substituted for CS for SB's 640 and 775. On motion by Senator Meek by two-thirds vote HB 89 was read the second time by title.

Senators Meek and Maxwell offered the following amendments which were moved by Senator Maxwell and adopted:

Amendment 1—On page 6, strike line 14 and insert:

Section 8. Paragraph (a) of subsection (4) and subsection (7) of section 196.1975, Florida Statutes, 1982 Supplement, are amended, and subsection (8) of said section is renumbered as subsection (9), and a new subsection (8) is added to said section to read:

196.1975 Additional provisions for exempting property used by homes for the aged.—In addition to criteria for granting exemptions for charitable use of property set forth in other sections of this chapter, homes for the aged shall be exempt to the extent that they meet the following criteria:

(4)(a) After removing the assessed value exempted in subsection (3), homes for the aged shall be deemed to be used for charitable purposes only to the extent that residency in the applicant home is restricted to or occupied by persons who have resided in the applicant home and in good faith made this state their permanent residence ~~as of for 5 years prior to~~ January 1 of the year in which exemption is claimed and who also meet the requirements set forth in one of the following subparagraphs:

1. Persons having a gross income of not more than \$7,200 per year, who are 62 years of age or older.
2. Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.
3. Persons who are totally and permanently disabled and who have gross incomes of not more than \$7,200 per year.
4. Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year, or the surviving spouse thereof, who lived with the deceased at the time of the deceased's death in a home for the aged.

However, the requirement for 5 consecutive years' residence shall not apply to any person who has lived in the home for the aged on or before July 4, 1976, or to nonprofit housing projects which are financed by a mortgage loan made or insured by the U. S. Department of Housing and Urban Development made under s. 202 of the Housing Act of 1959, as amended, or s. 236 or s. 221(d)(3) of the National Housing Act, as the same shall apply to nonprofit rental housing programs for lower-income elderly and handicapped persons; and the income limitations shall not apply to totally and permanently disabled veterans, provided they meet the requirements of s. 196.081.

(7)(a) Each unit or apartment of a home for the aged which is owned and operated by a Florida corporation organized under the provisions of chapter 617 not exempted in subsection (3) or subsection (4), which property is used by such home for the aged for the purposes for which it was organized, shall be exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of \$25,000 \$5,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such home for the aged for the purposes for which it was organized; and

2. Which is occupied, on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his permanent home.

~~(b) However, for each such unit occupied by a person who has been a resident of this state for the 5 consecutive years before an exemption is claimed under paragraph (a), such exemption shall be \$25,000.~~

~~(b)(e)1. Each applicant home for an exemption under paragraph (a) shall file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under that paragraph is claimed, stating that he resides therein and in good faith makes the same his permanent residence.~~

~~2. Each applicant home for the increased exemption under paragraph (b) shall file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which such increased exemption is claimed, stating that he has permanently resided in the state for the 5 consecutive years prior to January 1 of the year in which the exemption is claimed.~~

(8) Homes for the aged, or life care communities, however designated, which are financed through sale of health facilities authority bonds or bonds of any other public entity, whether on a sale-leaseback basis, a sale-repurchase basis, or other financing arrangement, or which are financed without public-entity bonds, shall be exempt from ad valorem taxation only in accordance with the provisions of this section.

Section 9. Section 154.233, Florida Statutes, is hereby repealed.

Section 10. 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 11. This act shall take effect July 1, 1983, except that Section 8 shall apply to assessment rolls for 1983 and each year thereafter.

Amendment 2—In title, on page 1, line 15, after "exceptions;" insert: amending s. 196.1975(4)(a), (7), Florida Statutes, 1982 Supplement; removing five-year durational residency requirement; renumbering existing subsection (8) of said section and adding new subsection (8); specifying that homes for the aged or life care communities financed through sale of health facilities authority or other public-entity bonds or without public-entity bonds shall be exempt from ad valorem taxation only in accordance with said section; repealing s. 154.233, Florida Statutes, relating to tax exemption for certain health facilities;

On motion by Senator Meek, by two-thirds vote HB 89 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Castor	Dunn	Girardeau
Barron	Childers, D.	Fox	Gordon
Beard	Childers, W. D.	Frank	Grant
Carlucci	Crawford	Gersten	Grizzle

Hair	Kirkpatrick	McPherson	Thomas
Henderson	Langley	Meek	Thurman
Hill	Malchon	Myers	Vogt
Jenne	Mann	Neal	Weinstein
Jennings	Margolis	Scott	
Johnston	Maxwell	Stuart	

Nays—None

Vote after roll call:

Yea—Rehm

CS for SB's 640 and 775 was laid on the table.

CS for SB 459—A bill to be entitled An act relating to the Loxahatchee River; creating the Loxahatchee River Wild and Scenic Designation and Preservation Act; providing legislative declarations and intent; providing definitions; designating a portion of the river as a wild and scenic river; providing for development of a management plan; providing for a coordinating council; authorizing the Governor to apply for inclusion of the designated portion of the river in the National Wild and Scenic Rivers System; providing for preservation of existing governmental authority; providing for rules; specifying regulatory and permitting authority; providing for enforcement; providing for injunctions; specifying violations and penalties; providing for repeal; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote CS for SB 459 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Jennings	Neal
Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	

Nays—None

CS for SB 914—A bill to be entitled An act relating to education; amending s. 229.555(2), Florida Statutes; providing criteria for action necessary to carry out the intent of the Legislature for management information systems; adding s. 229.565(2)(h), Florida Statutes; providing criteria for periodic evaluation of data collection and documentation requirements; amending s. 229.8041(1), Florida Statutes; providing a statement of policy to reduce data collection requirements; providing an effective date.

—was read the second time by title. On motion by Senator Neal, by two-thirds vote CS for SB 914 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gordon	Langley	Scott
Beard	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Mann	Thomas
Crawford	Hair	Margolis	Thurman
Dunn	Henderson	Meek	Vogt
Fox	Hill	Myers	Weinstein
Frank	Jenne	Neal	
Gersten	Jennings	Plummer	
Girardeau	Johnston	Rehm	

Nays—None

Vote after roll call:

Yea—Barron, Kirkpatrick

On motion by Senator Vogt, the rules were waived and by two-thirds vote CS for HB 286 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Vogt—

CS for HB 286—A bill to be entitled An act relating to the “Physical Therapy Practice Act”; amending ss. 486.021(2) and 486.091(5), Florida Statutes, redefining the term “physical therapist”; providing that the Board of Medical Examiners may refuse to register or may suspend or revoke the registration of any person who has undertaken to practice physical therapy independently of the instructional directive of a person licensed to practice chiropractic or podiatry; providing an effective date.

—a companion measure, was substituted for CS for SB 474 and read the second time by title. On motion by Senator Vogt, by two-thirds vote CS for HB 286 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Johnston	Plummer
Barron	Girardeau	Kirkpatrick	Rehm
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Castor	Grizzle	Mann	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Henderson	Meek	Vogt
Dunn	Hill	Myers	Weinstein
Fox	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Jenne, McPherson

CS for SB 474 was laid on the table.

On motions by Senator Plummer, by two-thirds vote CS for HB 720 was withdrawn from the Committees on Governmental Operations and Appropriations.

On motion by Senator Plummer—

CS for HB 720—A bill to be entitled An act relating to archives, history, and records management; creating s. 267.0612, Florida Statutes, establishing the Historic Preservation Advisory Council to advise the Division of Archives, History and Records Management of the Department of State in matters related to the preservation and protection of the state’s historic and archaeological sites and properties; providing for appointment, qualifications, terms, meetings, compensation, and organization; providing for staff assistance; providing responsibilities of the council; providing for review and repeal in accordance with the Sundown Act; providing an effective date.

—a companion measure, was substituted for SB 458. On motions by Senator Plummer, by two-thirds vote CS for HB 720 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Plummer
Carlucci	Gordon	Langley	Rehm
Castor	Grant	Malchon	Scott
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Henderson	Maxwell	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein

Nays—None

SB 458 was laid on the table.

On motions by Senator Rehm, by two-thirds vote HB 1077 was withdrawn from the Committees on Governmental Operations and Appropriations.

On motion by Senator Rehm—

HB 1077—A bill to be entitled An act relating to the state communications system; amending s. 287.251, Florida Statutes, 1982 Supplement, providing that municipalities participating in the state long-distance communications system shall pay initial installation charges; deleting references to connection and service charges and equipment costs; amending

s. 287.255(1) and (2), Florida Statutes, 1982 Supplement, clarifying a cost benefit criterion for eligibility to use the system; providing for termination of service under certain circumstances; adding subsection (3) to s. 287.272, Florida Statutes, 1982 Supplement, providing that certain non-profit corporations and certain other nonstate agencies may qualify to use the system; providing an effective date.

—a companion measure, was substituted for SB 757. On motions by Senator Rehm, by two-thirds vote HB 1077 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gersten	Kirkpatrick	Plummer
Barron	Girardeau	Langley	Rehm
Beard	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Crawford	Henderson	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnston	Neal	

Nays—None

Vote after roll call:

Yea—Scott

SB 757 was laid on the table.

CS for SB 292—A bill to be entitled An act relating to banking; amending s. 658.26(2)(a), Florida Statutes, 1982 Supplement; providing that a bank incorporated for less than 2 years may not merge with a bank located in another county; amending s. 658.67, Florida Statutes, 1982 Supplement, providing that a bank may invest in the stock of a subsidiary corporation organized to engage in any activity that is related or incidental to the business of a financial institution; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 30 and 31 and insert:

(f) Engaging in any activity, except those described in section 526.988(1), Florida Statutes, 1982 Supplement, that is related or incidental to the business of a financial institution; or

Amendment 2—In title, on page 1, line 11, after “institution;” insert: specifying exceptions

On motion by Senator Scott, by two-thirds vote CS for SB 292 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Jennings	Neal
Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Grant	Langley	Scott
Castor	Grizzle	Malchon	Stuart
Childers, D.	Hair	Margolis	Thomas
Childers, W. D.	Henderson	Maxwell	Thurman
Crawford	Hill	McPherson	Vogt
Dunn	Jenne	Myers	Weinstein

Nays—None

CS for SB 1119—A bill to be entitled An act relating to security in telecommunications; creating part II of chapter 934, Florida Statutes, consisting of ss. 934.20-934.22, Florida Statutes; providing definitions; authorizing injunctive relief and establishing a private right of action for certain violations relating to the interception and use of certain communications, and relating to the manufacture, possession, and advertising of certain communication interception devices; providing exceptions for interception of certain communications; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendment which was adopted:

Amendment 1—On page 2, strike all of lines 27 and 28 and insert: possessed for purposes of sale, and as appropriate, punitive damages up to \$10,000.

On motion by Senator Dunn, by two-thirds vote CS for SB 1119 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Jennings	Neal
Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Mann	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Crawford	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	

Nays—None

SB 587—A bill to be entitled An act relating to local government financial matters; amending s. 11.45(3)(a), Florida Statutes, and adding paragraphs (f), (g) and (h) to subsection (1) thereof; providing definitions; providing for the discretionary authority of the Auditor General to conduct certain performance audits; requiring certain governmental entities to have annual audits performed; providing that each unit of local government required to have an annual audit performed shall also require the preparation of a management letter to accompany the audit; directing the Auditor General to make certain rules with respect to the form and content of all local governmental entity audits; requiring certain financial audit reports to be submitted for review to the Auditor General within a specified time limit; amending s. 218.32(1)(b), Florida Statutes, providing that local governments shall submit certain financial reports on or before March 31 of each year; amending s. 421.091(1), Florida Statutes, requiring that certain audits under the "Housing Authorities Law" shall be made in accordance with federal audit standards of public housing agencies; repealing s. 166.241(4), Florida Statutes, relating to municipal financial postaudits; repealing s. 218.34(5), Florida Statutes, relating to financial postaudits of special districts; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1—On page 5, line 8 through page 7, line 20, strike all of said lines and insert: willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. If fewer than three firms desire to perform the services, the committee shall recommend such firms as it determines to be qualified.

i. Nothing in this subparagraph shall be construed to prohibit contracts for a period in excess of 1 year.

j. *If the board of county commissioners receives more than one proposal for the same engagement, the board may rank, in order of preference, the firm to perform the engagement. The firm ranked first may then negotiate a contract with the board giving, among other things, a basis of fee for that engagement. Should the board be unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the board shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The board, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. The board of county commissioners shall simultaneously negotiate with the recommended firms for auditing services at compensation which the board determines will be fair, competitive, and reasonable. The board shall also negotiate on the scope and quality of services. In making such determination, the board shall conduct a detailed analysis of*

the cost of the professional services required in addition to considering their scope and complexity. For contracts over \$50,000, the board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that the rates of compensation and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Such certificate shall also contain a description and disclosure of any understanding that places a limit on current or future years' audit contract fees, including any arrangements under which fixed limits on fees will not be subject to reconsideration if unexpected accounting or auditing issues are encountered. Such certificate shall also contain a description of any services rendered by the certified public accountant or firm of certified public accountants at rates or terms that are not customary. Any auditing service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the board determines the contract price was increased due to inaccurate or incomplete factual unit costs. All such contract adjustments shall be made within 1 year following the end of the contract. This sub-subparagraph shall apply to audits covering the 1982-1983 1978-1979 fiscal year, and the procedure in this sub-subparagraph may be used by any county for subsequent audits. *If there is a conflict between this sub-subparagraph and s. 473.317, this sub-subparagraph shall prevail.*

k. Should the board be unable to negotiate a satisfactory contract with any of the selected firms, the committee shall select additional firms, and board shall continue negotiations in accordance with this subsection until an agreement is reached.

l. At the conclusion of the audit field work, the independent certified public accountant shall discuss with the head of each county agency and the chairman of the board of county commissioners or his designee all of the auditor's comments which will be included in the report containing the auditor's comments for the areas within their responsibility. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his office.

m. The officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, shall be filed with the governing body of the county and with the Auditor General within 20 days of the delivery of the financial audit report.

n. The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of *all local governmental entity county* audits. *Said rules shall include, but not be limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergency and Accountability Act, as created by chapter 79-183, Laws of Florida.*

~~o. If there is a conflict between this subparagraph and s. 473.317, this subparagraph shall prevail.~~

The procedures under sub-subparagraphs a.-k. shall not apply to audit agreements or contracts entered into prior to *July 1, 1983 December 12, 1979.*

Amendment 2—In title, on page 1, line 13, after the semicolon (;) insert: revising procedures for the selection of firms to provide auditing services to counties and providing the effective date thereof;

Pending further consideration of SB 587, as amended, on motion by Senator Thomas, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1036 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs—

HB 1036—A bill to be entitled An act relating to local government financial matters; amending s. 11.45(3)(a), Florida Statutes, and adding paragraphs (f), (g) and (h) to subsection (1) thereof; providing definitions, providing for the discretionary authority of the Auditor General to conduct certain performance audits; requiring certain governmental entities to have annual audits performed; providing that each unit of local government required to have an annual audit performed shall also

require the preparation of a management letter to accompany the audit; revising procedures for the selection of firms to provide auditing services to counties and providing the effective date thereof; directing the Auditor General to make certain rules with respect to the form and content of all local governmental entity audits; requiring certain financial audit reports to be submitted for review to the Auditor General within a specified time limit; amending s. 218.32(1)(b), Florida Statutes, providing that local governments shall submit certain financial reports on or before March 31 of each year; amending s. 421.091(1), Florida Statutes, requiring that certain audits under the "Housing Authorities Law" shall be made in accordance with federal audit standards of public housing agencies; repealing s. 166.241(4), Florida Statutes, relating to municipal financial postaudits; repealing s. 218.34(5), Florida Statutes, relating to financial postaudits of special districts; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

CONSENT CALENDAR, continued

On motions by Senator Thomas, by two-thirds vote HB 1036, a companion measure, was withdrawn from the Committee on Rules and Calendar and substituted for SB 587. On motions by Senator Thomas, by two-thirds vote HB 1036 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Girardeau	Langley	Plummer
Barron	Grant	Malchon	Stuart
Carlucci	Hair	Mann	Thomas
Childers, D.	Henderson	Margolis	Thurman
Childers, W. D.	Hill	Maxwell	Vogt
Crawford	Jenne	McPherson	Weinstein
Dunn	Jennings	Meek	
Fox	Johnston	Myers	
Gersten	Kirkpatrick	Neal	

Nays—None

Vote after roll call:

Yea—Scott

SB 587 was laid on the table.

SB 1173—A bill to be entitled An act relating to saltwater fisheries; creating s. 370.158, Florida Statutes, creating the Hernando-Pasco Counties Shrimping and Crabbing Advisory Committee; providing for appointment, terms of office, and duties; directing the Department of Natural Resources to initiate rulemaking proceedings with respect to committee recommendations; authorizing the executive director of the department to open or close areas to shrimping or crabbing in the Hernando-Pasco Counties area upon certain recommendations of the committee; providing for review and repeal in accordance with the Sundown Act; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Thurman:

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

Section 1. Section 370.158, Florida Statutes, is created to read:

370.158 Hernando-Pasco Counties Shrimping and Crabbing Advisory Committee.—

(1) There is hereby created the Hernando-Pasco Counties Shrimping and Crabbing Advisory Committee which shall be composed of twelve members, two members representing the shrimping industry each from Hernando, Pasco, and Citrus Counties, and two members representing the crabbing industry each from Hernando, Pasco, and Citrus Counties. Members shall be appointed by the respective legislative delegations representing Hernando, Pasco, and Citrus Counties. Appointments shall be for 1 year and members may be reappointed.

(2) The committee may make recommendations to the Department of Natural Resources with respect to the adoption of rules providing for the closing or opening of certain portions of water adjacent to Hernando,

Pasco, and Citrus Counties to shrimping and the closing or opening of certain portions of water adjacent to Hernando, Pasco, and Citrus Counties to crabbing during specified times of the year.

(3) Upon receipt of any recommendations by the committee, the Department of Natural Resources shall initiate rulemaking proceedings with respect to such recommendations. The department may adopt or reject the recommendations of the committee as a rule, but may not amend such recommendations.

(4) The executive director of the Department of Natural Resources may, by order, close or open certain areas adjacent to Hernando, Pasco, and Citrus Counties to shrimping or crabbing for a period of no more than 90 days when evidence produced by the committee justifies such closing or opening based upon sound conservation practices or for the reduction of conflict between the shrimping and crabbing industries in the area. The revocation of any such order to close an area shall have the effect of opening the area to shrimping or crabbing. Such revocation shall be in conformance with procedures used to close areas.

Section 2. Section 370.158, Florida Statutes, is repealed on October 1, 1993, and the Hernando-Pasco-Citrus Counties Shrimping and Crabbing Advisory Committee shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes, the Sundown Act.

Section 3. Section 370.158, Florida Statutes, as created by Chapter 81-199, Laws of Florida, is hereby repealed.

Section 4. This act shall take effect July 1, 1983.

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

Amendment 1A—On page 1, strike all of lines 12-15 and insert:

Section 1.

Amendment 1B—On page 2, strike all of lines 19-26 and insert:

Section 2. Section 1 of chapter 81-199, Laws of Florida, is hereby repealed.

(Renumber subsequent sections.)

Amendment 1 as amended was adopted.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Thurman:

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to saltwater fisheries; creating s. 370.158, Florida Statutes, creating the Hernando-Pasco-Citrus Counties Shrimping and Crabbing Advisory Committee; providing for appointment, terms of office, and duties; directing the Department of Natural Resources to initiate rulemaking proceedings with respect to committee recommendations; authorizing the executive director of the department to open or close areas to shrimping or crabbing in the Hernando-Pasco Counties area upon certain recommendations of the committee; providing for review and repeal in accordance with the Sundown Act; repealing s. 370.158, Florida Statutes, as created by Chapter 81-199, Laws of Florida; providing an effective date.

Senator Thurman moved the following amendments to Amendment 2 which were adopted:

Amendment 2A—In title, on page 1, strike all of lines 24-28 and insert: recommendations of the committee; repealing section 1 of chapter 81-199, Laws of Florida; providing an effective date.

Amendment 2B—In title, on page 1, line 14, strike "creating s. 370.158, Florida Statutes,"

Amendment 2 as amended was adopted.

On motion by Senator Thurman, by two-thirds vote SB 1173 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Carlucci	Childers, W. D.	Fox
Barron	Castor	Crawford	Frank
Beard	Childers, D.	Dunn	Gersten

Girardeau	Jennings	McPherson	Stuart
Grant	Johnston	Meek	Thomas
Grizzle	Kirkpatrick	Myers	Thurman
Hair	Langley	Neal	Vogt
Henderson	Malchon	Plummer	Weinstein
Hill	Mann	Rehm	
Jenne	Maxwell	Scott	

Nays—None

On motions by Senator Barron, the rules were waived and by two-thirds vote SB 1135 was withdrawn from the Committee on Judiciary-Civil, SB 661 was withdrawn from the Committee on Rules and Calendar, SB 882 was withdrawn from the Committee on Judiciary-Criminal, SB 684 was withdrawn from the Committee on Commerce, and CS for SB 758 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Barron, the rules were waived and by two-thirds vote SB 933 was withdrawn from the Committee on Health and Rehabilitative Services and referred to the Committee on Appropriations.

On motion by Senator Barron, the Senate recessed at 10:58 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Plummer
Carlucci	Gordon	Langley	Rehm
Castor	Grant	Malchon	Scott
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Henderson	Maxwell	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein

Senator Beard led a tribute in remembrance of Dr. Harry Raitano, longtime lobbyist for the Florida Naturopathic Physicians Association, Inc., who died May 23 in Tampa. The Senate stood for a moment of silent prayer.

CONSENT CALENDAR, continued

On motions by Senator Vogt, the rules were waived and by two-thirds vote HB 1194 was withdrawn from the Committees on Agriculture and Commerce.

On motion by Senator Vogt—

HB 1194—A bill to be entitled An act relating to insurance; creating the "Amusement Ride and Attraction Insurance Act"; providing definitions; requiring insurance or bonds with respect to owners or operators of amusement rides and attractions; providing exemptions; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 554 and read the second time by title.

Senator Vogt moved the following amendment which was adopted:

Amendment 1—On page 3, strike all of lines 16-19 and insert:

Section 6. Penalties.—Any person who operates an amusement ride or attraction in violation of the provisions of Section 4 of this act is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

On motion by Senator Vogt, by two-thirds vote HB 1194 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Childers, W. D.	Gordon	Henderson
Beard	Dunn	Grant	Hill
Carlucci	Frank	Grizzle	Jennings
Childers, D.	Girardeau	Hair	Johnston

Langley	McPherson	Plummer	Thurman
Malchon	Meek	Rehm	Vogt
Margolis	Myers	Stuart	Weinstein
Maxwell	Neal	Thomas	

Nays—None

Vote after roll call:

Yea—Barron, Kirkpatrick

SB 554 was laid on the table.

On motion by Senator Weinstein, the rules were waived and by two-thirds vote HB 501 was withdrawn from the Committee on Appropriations.

On motion by Senator Weinstein—

HB 501—A bill to be entitled An act relating to criminal attempts, solicitations, and conspiracies; amending s. 777.04(4), Florida Statutes; increasing the penalty for attempts, solicitations, and conspiracies to commit a burglary that would be a first degree felony; providing an effective date.

—a companion measure, was substituted for SB 219 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 501 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Girardeau	Langley	Rehm
Barron	Gordon	Malchon	Stuart
Beard	Grant	Margolis	Thomas
Carlucci	Grizzle	Maxwell	Thurman
Childers, D.	Hair	McPherson	Vogt
Childers, W. D.	Henderson	Meek	Weinstein
Crawford	Hill	Myers	
Dunn	Jennings	Neal	
Frank	Johnston	Plummer	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 219 was laid on the table.

On motion by Senator Henderson, the rules were waived and SB 405 was ordered immediately certified to the House.

SPECIAL ORDER

SB 479—A bill to be entitled An act relating to state agency contracts; creating s. 286.30, Florida Statutes; providing definitions; providing a hearing procedure; providing for denial or revocation of a contractor's privilege to provide services or commodities to certain state agencies or to bid on work let by certain state agencies for specified reasons; providing for a period of disqualification; providing for reinstatement of the privilege; providing a hearing procedure; providing for a continuation of obligations under preexisting contracts; providing penalties; providing notification requirements; providing investigative authority; creating s. 286.31, Florida Statutes; providing for distribution of moneys recovered; creating s. 286.32, Florida Statutes; prohibiting administrative stays of denial or revocation of bidding privileges; providing criteria for judicial stays and injunctive relief; providing that certain activities constitute an immediate danger to public safety, health and welfare; creating s. 286.33, Florida Statutes; providing a definite period of time during which a state agency's official project cost estimates and potential bidders' identities are exempt from the provisions of s. 119.07(1), Florida Statutes; creating s. 286.34, Florida Statutes; providing for compilation and dissemination of contractor ineligibility information by the Department of General Services; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 9, between lines 24 and 25, insert:

Section 6. Section 286.35, Florida Statutes, is created to read:

286.35 Denial of contract or grant funds.—

State agencies are authorized to adopt rules providing procedures for the denial of social or community service contract or grant funds to any private non-profit corporation or organization which has received adverse audit findings indicating that the security or accountability of public funds is in question when such audit findings remain unresolved for more than 90 days after the date of receipt of the audit by the private non-profit corporation or organization. The rules shall provide for notification and hearing in accordance with chapter 120 for denials made under this section.

(Renumber subsequent section.)

Amendment 2—In title, on page 2, line 2, after the semicolon (;) insert: creating s. 286.35, Florida Statutes; providing for the denial of social or community service contract or grant funds in certain circumstances; providing for notification and hearing;

On motion by Senator Beard, by two-thirds vote SB 479 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dunn	Hill	Meek
Barron	Frank	Jennings	Myers
Beard	Girardeau	Johnston	Rehm
Carlucci	Gordon	Kirkpatrick	Stuart
Castor	Grant	Langley	Thomas
Childers, D.	Grizzle	Malchon	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Crawford	Henderson	Maxwell	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Scott

On motion by Senator Beard, the rules were waived and SB 479 after being engrossed was ordered immediately certified to the House.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

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

CS for SB 286—A bill to be entitled An act relating to obscenity; amending ss. 847.012(1)(a), (f) and 847.013(1)(a), (f), Florida Statutes; redefining the terms “harmful to juveniles” and “harmful to minors” with respect to obscenity laws to provide that material is harmful if it is without serious literary, artistic, political, or scientific value; redefining minor and juvenile; amending s. 847.0125(1)(a), Florida Statutes; redefining minor; amending s. 847.07(2)(b), Florida Statutes; redefining the term “obscene” to include material which is without serious literary, artistic, political, or scientific value; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1 —On page 2, line 6 and page 3, line 1 after the word “Is”, insert: , *considered as a whole*,

Amendment 2 —On page 1, in the title lines 1-15 strike the entire title and insert:

A bill to be entitled An act relating to obscenity; amending s. 847.012(1)(a) and (f), Florida Statutes, redefining the terms “juvenile” and “harmful to juveniles”; amending s. 847.0125(1)(a), Florida Statutes, redefining the term “minor” to increase the maximum age to under 18, rather than 17, years; amending s. 847.013(1)(a) and (f), Florida Statutes, redefining the terms “minor” and “harmful to minors”; providing that material is harmful if it is without serious literary, artistic, political, or scientific value; amending s. 847.07(2)(b), Florida Statutes, redefining the term “obscene” to include material which is without serious literary, artistic, political, or scientific value; providing an effective date.

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

CS for SB 286 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Frank	Kirkpatrick	Rehm
Barron	Girardeau	Langley	Scott
Beard	Grant	Malchon	Stuart
Carlucci	Grizzle	Mann	Thomas
Castor	Hair	Maxwell	Thurman
Childers, D.	Henderson	McPherson	Vogt
Childers, W. D.	Hill	Meek	
Crawford	Jennings	Myers	
Dunn	Johnston	Plummer	

Nays—None

Vote after roll call:

Yea—Gersten

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER, continued

On motion by Senator Kirkpatrick, the rules were waived and by two-thirds vote CS for HB 15 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Kirkpatrick—

CS for HB 15—A bill to be entitled An act relating to the Health Program Office of the Department of Health and Rehabilitative Services; amending s. 20.19(3)(b), Florida Statutes, 1982 Supplement, including within the responsibilities of the department the planning of medical services and programs for persons with multiple sclerosis; requiring a report; providing an effective date.

—a companion measure, was substituted for SB 258 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for HB 15 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnston	Neal
Barron	Gersten	Kirkpatrick	Plummer
Beard	Girardeau	Langley	Scott
Carlucci	Gordon	Malchon	Stuart
Castor	Grant	Mann	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	Maxwell	Vogt
Crawford	Henderson	McPherson	Weinstein
Dunn	Hill	Meek	
Fox	Jennings	Myers	

Nays—None

SB 258 was laid on the table.

CS for SB 111—A bill to be entitled An act relating to siting of electrical transmission lines; amending s. 403.521, Florida Statutes; providing legislative intent; amending s. 403.522, Florida Statutes; providing definitions; amending s. 403.523, Florida Statutes; providing powers and duties of the Department of Environmental Regulation; amending s. 403.524, Florida Statutes; providing exemptions; amending s. 403.525, Florida Statutes; providing for determination of application completeness and sufficiency; amending s. 403.526, Florida Statutes; providing for reports and studies of a proposed transmission line or corridor; amending s. 403.527, Florida Statutes; providing for public notice and parties to transmission line certification proceedings; providing for local public hearings and additional proceedings by the hearing officer; providing for proposal of alternate transmission line corridor routes; amending s. 403.5275, Florida Statutes; providing for amendments to an application for transmission line certification; amending s. 403.529, Florida Statutes; providing for final disposition of an application by the siting board; amending s. 403.531, Florida Statutes; providing for the effect of certification; providing that transmission lines shall comply with the National Electric Safety Code; amending s. 403.5315, Florida Statutes; providing for modifications of certification; amending s. 403.537, Florida Statutes;

providing for notice of determination of need for a proposed transmission line; amending s. 403.539, Florida Statutes; providing for attorney's fees and costs; providing for application of the act; providing for effect on pending proceedings; adding s. 380.06(24), Florida Statutes; exempting power plants and transmission lines; providing an effective date.

—was read the second time by title.

Senator Carlucci moved the following amendment which was adopted:

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

Section 1. Section 403.52, Florida Statutes, reads:

403.52 Short title.—Sections 403.52-403.536 may be cited as the "Transmission Line Siting Act."

Section 2. Section 403.521, Florida Statutes, is amended to read:

403.521 Legislative intent.—~~The legislative intent of this act is to establish a centralized and coordinated centralize and coordinate a permitting process for the location and maintenance of transmission line corridors and the construction and maintenance of transmission lines, which necessarily involves several broad interests of the public addressed through the subject matter jurisdiction of several agencies and several broad interests of the public. The Legislature recognizes that transmission lines will have an effect upon the welfare of the population. Recognizing the need to ensure electric power system reliability and integrity, and to meet the electric energy needs in an orderly and timely fashion, the centralized and coordinated permitting process established by this act is intended to further the legislative goal of ensuring state shall ensure through available and reasonable methods that the location and maintenance of transmission line corridors and the construction and maintenance of transmission lines will produce minimal adverse effects on the environment and public health, safety, and welfare. It is the intent of this act to fully balance the need for transmission lines with the broad interests of the public in order to effect a reasonable balance between the need for the facility as a means of providing abundant low-cost electrical energy and the environmental impact on the public and the environment resulting from construction of the line and the location and maintenance of the transmission line corridor and the construction and maintenance of the transmission lines. The Legislature intends that the provisions of chapter 120 shall apply to this act and to proceedings pursuant to it except as otherwise expressly exempted by other provisions of this part.~~

Section 3. Section 403.522, Florida Statutes, is amended to read:

403.522 Definitions.—As used in this act:

(1) "Applicant" means any electric utility which applies for certification pursuant to the provisions of this act.

(2) "Application" means the documents required by the department to be filed to initiate a certification proceeding. An electric utility may file a comprehensive application encompassing all or a part of one or more ~~any~~ proposed transmission lines ~~line or transmission line corridor~~.

(3) "Transmission line" means any electrical transmission line extending from, *but not including*, an existing or proposed a substation or power plant to, *but not including*, an existing or proposed transmission network or rights-of-way or substation to which the applicant intends to connect which defines the end of the proposed project and which is designed to operate at 230 kilovolts or more and which crosses a county line. The starting point and ending point of a transmission line must be specifically defined by the applicant and must be verified by the commission in its determination of need. *A transmission line includes structures and maintenance and access roads that need to be constructed for the project to become operational. If the proposed location of a corridor is affected by the applicant's proposed intermediate substations, then the general location of the proposed intermediate substation, and not the permitting of such substation, shall be considered in the certification proceedings.*

(4) "Certification" means the *approval by written order of the board of a corridor proper for certification pursuant to subsection (8) approving an application for the location and maintenance of transmission line corridors and the construction and maintenance of transmission lines within such corridor in whole or with such modifications or conditions as the board deems appropriate. Certification shall be evidenced by a written order of the board*

(5) "Board" means the Governor and Cabinet sitting as the siting board.

(6) "Agency," as the context requires, means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of government *within the state*, including a county, municipality, or other regional or local governmental entity.

(7) "Department" means the Department of Environmental Regulation.

(8) "Corridor" means the proposed area within which a transmission line *right-of-way* is to be located. *The width of the corridor proposed for certification by an applicant or other party, at the applicant's option, may be the width of the transmission line right-of-way or larger, not to exceed a width of 1 mile. After all property interests required for the transmission line right-of-way have been acquired by the applicant, the boundaries of the area certified shall narrow to only that land within the boundaries of the transmission line right-of-way. Corridors proper for certification shall be those addressed in the application, in amendments to the application filed pursuant to s. 403.5275, and in notices of acceptance of proposed alternate corridors filed by an applicant and the department pursuant to s. 403.527(5).*

(9) "Completeness" means that the application has addressed all applicable sections of the prescribed application format, but does not mean that those sections are sufficient in comprehensiveness of data or in quality of information provided.

(10) "Sufficiency" means that the application is not only complete but that all sections are sufficient in comprehensiveness of data or in quality of information provided.

(11) The following words have the same meaning as appears in s. 403.503:

(a) "Electric utility."

(b) "License."

(c) "Person."

(12) "Commission" means the Florida Public Service Commission.

(13) "Modification" means any change in the certification order after issuance, including a change in the conditions of certification.

(14) "Amendment" means a ~~material any~~ change in information provided in the application for certification made after the initial application filing.

(15) "Transmission line right-of-way" means land necessary for the construction and maintenance of the transmission line. *The typical width of the right-of-way shall be identified in the application. The right-of-way shall be located within the certified corridor and shall be identified by the applicant subsequent to certification in documents filed with the department prior to construction.*

(16) "Local government" means a municipality or county in whose jurisdiction the project is proposed.

(17) "Water management district" means a water management district created pursuant to chapter 373, in whose jurisdiction the project is proposed.

(18) "Regional planning council" means a regional planning council as defined in s. 160.003(4), in whose jurisdiction the project is proposed.

Section 4. Section 403.523, Florida Statutes, is amended to read:

403.523 Department of Environmental Regulation; powers and duties.—The department shall have the following powers and duties:

(1) To adopt or amend reasonable procedural rules to implement the provisions of this act *and rules to implement the provisions of subsection (14).*

(2) To prescribe the form, content, and necessary supporting documentation, and any required studies, for certification applications. *All such data and studies shall be related to the jurisdiction of the agencies relevant to the application.*

(3) To receive applications for transmission line and corridor certifications and initially determine the completeness and sufficiency thereof.

(4) To make or contract for ~~environmental~~ studies of certification applications. *All such studies shall be related to the jurisdiction of the agencies relevant to the application. For studies in areas outside the department's jurisdiction and in the jurisdiction of another agency, the department may initiate such studies, but only with the consent of such agency.*

(5) To administer the processing of applications for certification and ensure that the applications are processed as expeditiously as possible.

(6) To notify all affected agencies of the filing of an application *and subsequent amendments* within 15 days after receiving the complete application *or subsequent amendments*.

(7) To require an application fee ~~not to exceed \$15,000~~. The application fee shall be paid to the department upon the filing of each application for *corridor site* certification. The application fee shall be \$750 per mile ~~fixed by rule on a sliding scale related to the length of the proposed transmission line corridor~~. A minimum fee of \$20,000 ~~\$1,000~~ shall be required for each application. *The application fee shall be used to pay those expenses associated with the cost of the preparation and conduct of the hearings, the recording and transcription of the proceedings, and the studies required by this act, and agency travel and per diem. Salaries for full-time state agency employees, excluding Other Personal Services employees, shall not be charged against the fee. If any sums remain after payment of the above expenses, the application fee shall be applied on a pro rata basis to reimburse all All reasonable expenses pursuant to this act and costs of the proceedings incurred by the agencies. ~~commission, the Division of Administrative Hearings, the Department of Veteran and Community Affairs, the Department of Natural Resources, the Game and Fresh Water Fish Commission, each water management district, any local government through the jurisdiction of which the corridor passes which becomes a party, and the department, including those expenses which are associated with the cost of publication of public notices, the preparation and conduct of the hearings, the recording and transcription of the proceedings, and the studies required by this act, shall be paid from the application fee.~~ Any sums remaining after the payment of all authorized costs shall be refunded to the applicant within 90 days after the issuance or denial of certification or the withdrawal of the application. The applicant shall be provided with an itemized accounting of the expenditures.*

(8) To prepare a *compilation of agency reports and summaries of the material contained therein* ~~written analysis~~ which shall be filed with the hearing officer and served on all parties no later than 4 3 months after the complete application is filed with the department, and which shall include:

(a) ~~The studies and reports determination of need by the commission required by s. 403.526 and s. 403.537 including the recommendations of the department relating to the disposition of the application.~~

(b) ~~The report from the Department of Veteran and Community Affairs required by s. 403.526.~~

(c) ~~The report from the Department of Natural Resources required by s. 403.526.~~

(d) ~~The report from each water management district required by s. 403.526.~~

(e) ~~The report from the Game and Fresh Water Fish Commission required by s. 403.526.~~

(b)(f) ~~Comments received from any other agency, including any local government through the jurisdiction of which the corridor passes.~~

(g) ~~The report from the department required by s. 403.526 and the recommendations of the department as to the disposition of the application and any proposed conditions of certification which the department believes should be imposed.~~

(9) To provide ~~adequate~~ public notice of the filing of the application and of the proceedings conducted pursuant to this act.

(10) To prescribe the means for monitoring the effects arising from the location ~~and maintenance~~ of the transmission line corridor and the construction *and maintenance* of the transmission lines to assure continued compliance with the terms of the certification.

(11) To require a certification modification fee. *If no corridor alignment change is proposed, the modification fee shall be \$2,000. If a corridor alignment change is proposed by the applicant, the fee shall be \$2,000 plus \$750 per mile of realignment. Such fee of no greater than \$2,000, which shall be submitted to the department upon notification by an applicant that modification pursuant to s. 403.5315(2) or (3) is sought, and which shall be used, and disbursed, and accounted for in the same manner as the application fee. Any sums remaining after payment of authorized costs shall be refunded to the utility within 90 days after approval or denial of the modification. The cost of certification modifications requested by the department shall be borne by the department, except that no other agency may charge the department for its costs incurred in participating in such modification proceedings.*

(12) *To make a determination of acceptability of any alternate corridor proposed for consideration pursuant to s. 403.527(5).*

(13) *To withhold from the fees established by this section a reasonable sum sufficient to cover the costs associated with postcertification review of activities required by any condition of certification. Such sums shall be specified as part of each condition.*

(14) *To set requirements that reasonably protect the public health, safety and welfare from electric fields and magnetic fields of transmission lines for which an application is filed after the effective date of this act.*

(15) *To present rebuttal evidence on any issue properly raised at the certification hearing*

Section 5. Section 403.524, Florida Statutes, is amended to read:

403.524 Applicability and certification.—

(1) The provisions of this act shall apply to each transmission line, except a transmission line certified pursuant to the Florida Electrical Power Plant Siting Act.

(2) Except as provided in subsection (1), no construction of any transmission line may be undertaken after December 31, 1980, without first obtaining certification under this act, but the provisions of this act shall not apply to:

(a) Transmission lines for which development approval has been obtained pursuant to chapter 380.

(b) Transmission lines which have been exempted by a binding letter of interpretation issued under s. 380.06(4), or in which the Department of ~~Veteran and Community Affairs~~ or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(17)(12).

(c) Transmission line development in which all construction is limited to established rights-of-way ~~pursuant to s. 380.04(3)(b)~~. *Established rights-of-way include such rights-of-way for roads, highways, railroads, gas, water, oil, electricity, or sewage, and any other public purpose rights-of-way. Except for transmission line rights-of-way, established rights-of-way include rights-of-way created before or after the effective date of this act. For transmission line rights-of-way, established rights-of-way include rights-of-way created before the effective date of this act.*

(d) *Transmission lines less than 15 miles in length which cross a county line, unless the applicant has elected to apply for certification under the act. Any transmission line which shall remain subject to the provisions of chapter 380.*

(3) *The exemption of a transmission line under this act does not constitute an exemption for the transmission line from other applicable permitting processes under other provisions of law or local government ordinances.*

(4) *A utility shall notify the department in writing, prior to the start of construction, of its intent to construct a transmission line exempted pursuant to this section. Such notice shall be only for information purposes and no action by the department shall be required pursuant to such notice.*

(3) ~~When an application for development approval has been submitted in accordance with chapter 380 as of December 31, 1980, but no development order has been issued, the applicant shall have the right either to continue to seek approval under chapter 380 or to withdraw the application and make reapplication under the provisions of this act.~~

Section 6. Section 403.525, Florida Statutes, is amended to read:

403.525 Appointment of hearing officer; determination of completeness or sufficiency.—

(1) Within 7 days after receipt of an application, whether complete or not, the department shall request the Division of Administrative Hearings to designate a hearing officer to conduct the hearings required by this act. The division director shall designate a hearing officer to conduct the hearings required by this act within 7 days after receipt of the request from the department. Whenever practicable, the division director shall assign a hearing officer who has had prior experience or training in this type of certification proceeding. Upon being advised that a hearing officer has been designated, the department shall immediately file a copy of the application and all supporting documents with the hearing officer, who shall docket the application.

(2) Within 20 working 10 days after receipt of an application or an amendment, the department shall file a statement with the Division of Administrative Hearings and with the applicant, declaring its position with regard to the completeness, not the sufficiency, of the application or amendment. If the department declares the application or amendment to be incomplete, then, within 15 days after the filing of the statement receipt by the department of the application, the applicant shall file with the Division of Administrative Hearings and with the department a statement agreeing with the statement of the department and withdrawing the application or amendment, or a statement contesting the statement of the department, or supplemental information which makes the application or amendment complete. If the determination by the department that an application or amendment is deemed incomplete and by the department is contested not withdrawn, the hearing officer shall schedule a hearing on the statement of completeness. The hearing shall be held as expeditiously as possible, but no later than 14 30 days from the filing of the statement contesting the department's determination after the receipt of the application by the department. The hearing officer shall make a decision within 10 days after the hearing. If the hearing officer determines that the application or amendment was not complete as filed, then the applicant shall withdraw the application or amendment or make such additional submittals so as to complete it. If the hearing officer determines that the application was complete at the time it was filed, then the time provided in this act shall run from the date of the filing of such application.

(3) The department may by rule adopt procedures similar to those set forth in subsection (2) for the determination of the sufficiency of an application by the department, based on the recommendations of the agencies required to submit reports pursuant to s. 403.526. If contested by the applicant, the final decision on sufficiency shall be made by the hearing officer.

Section 7. Section 403.526, Florida Statutes, is amended to read:

403.526 Reports and studies.—

(1) It shall be the duty of the department to provide copies of each application, within 7 days after filing, to the commission, the Department of Natural Resources, the Department of Veteran and Community Affairs, the Game and Fresh Water Fish Commission, and each water management district, each regional planning council, and local government in the jurisdiction of which the proposed transmission line or corridor is to be located.

(2) The department shall prepare a report as to the environmental impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

(3) The Department of Natural Resources shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction and shall submit its report to the department within 90 60 days after receipt of a copy of the complete application.

(4) Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction and shall submit its report to the department within 90 60 days after receipt of a copy of the complete application.

(5) The Department of Veteran and Community Affairs shall prepare a report as to the impact of each proposed transmission line or corridor on land use and other matters within its jurisdiction and shall submit its report to the department within 90 60 days after receipt of the completed application.

(6) The Game and Fresh Water Fish Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction and shall submit its report to the department within 90 60 days after receipt of the completed application.

(7) Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, or shall by resolution adopt the report prepared by the appropriate regional planning council as required by subsection (8). It shall submit its report or resolution to the department within 90 days after its receipt of the complete application.

(8) Each regional planning council shall prepare a report on the impacts of each proposed transmission line or corridor on matters within its jurisdiction. It shall submit its report within 90 days after its receipt of the complete application.

(9) The report shall contain the information on variances required by s. 403.531(2) and proposed conditions of certification on matters within each agency's jurisdiction. For each condition proposed by an agency, the agency shall list the specific statute, rule or ordinance, as applicable, which authorizes the proposed condition.

(10)(7) Each reviewing agency shall initiate the activities required by this section no later than 15 days after the complete application is filed. Preliminary reports shall be submitted to the department no later than 60 days after the department's receipt of a completed application. Such reports shall be made available to each local government for use as information for public meetings pursuant to s. 403.5271. Each agency shall keep the applicant informed as to the progress of its studies and any issues raised thereby.

(11) The failure of any agency to submit a preliminary report or report, or to submit its preliminary report or report within the allowed time, shall not be grounds for the alteration of any time limitation in this act pursuant to s. 403.528. Neither the failure to submit a preliminary report or report nor the inadequacy of the preliminary report or report shall be grounds to deny or condition certification.

Section 8. Section 403.527, Florida Statutes, is amended to read:

403.527 Notice, proceedings, parties, participants.—

(1)(a) No later than 15 days after the receipt of an application, the department shall arrange for publication of a notice of the application and of the proceedings required by this act. 4 months after receipt of a complete application by the department, the hearing officer shall conduct a certification hearing pursuant to s. 120.57, in proximity to the proposed transmission line or corridor to allow participation by interested citizens in the area affected.

(b) The department shall arrange for publication of a notice of the certification hearing and other public hearings provided in this section, and of the deadline for filing of notice of intent to be a party. Such notices notice shall be published at least 80 60 days before the date set for the hearing.

(c) The department shall arrange for publication of a reminder notice in the newspapers specified in paragraph (d) no more than 2 weeks prior to the certification hearing, reminding the public of the date and location of the hearing. This notice shall not constitute a point of entry for intervention in the proceedings.

(d) Notices shall be published:

1.(a) In newspapers of general circulation within counties crossed by the transmission line corridors proper for certification. The required newspaper notices, other than the reminder notice, shall be one-half page in size in a standard size newspaper or full page in a tabloid size newspaper. These notices shall include a map generally depicting all transmission corridors proper for certification. Newspapers of general circulation shall be the newspaper within a county crossed by a transmission line corridor proper for certification which has the largest daily circulation in that county and has its principal office in that county. If the largest daily circulation newspaper has its principal office outside the county, then the notices shall appear in both the newspaper of the largest circulation and in a newspaper authorized to publish legal notices within the county;

2.(b) In the Florida Administrative Weekly; and

3 (e) By giving notice to any persons who have requested to be placed on the departmental mailing list for this purpose.

(e) The department shall adopt rules specifying the content of notices required by this section. All published notices shall be paid for by the applicant and shall be in addition to the application fee. The department shall arrange for publication of notices required by this section.

(2) No later than 150 days after receipt of a complete application by the department, the hearing officer shall conduct a certification hearing pursuant to s. 120.57, at a central location in proximity to the proposed transmission line or corridor. One public hearing where members of the public not a party to the certification hearing may testify shall be held, within the boundaries of each county, at the option of any local government. The local government shall notify the hearing officer and all parties not later than 50 days after the receipt of a complete application as to whether the local government wishes to have such public hearing. The local government shall be responsible for the location of the public hearing. Within 5 days of such notification, the hearing officer shall determine the date of such public hearing, which shall be held before or during the certification hearing. In the event two or more local governments within one county request such a public hearing, the hearing shall be consolidated so that only one such public hearing is held in any county. The location of a consolidated hearing shall be determined by the hearing officer. If a local government does not request a public hearing within 50 days after the receipt of a complete application, persons residing within such local governments can testify at the public hearing portion of the certification hearing.

(3)(a)(2) At the conclusion of the certification hearing, the hearing officer shall, after consideration of all evidence of record, issue a recommended order disposing of the application no later than 50 days after the transcript of the certification hearing and the public hearings is filed with the Division of Administrative Hearings.

(b) In the event the hearing officer fails to issue a recommended order within 50 days after the filing of the hearing transcript, the hearing officer shall submit a report to the board with a copy to all parties within 50 days after the filing of the hearing transcript to advise the board of the reason for the delay in the issuance of the recommended order and of the date by which the recommended order will be issued. 5 months after receipt of the complete application by the department.

(4)(a) Parties to the proceeding shall be include:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Veteran and Community Affairs.
5. The Department of Natural Resources.
6. The Game and Fresh Water Fish Commission.
7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.
8. Any local government in the jurisdiction of which the proposed transmission line or corridor is to be located.
9. Regional planning councils.

(b) Any party listed in paragraph (a) this subsection may waive its right to participate in these proceedings. If any listed party fails to file a notice of its intent to be a party on or before the 30th 15th day prior to the certification hearing, it shall be deemed to have waived its right to be a party unless its participation would not prejudice the rights of any party to the proceeding.

(c)(b) Notwithstanding the provisions of chapter 120 to the contrary, upon the filing with the hearing officer department of a notice of intent to be a party by an agency or corporation or association described in subparagraphs 1. and 2. or a petition for intervention by a person described in subparagraph 3. no later than 30 at least 15 days prior to the date set for the certification hearing, the following shall also be parties to the proceeding:

1. Any state agency not listed in paragraph (a) as to matters within its jurisdiction.

2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation of natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote orderly development of the area in which the proposed transmission line or corridor is to be located.

~~(c) Notwithstanding paragraph (d), failure of an agency described in subparagraph (b)1. to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding.~~

~~(d) Other parties may include any person, including a person enumerated in subparagraph (b)2. who has failed to timely file a notice of intent to be a party;~~

3. Any person whose substantial interests are affected and being determined by the proceeding and who timely files a motion to intervene pursuant to chapter 120 and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the hearing officer and upon such conditions as may be prescribed any time prior to the commencement of the certification hearing.

(d)(e) Any agency whose properties or works may be are being affected shall be made a party upon the request of the agency or any party to this proceeding.

(5)(a) No later than 50 days prior to the certification hearing, any party may propose alternate transmission line corridor routes for consideration pursuant to the provisions of this act by filing a notice of proposed alternate corridor with the hearing officer, all parties, and any local governments in whose jurisdiction the alternate is proposed. Such filing shall include the most recent U.S.G.S. 1:24000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed corridor, and a statement of the reasons the proposed alternate should be certified.

(b) Within 5 working days of receipt of such notice, the applicant and the department shall file with the hearing officer and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected either by the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary.

(c) If rescheduled, the certification hearing shall be held no more than 80 days from the previously scheduled certification hearing, to provide sufficient time:

1. For the publication of notice pursuant to paragraphs (1)(b) and (c);
2. For the agencies listed in s. 403.526 to file supplementary reports addressing the proposed alternate corridors at least 30 days prior to the certification hearing;
3. For agencies to submit supplementary notice pursuant to s. 403.531(2) at least 30 days prior to the certification hearing.

(d) Each party proposing an alternate corridor shall have the burden of providing data to the agencies listed in s. 403.526 necessary for the preparation of a supplementary report on the proposed alternate corridor within a time period established by the department, and the burden of proof on the certifiability of the alternate corridor at the certification hearing pursuant to s. 403.529(3). Nothing in this act shall be construed as requiring the applicant or agencies not proposing the alternate to submit data in support of such alternate corridor.

(e) Notwithstanding the rejection of a proposed alternate corridor by the applicant or the department, any party may present evidence at the certification hearing to show that a corridor proper for certification does not satisfy the criteria listed in s. 403.529 or that a rejected alternate corridor would meet the criteria set forth in s. 403.529. No evidence shall be admitted at the certification hearing on any alternate corridor, unless the alternate corridor was proposed by the filing of a notice at least 50 days prior to the certification hearing pursuant to this subsection. Rejected alternate corridors shall be considered by the board as provided in s. 403.529(3) and (4).

(f) If an alternate corridor is accepted by the applicant and the department pursuant to a notice of acceptance as provided in this subsection and such corridor is ultimately determined to be the corridor that would meet the criteria set forth in s. 403.529(3) and (4), the board shall certify that corridor.

(6)(4) When appropriate, any person may be given an opportunity to present oral or written communications to the hearing officer. If the hearing officer proposes to consider such communications, all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

(7)(5) The hearing officer shall have all powers and duties granted to hearing officers by chapter 120 and by the laws and rules of the department, including the authority to resolve disputes over the completeness or sufficiency of an application for certification.

Section 9. Section 403.5271, Florida Statutes, is created to read:

403.5271 Local governments; informational public meetings.—

(1) Local governments may hold informational public meetings in addition to the hearings specifically authorized by this act on any matter associated with the transmission line proceeding. Such informational public meetings should be held no later than 80 days after the application is filed. The purpose of the informational public meeting is to have the local government further inform the general public about the transmission line proposed, obtain comments from the public, and formulate the local government's recommendation for the proposed transmission line.

(2) All informational public meetings shall be held solely at the option of each local government. It is the legislative intent that local governments should attempt to hold such public meetings. Parties to the proceedings under this act shall be encouraged to attend, however no party shall be required to attend such informational public hearings.

(3) Failure to hold an informational public meeting or the procedure used for the informational public meeting shall not be grounds for the alteration of any time limitation in this act pursuant to s. 403.528 or be grounds to deny or condition certification.

Section 10. Section 403.5275, Florida Statutes, is amended to read:

403.5275 Amendment to the application.—

(1) Any amendment made to the application shall be sent by the applicant to the hearing officer and to all parties to the proceeding. *No additional fee shall be required for the submittal of an amendment to the application, if no corridor alignment change is proposed by the applicant. However, if a corridor alignment change is proposed by the applicant, an additional fee of a minimum of \$2,000 and \$750 per mile shall be submitted to the department for use in accordance with s. 403.523. Amendments required to address issues, including alternate corridors pursuant to s. 403.527(5), raised by the department or other parties shall not require an additional fee.*

(2) Any amendment to the application made prior to certification shall be disposed of as part of the original certification proceeding. Amendment of the application may be considered "good cause" for alteration of time limits pursuant to s. 403.528.

Section 11. Section 403.528, Florida Statutes, is amended to read:

403.528 Alteration of time limits.—Any time limitation in this act may be altered by the hearing officer upon stipulation between the department and the applicant *unless objected to by any party within 5 days after notice* or for good cause shown by any party.

Section 12. Section 403.529, Florida Statutes, is amended to read:

403.529 Final disposition of application.—

(1) Within 30 days after receipt of the hearing officer's recommended order, the board shall act upon the application by written order, approving in whole, approving with such modification *and conditions* as the board shall deem appropriate, or denying the ~~certification issuance of a certificate~~ and stating the reasons for issuance or denial.

(2) ~~If certification~~ *If the certificate* is denied, the board shall set forth in writing the action the applicant would have to take to secure the board's approval of the application.

(3) *In determining whether an application should be approved in whole, approved with modifications or conditions, or denied, the board shall consider whether, and the extent to which the location of the transmission line corridor and the construction and maintenance of the transmission line will:*

(a) *Ensure electric power system reliability and integrity;*

(b) *Meet the electric energy needs of the state in an orderly and timely fashion;*

(c) *Comply with nonprocedural requirements of agencies,*

(d) *Be consistent with applicable local government comprehensive plans; and*

(e) *Effect a reasonable balance between the need for the transmission line as a means of providing abundant low-cost electrical energy and the impact to the public and the environment resulting from the location of the transmission line corridor and maintenance of the transmission lines.*

(4)(a) *Any transmission line corridor certified by the board shall meet the criteria of this section. When more than one transmission line corridor is proper for certification pursuant to s. 403.522(8) and meets the criteria of this section, the board shall certify the transmission line corridor that has the least adverse impact regarding the criteria in subsection (3), including costs.*

(b) *If the board finds that a rejected alternate corridor pursuant to s. 403.527(5) meets the criteria of subsection (3) of this section, and the board finds that such rejected alternate corridor has the least adverse impact regarding the criteria in subsection (3), including cost, of all corridors that meet the criteria of subsection (3), then the board shall deny certification or shall allow the applicant to submit an amended application to include such a corridor.*

(c) *If the board finds that two or more of the corridors that comply with the provisions of subsection (3) have the least adverse impact regarding the criteria in subsection (3), including costs, and that such corridors are substantially equal in adverse impacts regarding the criteria in subsection (3), including costs, then the board shall certify the corridor preferred by the applicant if the corridor preferred by the applicant is one proper for certification pursuant to s. 403.522(8).*

(5)(2) The issuance or denial of the certification by the board shall be the final administrative action required as to that application.

Section 13. Section 403.531, Florida Statutes, is amended to read:

403.531 Effect of certification.—

(1) Subject to the conditions set forth therein, certification shall constitute the sole license of the state and any agency as to the approval of the location of transmission line corridors and the construction and maintenance of transmission lines. The certification shall be valid for the life of the transmission line, provided that construction on, or condemnation or acquisition of, the right-of-way is commenced within 5 years of the date of certification or such later date as may be authorized by the board ~~corridor~~.

(2) The certification shall authorize the applicant to locate ~~and maintain~~ the transmission line corridor and to construct and maintain the transmission lines subject only to the conditions of certification set forth in such certification. The certification may include conditions which constitute variances and exemptions, otherwise allowed by law, from nonprocedural standards or regulations of the department or any other agency, which were expressly considered during the proceeding *unless waived by the agency as provided below* and which otherwise would be applicable to the location ~~and maintenance~~ of the proposed transmission line corridor or the construction and maintenance of the transmission lines ~~line~~. *Each party shall notify the applicant and other parties at least 60 days prior to the certification hearing of any nonprocedural requirements not specifically listed in the application from which a variance or exception is necessary in order for the board to certify any corridor proposed for certification. Failure of such notification shall be treated as a waiver, variance or exception, otherwise allowed by law, from nonprocedural standards or regulations of the department or any other agency*

(3) The certification shall be in lieu of any license, permit, certificate, or similar document required by any agency pursuant to, but not limited

to, chapter 125, chapter 161, chapter 163, chapter 253, chapter 258, chapter 298, chapter 370, chapter 373, chapter 380, chapter 381, chapter 387, chapter 403, chapter 404, the Florida Transportation Code, or 33 U.S.C. s. 1341. On certification, any license, easement, or other interest in state lands, except those the title of which is vested in the Board of Trustees of the Internal Improvement Trust Fund, shall be issued by the appropriate agency as a ministerial act. The applicant shall be required to seek any necessary interest in state lands the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund from the board of trustees before, during, or after the certification proceeding, and certification may be made contingent upon issuance of the appropriate interest in realty. However, neither the applicant nor any party to the certification proceeding may directly or indirectly raise or relitigate any matter which was or could have been an issue in the certification proceeding in any proceeding before the Board of Trustees of the Internal Improvement Trust Fund wherein the applicant is seeking a necessary interest in state lands, but the information presented in the certification proceeding shall be available for review by the board of trustees and its staff.

(4) This part shall not in any way affect the rate-making powers of the commission under chapter 366 or the right of any local government to charge appropriate fees or require that construction be in compliance with the National Electrical Safety Code, as prescribed by the commission.

(5) No term or condition of certification shall be interpreted to preclude the postcertification exercise by any party of whatever procedural rights it may have under chapter 120, including those related to rulemaking proceedings.

Section 14. Section 403.5312 Florida Statutes, reads:

403.5312 Recording of notice of certified corridor route.—Within 60 days after certification of a directly associated transmission line pursuant to ss. 403.501-403.517 or a transmission line corridor pursuant to ss. 403.52-403.536, the applicant shall file, in accordance with s. 28.222, with the clerk of the circuit court for each county through which the corridor will pass, a notice of the certified route. The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state that the certification of the corridor will result in the acquisition of rights-of-way within the corridor. Each clerk shall record the filing in the official record of the county for the duration of the certification or until such time as the applicant certifies to the clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county, whichever is sooner. The recording of this notice shall not constitute a lien, cloud, or encumbrance on real property.

Section 15. Section 403.5315, Florida Statutes, is amended to read:

403.5315 Modification of certification.—A certification may be modified after issuance in any one of the following ways:

(1) The board may delegate to the department the authority to modify specific conditions in the certification.

(2) ~~The department parties to the certification proceeding may modify the terms and conditions of the certification if no party objects in writing to such modification within 45 days after notice by mail to the last address of record in the certification proceeding, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days after issuance of public notice by mutual written agreement, subject to approval by the board.~~

(3) If the parties to the certification proceeding are unable to reach a mutual written agreement on modification of the terms and conditions of the certification, the applicant may file a petition for modification with the department setting forth:

- (a) The proposed modification;
- (b) The factual reasons asserted for the modification; and
- (c) The anticipated additional environmental effects of the proposed modification.

(4) Petitions filed pursuant to subsection (3) shall be disposed of in the same manner as an application but with shortened time periods commensurate with the significance of the modification requested.

Section 16. Section 403.532, Florida Statutes, reads:

403.532 Revocation or suspension of certification.—Any certification may be revoked or suspended:

(1) For any material false statement in the application or in the supplemental or additional statements of fact or studies required of the applicant when a true answer would have warranted the board's refusal to recommend a certification in the first instance.

(2) For failure to comply with the terms or conditions of the certification.

(3) For violation of the provisions of this act or rules or orders issued hereunder.

Section 17. Section 403.533, Florida Statutes, reads:

403.533 Enforcement of compliance.—Failure to obtain a certification, or to comply with the conditions thereof, or to comply with this part shall constitute a violation of chapter 403.

Section 18. Section 403.536, Florida Statutes, reads:

403.536 Superseded laws, regulations, and certification power.—

(1) If any provision of this act is in conflict with any other provision, limitation, or restriction which is now in effect under any law of this state or any ordinance of a local government, political subdivision, or municipality, or any rule or regulation adopted thereunder, this act shall control.

(2) The state hereby preempts the certification of transmission lines and transmission line corridors.

(3) The board shall have the power to adopt reasonable procedural rules to carry out its duties under this act and to give effect to the legislative intent that this act provide an efficient, centrally coordinated, one-stop permitting process.

Section 19. Section 403.537, Florida Statutes, is amended to read:

403.537 Determination of need for transmission line; powers and duties.—

(1)(a) Upon request by an electric utility or upon the commission's own motion, the Florida Public Service Commission shall schedule a public hearing, after notice, to determine the need for a transmission line regulated by the Transmission Line Siting Act, ss. 403.52-403.536. Such notice shall be published at least 20 days before the date set for the hearing and shall be published in newspapers of general circulation, in the Florida Administrative Weekly, by giving notice to counties and regional planning councils in whose jurisdiction the transmission line could be placed, and by giving notice to any persons who have requested to be placed on the commission's mailing list for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing to be held. The hearing shall be held pursuant to s. 350.01 within 45 days after the filing of the request, and a decision shall be rendered within 60 days after such filing.

(b) In the determination of need, the commission shall take into account the need for electric system reliability and integrity, the need for abundant, low-cost electrical energy to assure the economic well-being of the citizens of this state, the appropriate starting and ending point of the line, and other matters within its jurisdiction deemed relevant to the determination of need.

(c) The commission's determination of the need for the transmission line, as defined in s. 403.522(3), shall be binding on all parties to any certification proceeding pursuant to the Transmission Line Siting Act and shall be a condition precedent to the conduct of the certification hearing prescribed therein. Orders entered pursuant to this section shall constitute final agency action.

(2) The commission shall have the following powers and duties:

(a) To adopt or amend reasonable procedural rules to implement the provisions of this section.

(b) To prescribe the form, content, and necessary supporting documentation and the required studies for the determination of need.

(3) Any time limitation in this section may be altered by the commission upon stipulation between the commission and the applicant or for good cause shown by any party.

Section 20. Section 403.539, Florida Statutes, is amended to read:

403.539 Certification admissible in eminent domain proceedings attorney's fees and costs.—

(1) Certification pursuant to ss. 403.52-403.536 shall be admissible as evidence of public need and necessity in proceedings under chapter 73 or chapter 74.

(2) No party may rely on this section or any provision of chapter 73 or chapter 74 to request the award of attorney's fees or costs incurred as a result of participation in the certification proceeding.

Section 21. (1) The purpose of this act is to repeal and amend portions of ss. 403.52-403.539 in order to make the process more efficient and responsive to all interested persons. This act is not intended to reflect the prior legislative intent of ss. 403.52-403.539 or imply in any manner what procedures were proper prior to the effective date of this act.

(2) Any pending proceeding under the Transmission Line Siting Act for which an application was filed prior to the effective date of this act, shall be continued to a conclusion, including judicial review, under provisions of the Florida Statutes 1981, except that proceedings that have not progressed to a hearing may, with the consent of all parties, be conducted in accordance with the provisions of this act.

Section 22. Subsection (24) is added to section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.—

(24) Any proposed electrical transmission line or electrical power plant shall be exempt from the provisions of this section, except any steam or solar electrical generating facility of less than 50 megawatts in capacity attached to a development of regional impact.

Section 23. This act shall take effect October 1, 1983.

Senator Barron presiding

Senator Gordon moved the following amendment which failed:

Amendment 2—On page 33, line 13, strike all of section 23 and insert:

Section 23. Section 403.5061, Florida Statutes, is created to read:

403.5061. Certain Power Lines Prohibited.—In order to protect the economic wellbeing of the citizens of Florida, no electric power line of any size shall be connected to any electrical generating facility that is powered by nuclear energy and constructed after July 1, 1983, or repaired at consumer expense exceeding \$10 million after said date. Such prohibition shall exist until such time as a site exists within the continental United States for the permanent, safe disposal of high level nuclear wastes generated or stored within this state and until such time as this section is repealed by law.

Section 24. This act shall take effect upon becoming a law.

Senator Carlucci moved the following amendment which was adopted:

Amendment 3—In title, on pages 1 and 2, strike everything before the enacting clause and insert: A bill to be entitled An act relating to siting of electrical transmission lines; amending s. 403.521, Florida Statutes; providing legislative intent; amending s. 403.522, Florida Statutes; providing definitions; amending s. 403.523, Florida Statutes; providing powers and duties of the Department of Environmental Regulation; amending s. 403.524, Florida Statutes; providing exemptions; amending s. 403.525, Florida Statutes; providing for determination of application completeness and sufficiency; amending s. 403.526, Florida Statutes; providing for reports and studies of a proposed transmission line or corridor; amending s. 403.527, Florida Statutes; providing for public notice and parties to transmission line certification proceedings; providing for local public hearings and additional proceedings by the hearing officer; providing for proposal of alternate transmission line corridor routes; creating s. 403.5271, Florida Statutes, relating to informational public meetings; amending s. 403.5275, Florida Statutes; providing for amendments to an application for transmission line certification; amending s. 403.528, Florida Statutes, providing for objection to time limitation alterations; amending s. 403.529, Florida Statutes; providing for final disposition of an application by the siting board; amending s. 403.531, Florida Statutes; providing for the effect of certification; amending s. 403.5315, Florida Statutes; providing for modifications of certification; amending s.

403.537, Florida Statutes; providing for notice of determination of need for a proposed transmission line; amending s. 403.539, Florida Statutes, relating to eminent domain proceedings and attorney's fees and costs; providing for application of the act; providing for effect on pending proceedings; adding s. 380.06(24), Florida Statutes; exempting certain power plants and transmission lines; providing an effective date.

On motion by Senator Carlucci, by two-thirds vote CS for SB 111 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gersten	Johnston	Neal
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Langley	Rehm
Carlucci	Grant	Malchon	Scott
Castor	Grizzle	Mann	Stuart
Childers, D.	Hair	Margolis	Thomas
Childers, W. D.	Henderson	Maxwell	Thurman
Crawford	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Frank	Jennings	Myers	

Nays—None

On motion by Senator Carlucci, the rules were waived and CS for SB 111 after being engrossed was ordered immediately certified to the House.

SB 835—A bill to be entitled An act relating to education; creating s. 236.135, Florida Statutes; providing that school districts may use the 2-mill equivalent capital outlay funds during the 1982-1983 fiscal year for maintenance of schools without having to maintain the required level of expenditures for operating revenues for maintenance of effort; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Scott:

Amendment 1—On page 1, line 23, after "(d)." insert: Those school districts which do not meet the 1982-1983 required level of expenditure requirements specified in s. 236.25(2)(A)2., shall use expenditures of the three most recent years, exclusive of 1982-1983, when calculating the current expenditure from operating revenues for maintenance, repair, and renovation.

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

Amendment 1A—On page 1, line 13, before the word "those" insert: Effective fiscal year 1983-1984,

Amendment 1 as amended was adopted.

On motion by Senator Scott, by two-thirds vote SB 835 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Plummer
Carlucci	Gordon	Langley	Rehm
Castor	Grant	Malchon	Scott
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Henderson	Maxwell	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein
Frank	Jennings	Myers	

Nays—None

On motion by Senator Scott, the rules were waived and SB 835 after being engrossed was ordered immediately certified to the House

CS for SB 610—A bill to be entitled An act relating to unemployment compensation; adding s. 443.111(6), Florida Statutes, 1982 Supplement; providing for a short-time compensation program; providing definitions; providing requirements for approval by the Division of

Employment Security of the Department of Labor and Employment Security of an employers' short-time compensation plan; providing conditions under which benefits are payable; providing for computation of the amount of benefit; amending s. 443.131(3)(a), (e), (4)(d), (5)(a), Florida Statutes; providing for computation of employer contribution rates; providing for expiration of such program and revival of prior law; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote CS for SB 610 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Barron	Gersten	Kirkpatrick	Rehm
Beard	Girardeau	Langley	Scott
Carlucci	Gordon	Malchon	Stuart
Castor	Grant	Mann	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Henderson	Maxwell	Vogt
Crawford	Hill	McPherson	Weinstein
Dunn	Jenne	Meek	
Fox	Jennings	Myers	
Frank	Johnston	Neal	

Nays—None

On motion by Senator Scott, the rules were waived and CS for SB 610 was ordered immediately certified to the House.

Consideration of SB 1001 was deferred.

SB 894—A bill to be entitled An act relating to collective bargaining; amending ss. 447.301(2), 447.309(5), Florida Statutes; removing exclusion of statutes and ordinances relating to retirement from matters subject to collective bargaining by public employees; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 894 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Girardeau	Jennings	Myers
Beard	Gordon	Johnston	Neal
Castor	Grant	Langley	Plummer
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Mann	Thomas
Fox	Henderson	Margolis	Thurman
Frank	Hill	McPherson	Vogt
Gersten	Jenne	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Carlucci, Kirkpatrick

CS for SB 625—A bill to be entitled An act relating to postsecondary education tuition and fees; amending s. 240.209(3), Florida Statutes, 1982 Supplement; providing for the Board of Regents to set the specific amount of student tuition and matriculation fees; authorizing the board to collect an amount for financial aid purposes; authorizing the board to recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees; amending s. 240.235(1), Florida Statutes; authorizing each university to establish activity and service, athletic, and health fees; requiring the level of the activity and service, athletic, and health fees to be established by the university president upon recommendation of a committee representative of students and administration, subject to approval by the Board of Regents; providing guidelines for assessment of health fees; creating s. 240.350, Florida Statutes; providing for the collection and allocation of tuition and fees by community colleges; amending s. 240.345(2)(a), Florida Statutes; providing authority for student fees; amending s. 240.533(3), (4), Florida Statutes, 1982 Supplement; providing for certain representative members on the Council on Equity in Athletics; providing for continued funding of women's intercollegiate athletics; providing the level of funding to intercollegiate athletics; providing exceptions by the council; repealing s. 240.325(10), Florida Statutes, relating to the responsibility of the State Board of Education to establish minimum standards regarding the waiver of registration and tuition fees; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment:

Amendment 1—On page 3, lines 11-13, after the first "to" strike all of said lines and insert: remain at each campus and replace existing financial aid fees. Financial need and academic merit shall be given primary consideration by each university in making awards.

Senator Langley moved the following substitute amendment which failed:

Amendment 2—On page 3, lines 8-13, strike on line 8 everything after the period (.) and all of lines 9-13.

Amendment 1 was adopted.

Senator Gordon moved the following amendments which were adopted:

Amendment 3—On page 10, lines 12-14, after "amount", strike all of said lines and insert: equal to 5 percent of the total student tuition or matriculation fee. However, if the amount generated by the additional 5 percent is less than \$50,000, the community college shall have the authority to transfer from the General Current Fund to the Scholarship Fund an amount equal to the difference between \$50,000 and the amount generated by the additional 5 percent of the total student tuition and matriculation fees.

Amendment 4—On page 10, line 14, after the period (.) insert: Up to \$20,000 of the fees collected may be used to assist students in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution. Use of the balance of these funds shall be limited to meeting financial need and recognizing academic merit. These funds shall not be used for administrative purposes.

On motion by Senator Maxwell, the Senate reconsidered the vote by which Amendment 4 was adopted.

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

Amendment 4A—On page 1, line 12, strike "\$20,000" and insert: \$50,000

Amendment 4 as amended was adopted.

Senator Gordon moved the following amendments which were adopted:

Amendment 5—On page 11, lines 25 and 26, strike "Association for Intercollegiate Athletics for Women" and insert: *Collegiate Athletic Association*

Amendment 6—On page 14, strike all of lines 7-11 and insert:

(c) In addition to the above amount, an amount equal to the sales taxes which would be collected and remitted to the state if the exemption provided in s. 212.04(2)(b) did not apply, shall be utilized by each institution to support women's athletics.

Senator Langley moved the following amendment which failed:

Amendment 7—On page 8, between lines 20 and 21, insert:

(5) *If the university collects discretionary additional fees approved by the Board of Regents, only those students who have indicated, by marking a box or otherwise indicating in writing, a positive desire to pay such a fee shall be assessed the fee.*

On motion by Senator Gordon, by two-thirds vote CS for SB 625 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fox	Hill	McPherson
Barron	Frank	Jenne	Meek
Beard	Gersten	Jennings	Myers
Carlucci	Girardeau	Johnston	Plummer
Castor	Gordon	Kirkpatrick	Stuart
Childers, D.	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Dunn	Henderson	Maxwell	Weinstein

Nays—1

Langley

Vote after roll call:

Yea—Rehm

CS for SB 621—A bill to be entitled An act relating to pharmacy; adding a subsection to s. 465.003, Florida Statutes, 1982 Supplement, providing a definition; adding a subsection to s. 465.019, Florida Statutes, authorizing certain institutional pharmacies to adopt an institutional formulary system for the identification of drugs; amending s. 465.016(1)(g), Florida Statutes, providing an exception to provisions prohibiting use of an ingredient or article different from that prescribed; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote CS for SB 621 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Fox	Hill	Myers
Barron	Frank	Jenne	Neal
Beard	Gersten	Jennings	Plummer
Carlucci	Girardeau	Johnston	Stuart
Castor	Gordon	Kirkpatrick	Thomas
Childers, D.	Grant	Langley	Thurman
Childers, W. D.	Grizzle	Mann	Vogt
Crawford	Hair	Margolis	Weinstein
Dunn	Henderson	Meek	

Nays—None

Vote after roll call:

Yea—Malchon, Rehm

On motion by Senator Jenne, the rules were waived and the Senate immediately reconsidered the vote by which CS for SB 621 passed.

Pending further consideration of CS for SB 621, on motion by Senator Jenne, the rules were waived and by two-thirds vote CS for HB 676 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Jenne—

CS for HB 676—A bill to be entitled An act relating to pharmacy; adding a subsection to s. 465.003, Florida Statutes, 1982 Supplement, providing a definition; adding a subsection to s. 465.019, Florida Statutes, authorizing certain institutional pharmacies to adopt an institutional formulary system for the identification of drugs; amending s. 465.016(1)(g), Florida Statutes, providing an exception to provisions prohibiting use of an ingredient or article different from that prescribed; providing an effective date.

—a companion measure, was substituted for CS for SB 621 and read the second time by title. On motion by Senator Jenne, by two-thirds vote CS for HB 676 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Beard	Gordon	Langley	Plummer
Castor	Grant	Malchon	Rehm
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Henderson	Maxwell	Thurman
Fox	Hill	McPherson	Vogt
Frank	Jenne	Meek	Weinstein
Gersten	Jennings	Myers	
Girardeau	Johnston	Neal	

Nays—None

Vote after roll call:

Yea—Carlucci, Kirkpatrick

CS for SB 621 was laid on the table.

Consideration of CS for SB 813 was deferred.

SB 463—A bill to be entitled An act relating to condominium associations; adding s. 718.111(14), Florida Statutes, 1982 Supplement; limiting the responsibility of a condominium association for damage to the interior of an individual unit; providing an effective date.

—was read the second time by title.

Senator Crawford moved the following amendment which was adopted:

Amendment 1—On page 1, between lines 17 and 18, insert:

Section 2. Subsection (3) of section 718.606, Florida Statutes, is amended to read:

718.606 Conversion of existing improvements to condominium; rental agreements.—When existing improvements are converted to ownership as a residential condominium:

(3) After the date of a notice of intended conversion, a tenant may terminate any the rental agreement, or any extension period, having an unexpired term of 180 days or less, upon 30 days' written notice to the developer. However, unless the rental agreement was entered into, extended, or renewed after the effective date of this part, the tenant may not unilaterally terminate the rental agreement but may unilaterally terminate any extension period having an unexpired term of 180 days or less upon 30 days' written notice.

Section 3. Subsection (2) of section 718.608, Florida Statutes, is amended to read:

718.608 Notice of intended conversion; time of delivery; content.—

(2)(a) Each notice of intended conversion shall be dated and in writing. The notice shall contain the following statement, with the phrases of the following statement which appear in upper case printed in conspicuous type:

These apartments are being converted to condominium by . . . (name of developer) . . ., the developer.

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 180 days, you may extend your rental agreement for up to 180 days after the date of this notice.

c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT, YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS AFTER THE DATE OF THIS NOTICE.

2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45 DAYS, you may extend your rental agreement for up to 45 days after the date of this notice while you decide whether to extend your rental agreement as explained above. To do so, you must notify the developer in writing. You will then have the full 45 days to decide whether to extend your rental agreement as explained above.

3. During the extension of your rental agreement you will be charged the same rent that you are now paying.

4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

a. If your rental agreement began or was extended or renewed after . . . (effective date of part) . . ., at any time your rental agreement has 180 days or less remaining, you may cancel your rental agreement upon 30 days' written notice and move. Also, upon 30 days' written notice, you may cancel any extension of the rental agreement at any time the extension has 180 days or less remaining.

b. If your rental agreement was not begun or was not extended or renewed after . . . (effective date of part) . . ., you may not cancel the rental agreement without the consent of the developer. You may, however, upon 30 days' written notice cancel any extension of the rental agreement if such extension has 180 days or less remaining.

5. All notices must be given in writing and sent by mail, return receipt requested, or delivered in person to the developer at this address: . . . (name and address of developer) . . .

6. If you have continuously been a resident of these apartments during the last 180 days:

a. You have the right to purchase your apartment and will have 45 days to decide whether to purchase. If you do not buy the unit at that price and the unit *by itself* is later offered at a lower price, you will have the opportunity to buy the unit at the lower price. However, in all events your right to purchase the unit ends when the rental agreement or any extension of the rental agreement ends or when you waive this right in writing.

b. Within 90 days you will be provided purchase information relating to your apartment, including the price of your unit and the condition of the building. If you do not receive this information within 90 days, your rental agreement and any extension will be extended 1 day for each day over 90 days until you are given the purchase information. If you do not want this rental agreement extension, you must notify the developer in writing.

7. If you have any questions regarding this conversion or the Condominium Act, you may contact the developer or the state agency which regulates condominiums: The Division of Florida Land Sales and Condominiums, . . . (Tallahassee address and telephone number of division) . . .

(b) When a developer offers tenants an optional tenant relocation payment pursuant to s. 718.606(4), the notice of intended conversion shall contain a statement substantially as follows:

If you have been a continuous resident of these apartments for the last 180 days and your lease expires during the next 180 days, you may extend your rental agreement for up to 270 days, or you may extend your rental agreement for up to 180 days and receive a cash payment at least equal to 1 month's rent. You must make your decision and inform the developer in writing within 45 days after the date of this notice.

(c) When the rental agreement extension provisions of s. 718.606(6) are applicable to a conversion, subparagraphs 1.a. and b. of the notice of intended conversion shall read as follows:

1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL AGREEMENT AS FOLLOWS:

a. If you have continuously been a resident of these apartments during the last 180 days and your rental agreement expires during the next 360 days, you may extend your rental agreement for up to 360 days after the date of this notice.

b. If you have not been a continuous resident of these apartments for the last 180 days and your rental agreement expires during the next 270 days, you may extend your rental agreement for up to 270 days after the date of this notice.

Section 4. Paragraph (c) of subsection (1) of section 718.612, Florida Statutes, is amended to read:

718.612 Right of first refusal.—

(1) Each tenant, who for the 180 days preceding a notice of intended conversion has been a residential tenant of the existing improvements, shall have the right of first refusal to purchase the unit in which he resides on the date of the notice, under the following terms and conditions:

(c) If, after any right of first refusal has expired, the developer offers the unit at a price lower than that offered to the tenant, the developer shall in writing notify the tenant prior to the publication of the offer. The tenant shall have the right of first refusal at the lower price for a period of not less than an additional 10 days after the date of the notice. Thereafter, the tenant shall have no additional right of first refusal. As used in this paragraph, "offer" includes any solicitation to the general public by means of newspaper advertisement, radio, television, or written or printed sales literature or price list *but shall not include a transaction involving the sale of more than one unit to one purchaser.*

(Renumber subsequent section.)

Senator Gersten moved the following amendment:

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

Section 1. Subsections (8) and (11) of section 718.103, Florida Statutes, are amended, and subsections (22) and (23) are added to said section to read:

718.103 Definitions.—As used in this chapter:

(8) "Common surplus" means the excess of all receipts of the association *collected on behalf of a condominium*—including, but not limited to, assessments, rents, profits, and revenues on account of the common elements—over the common expenses.

(11) "Condominium property" means the lands *and*, leaseholds, ~~and personal property~~ that are subjected to condominium ownership, whether or not contiguous, and all improvements thereon and all easements and rights appurtenant thereto intended for use in connection with the condominium.

(22) "Association property" includes that property, real and personal, in which title or ownership is vested in the association for the use and benefit of its members.

(23) "Series condominium" means a number of adjoining condominiums that are separately constituted for the purpose of limiting the size of the common estate and the number of units.

Section 2. Paragraphs (k), (l), and (m) of subsection (4) of section 718.104, Florida Statutes, 1982 Supplement, are amended, and paragraph (o) is added to said subsection to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(k) A copy of the bylaws, which ~~shall~~ *may* be attached as an exhibit. Defects or omissions in the bylaws shall not affect the validity of the condominium or title to the condominium parcels.

(l) *A specification of the common elements and any parts thereof which are designated as limited common elements* —~~Other desired provisions not inconsistent with this chapter.~~

(m) *The legal description and identification of the significant terms of any easement affecting the unit owners or condominium property or any easement to the developer for such purposes as marketing or construction; provided that each declaration shall include The creation of a nonexclusive easement for ingress and egress over streets, walks, and other rights-of-way serving the units of a condominium, as part of the common elements necessary to provide reasonable access to the public ways, or a dedication of the streets, walks, and other rights-of-way to the public. All easements for ingress and egress shall not be encumbered by any leasehold or lien other than those on the condominium parcels, unless:*

1. Any such lien is subordinate to the rights of unit owners, or

2. The holder of any encumbrance or leasehold of any easement has executed and recorded an agreement that the use-rights of each unit owner will not be terminated as long as the unit owner has not been evicted because of a default under the encumbrance or lease, and the use-rights of any mortgagee of a unit who has acquired title to a unit may not be terminated.

(o) *Other desired provisions not inconsistent with this chapter.*

Section 3. Subsection (2) of section 718.106, Florida Statutes, is amended to read:

718.106 Condominium parcels; appurtenances; possession and enjoyment.—

(2) There shall pass with a unit, as appurtenances thereto:

(a) An undivided share in the common elements and common surplus.

(b) The exclusive right to use such portion of the common elements as may be provided by the declaration.

(c) An exclusive easement for the use of the airspace occupied by the unit as it exists at any particular time and as the unit may lawfully be altered or reconstructed from time to time. An easement in airspace which is vacated shall be terminated automatically.

(d) *Membership in the association designated in the declaration, with the full voting rights appertaining thereto.*

(e)(4) *Other appurtenances as may be provided in the declaration.*

Section 4. Subsections (5), (7), and (9) of section 718.110, Florida Statutes, are amended, and subsection (10) is added to said section to read:

718.110 Amendment of declaration.—

(5) If it appears that through scrivener's error a unit has not been designated as owning an appropriate undivided share of the common elements or does not bear an appropriate share of the common expenses or that all the common expenses or interest in the common surplus or all of the common elements in the condominium have not been distributed in the declaration, so that the sum total of the shares of common elements which have been distributed or the sum total of the shares of the common expenses or ownership of common surplus fails to equal 100 percent, or if it appears that more than 100 percent of common elements or common expenses or ownership of the common surplus have been distributed, the error may be corrected by filing an amendment to the declaration approved by the board of administration or a majority of the unit owners. ~~To be effective, the amendment must be executed by the association and the owners of the units and the owners of mortgages thereon affected by the modifications being made in the shares of common elements, common expenses, or common surplus. No other unit owner is required to join in or execute the amendment.~~

(7) The declarations, bylaws, and common elements of two or more independent condominiums of a single complex may be merged to form a single condominium, upon the approval of ~~such voting interest of each condominium as is required by the declaration for modifying the appurtenances to the units or changing the proportion or percentages by which the owners of the parcel share the common expenses and own the common surplus, upon the approval 80 percent of all the unit owners of each condominium and~~ of all record owners of liens, and upon the recording of new or amended articles of incorporation, declarations, and bylaws.

(9) ~~If there is an omission or error in a declaration of condominium, or in other documents required by law to establish the condominium, the association may correct the error or omission by an amendment to the declaration, or the other documents required to create a condominium, in the manner provided in the declaration to amend the declaration, or, if none is provided, then by vote of a majority of the voting interest. The amendment is effective when passed and approved and a certificate of the amendment is executed and recorded as provided in s. 718.104. This procedure for amendment cannot be used if such an amendment would materially or adversely affect property rights of unit owners, unless the affected unit owners consent in writing. This subsection does not restrict the powers of the association to otherwise amend the declaration, or other documentation, but authorizes a simple process of amendment requiring a lesser vote for the purpose of curing defects, errors, or omissions when the property rights of unit owners are not materially or adversely affected. Any vote to amend the declaration of condominium relating to a change in percentage of ownership in the common elements or sharing of the common expense shall be conducted by secret ballot.~~

(10) *If there is an omission or error in a declaration of condominium, or other documents required to establish the condominium, which would affect the valid existence of the condominium and which may not be corrected by the amendment procedures in the declaration or this chapter, then the circuit courts have jurisdiction to entertain petitions of one or more of the unit owners therein, or of the association, to correct the error or omission, and the action may be a class action. The court may require that one or more methods of correcting the error or omission be submitted to the unit owners to determine the most acceptable correction. All unit owners and the association must be joined as parties to the action. Service of process on owners may be by publication, but the plaintiff shall furnish all unit owners not personally served with process with copies of the petition and final decree of the court by certified mail, return receipt requested, at their last known residence address. If an action to determine whether the declaration or other condominium documents comply with the mandatory requirements for the formation of a condominium contained in this chapter is not brought within 3 years of the filing of the declaration, the declaration and other documents shall be effective under this chapter to create a condominium, whether or not the documents substantially comply with the mandatory requirements*

of this chapter. However, both before and after the expiration of this 3-year period, circuit courts have jurisdiction to entertain petitions permitted under this subsection for the correction of the documentation, and other methods of amendment may be utilized to correct the errors or omissions at any time.

Section 5. Paragraph (a) of subsection (9) of section 718.111, Florida Statutes, 1982 Supplement, subsections (2), (5), (7), and (12) of said section are amended, and subsections (14) and (15) are added to said section to read:

718.111 The association.—

(2) The association may contract, sue, or be sued with respect to the exercise or nonexercise of its powers. For these purposes, the powers of the association include, but are not limited to, the maintenance, management, and operation of the condominium property. After control of the association is obtained by unit owners other than the developer, the association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all unit owners concerning matters of common interest, including, but not limited to, the common elements; the roof and structural components of a building or other improvements; mechanical, electrical, and plumbing elements serving an improvement or a building; representations of the developer pertaining to any existing or proposed commonly used facilities; and protesting ad valorem taxes on commonly used facilities *and the units*. If the association has the authority to maintain a class action, the association may be joined in an action as representative of that class with reference to litigation and disputes involving the matters for which the association could bring a class action. Nothing herein limits any statutory or common-law right of any individual unit owner or class of unit owners to bring any action which may otherwise be available.

(5) The association has the irrevocable right to access to each unit during reasonable hours, when necessary for the maintenance, repair, or replacement of any common elements or for making emergency repairs necessary to prevent damage to the common elements or to another unit or units. *The association may require that each unit owner maintain a key to the unit with the association for use by the association in an emergency; however, an association requiring keys shall provide an insurance bond protecting the interests of the unit owners against misuse of such keys.*

(7)(a) *The association shall maintain a copy of each of the following, which shall constitute the official records of the association:*

1. *The plans, permits, warranties, and other items provided by the developer pursuant to s. 718.301(4);*
2. *A photocopy of the recorded declaration of each condominium operated by the association and all amendments thereto;*
3. *A photocopy of the recorded bylaws of the association and all amendments thereto;*
4. *A certified copy of the articles of incorporation of the association or other documents creating the association and all amendments thereto;*
5. *A copy of the current rules of the association;*
6. *A book or books containing the minutes of all meetings of the association, of the board of directors, and of unit owners, which minutes shall be retained for a period of not less than 7 years;*
7. *A current roster of all unit owners, their mailing addresses, unit identifications, and, if known, telephone numbers.*
8. *All current insurance policies of the association and condominiums operated by the associations;*
9. *A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility;*
10. *Bills of sale or transfer for all property owned by the association;*
11. *Accounting records for the association and separate accounting records for each condominium it operates, according to generally accepted accounting principles. Associations operating two or more separate and distinct condominiums, other than those operating pursuant to 718.111(11), shall maintain separate records of surplus, if any. All*

accounting records shall be maintained for a period of not less than 7 years or from the date of first receipt or expenditure, whichever period is longer. The accounting records shall include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures.

b. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid upon the account, and the balance due.

c. All audits, reviews, accounting statements, and financial reports of the association or condominium.

(b) The official records of the association shall be maintained in the county in which is located the condominium or a condominium operated by the association.

(c) The official records of the association shall be open to inspection by any association member or the authorized representative of such member at all reasonable times. Failure to permit inspection of the association records as provided herein entitles any person prevailing in an enforcement action to recover reasonable attorney's fees from the person in control of the records who, directly or indirectly, knowingly denies access to the records for inspection. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the association member. ~~The association shall maintain accounting records for each condominium it manages in the county where the condominium is located, according to good accounting practices. The records shall be open to inspection by unit owners or their authorized representatives at reasonable times, and written summaries of them shall be supplied at least annually to unit owners or their authorized representatives. Failure to permit inspection of the association's accounting records by unit owners or their authorized representatives entitles any person prevailing in an enforcement action to recover reasonable attorney's fees from the person in control of the books and records who, directly or indirectly, knowingly denies access to the books and records for inspection. The records shall include, but are not limited to:~~

(a) ~~A record of all receipts and expenditures.~~

(b) ~~An account for each unit, designating the name and current mailing address of the unit owner, the amount of each assessment, the dates and amounts in which the assessments come due, the amount paid upon the account, and the balance due.~~

(9)(a) The association shall use its best efforts to obtain and maintain adequate insurance to protect the association, the association property, and the condominium property required to be insured by the association pursuant to s. 718.111(9)(b) ~~common elements~~. A copy of each policy of insurance in effect shall be made available for inspection by unit owners at reasonable times.

(12) The association has the power to purchase any land or recreation lease upon the approval of such voting interest as is required by the declaration. ~~If the declaration makes no provision for acquisition of the land or recreation lease, the vote required shall be that required to amend the declaration to permit the acquisition two-thirds of the unit owners of each condominium association, unless a different number or percentage is provided in the declaration or declarations.~~

(14) The association has the power to acquire title to property or otherwise hold property for the use and benefit of its members.

(15) The association is not responsible for the interior of an individual unit, including but not limited to, interior walls, floors, or ceilings, except for damage that a defective common element causes to such interior.

Section 6. Subsections (1) and (2) of section 718.112, Florida Statutes, 1982 Supplement, are amended to read:

718.112 Bylaws.—

(1) ~~The operation administration of the association and the operation of the condominium property shall be governed by the bylaws of the association, which shall be set forth in or included as a recorded exhibit to the declaration of each condominium operated by the association. No modification of or amendment to the bylaws is valid unless recorded, with identification on the first page thereof of the book and page of the public records where the declaration of each condominium~~

~~operated by the association is recorded. The bylaws shall be amended in accordance with the procedure and vote set forth in the bylaws or articles of incorporation. If the articles and bylaws do not provide a procedure, the vote required shall be that required to amend the declaration of condominium set forth in or annexed to a recorded amendment to the declaration. The method of amending bylaws shall be governed by separate provisions for amending bylaws and not by the method for amending the declaration.~~

(2) The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(a) The form of administration of the association shall be described, indicating the title of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and boards. In the absence of such a provision, the board of administration shall be composed of five members, except in the case of condominiums having five or fewer units, in which case ~~in not for profit corporations the board shall consist of not less than three members, and in profit corporations, such number as is established by the bylaws one owner of each unit shall be a member of the board of administration~~. In the absence of provisions to the contrary in the bylaws, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of such officers customarily performed by officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them the duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board of administration.

(b)1. Unless otherwise provided in the bylaws, the percentage of ~~unit owners or voting rights~~ required to make decisions and to constitute a quorum shall be a majority of the *voting interests units*, and decisions shall be made by owners of a majority of the *voting interests units* represented at a meeting at which a quorum is present. Unit owners may vote by proxy.

2. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the unit owner executing it.

(c) Meetings of the board of administration shall be open to all unit owners. Adequate notice of all meetings shall be posted conspicuously on the condominium property at least 48 hours in advance, except in an emergency. Notice of any meeting in which assessments against unit owners are to be considered for any reason shall specifically contain a statement that assessments will be considered and the nature of any such assessments.

(d) There shall be an annual meeting of the unit owners. Unless the bylaws provide otherwise, vacancies on the board of administration caused by the expiration of a director's term shall be filled by electing new board members. If there is no provision in the bylaws for terms of the members of the board of administration, the terms of all members of the board of administration shall expire upon the election of their successors at the annual meeting. The bylaws shall not restrict any unit owner desiring to be a candidate for board membership from being nominated from the floor. The bylaws shall provide the method of calling meetings of unit owners, including annual meetings. Written notice shall be given to each unit owner at least 14 days prior to the annual meeting and shall be posted in a conspicuous place on the condominium property at least 14 days prior to the annual meeting. Unless a unit owner waives in writing the right to receive notice of the annual meeting by mail, the notice of the annual meeting shall be sent by mail to each unit owner, ~~and the post office certificate of mailing shall be retained as proof of such mailing. The secretary of the association shall provide an affidavit affirming that notices of the association meeting were mailed or hand delivered to each unit owner at the address last furnished to the association in accordance with this provision.~~ Unit owners may waive notice of specific meetings and may take action by written agreement without meetings, if allowed by the bylaws, the declaration of condominium, or any Florida statute.

(e) ~~The minutes of all meetings of unit owners and the board of administration shall be kept in a book available for inspection by unit owners, or their authorized representatives, and board members at any reasonable time. The association shall retain these minutes for a period of not less than 7 years.~~

(e)(f) The board of administration shall mail a meeting notice and copies of the proposed annual budget of common expenses to the unit owners not less than 30 days prior to the meeting at which the budget will be considered. If the bylaws or declaration provides that the budget may be adopted by the board of administration, then the unit owners shall be given written notice of the time and place of the meeting of the board of administration which will consider the budget. The meeting shall be open to the unit owners. If an adopted budget requires assessment against the unit owners in any fiscal or calendar year exceeding 115 percent of the assessments for the preceding year, the board, upon written application of 10 percent of the *voting interests unit-owners* to the board, shall call a special meeting of the unit owners within 30 days, upon not less than 10 days' written notice to each unit owner. At the special meeting, unit owners shall consider and enact a budget. Unless the bylaws require a larger vote, the adoption of the budget shall require a vote of not less than a majority vote of all the *voting interests unit-owners*. The board of administration may propose a budget to the unit owners at a meeting of members or in writing, and if the budget or proposed budget is approved by the unit owners at the meeting or by a majority of all the *voting interests unit-owners* in writing, the budget shall be adopted. In determining whether assessments exceed 115 percent of similar assessments in prior years, any authorized provisions for reasonable reserves for repair or replacement of the condominium property, anticipated expenses by the condominium association which are not anticipated to be incurred on a regular or annual basis, or assessments for betterments to the condominium property shall be excluded from the computation. However, as long as the developer is in control of the board of administration, the board shall not impose an assessment for any year greater than 115 percent of the prior fiscal or calendar year's assessment without approval of a majority of all the *voting interests unit-owners*.

(f)(g) Subject to the provisions of s. 718.301, any member of the board of administration may be recalled and removed from office with or without cause by the vote or agreement in writing by a majority of all the *voting interests unit-owners*. A special meeting of the unit owners to recall a member or members of the board of administration may be called by 10 percent of the *voting interest unit-owners* giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting.

(g)(h) The manner of collecting from the unit owners their shares of the common expenses shall be stated in the bylaws. Assessments shall be made against *units unit-owners* not less frequently than quarterly, in an amount no less than required to provide funds in advance for payment of all of the anticipated current operating expenses and for all of the unpaid operating expenses previously incurred.

(h)(i) The method by which the bylaws may be amended consistent with the provisions of this chapter shall be stated. If the bylaws fail to provide a method of amendment, the bylaws may be amended if the amendment is approved by owners of not less than two-thirds of the *voting interests units*. No bylaw shall be revised or amended by reference to its title or number only. Proposals to amend existing bylaws shall contain the full text of the bylaws to be amended; new words shall be inserted in the text underlined, and words to be deleted shall be lined through with hyphens. However, if the proposed change is so extensive that this procedure would hinder, rather than assist, the understanding of the proposed amendment, it is not necessary to use underlining and hyphens as indicators of words added or deleted, but, instead, a notation must be inserted immediately preceding the proposed amendment in substantially the following language "Substantial rewording of bylaw. See bylaw . . . for present text." Nonmaterial errors or omissions in the bylaw process shall not invalidate an otherwise properly promulgated amendment.

(i)(j) If the transfer, lease, sale, or sublease of a unit by its owner is subject to approval of the association or any body thereof, a preset fee of up to \$50 may be charged by the association in connection with any such transfer, sale, lease, sublease, or approval to cover the expenditures and services of the association in regard thereto.

(j)(k) The proposed annual budget of common expenses shall be detailed and shall show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to those expenses listed in s. 718.504(20). In addition to annual operating expenses, the budget shall include reserve accounts for capital expenditures and deferred maintenance. These accounts shall include, but not be limited to, roof replacement, building painting, and pavement resurfacing. The amount to be reserved shall be computed by means of a formula which is

based upon estimated life and estimated replacement cost of each reserve item. This subsection shall not apply to budgets in which the level of assessments has been guaranteed pursuant to s. 718.116(8) prior to October 1, 1979, provided that the absence of reserves is disclosed to purchasers, or to budgets in which the members of an association have, by a vote of the majority of the members present at a duly called meeting of the association, determined for a fiscal year to provide no reserves or reserves less adequate than required by this subsection.

(k)(l) The fidelity bonding of all officers or directors of any association existing on or after October 1, 1978, who control or disburse funds of the association, in the principal sum of not less than \$10,000 for each such officer or director. The association shall bear the cost of bonding. This paragraph shall not apply to any association operating a condominium consisting of 50 units or less; however, any condominium association may bond any officer of the association, and the association shall bear the cost of bonding.

(l)(m) There shall be a provision for voluntary binding arbitration of internal disputes arising from the operation of the condominium among unit owners, associations, and their agents and assigns.

Section 7. Subsection (4) is added to section 718.115, Florida Statutes, to read:

718.115 Common expenses and common surplus.—

(4) *If the declaration so provides, a unit may be assessed individually for any or all of the following:*

(a) *Any common expense occasioned by the wrongful or negligent conduct of an owner of that unit or any licensee or invitee thereof, including but not limited to damages to the common elements or association property*

(b) *A fine levied pursuant to s. 718.303(3).*

(c) *Any expense of the association or its authorized agent, other than a common expense, for the performance of services to a unit or otherwise for a unit owner individually, at the written request of such owner.*

Section 8. Section 718.116, Florida Statutes, is amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(1)(a) A unit owner, regardless of how title is acquired, including a purchaser at a judicial sale, shall be liable for all assessments coming due while he is the unit owner. *Except as provided for in subsection (6) in a voluntary conveyance, the grantee shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor for his share of the common expenses up to the time of transfer of title the conveyance, without prejudice to any right the grantee may have to recover from the grantor the amounts paid by the grantee.*

(b) With respect to each time-share unit, each owner of a time-share estate therein shall be jointly and severally liable for the payment of all assessments and other charges levied pursuant to the declaration or bylaws against or with respect to that unit, except to the extent that the declaration or bylaws may provide to the contrary.

(2) The liability for assessments may not be avoided by waiver of the use or enjoyment of any common elements or by abandonment of the unit for which the assessments are made.

(3) Assessments and installments on them not paid when due bear interest at the rate provided in the declaration, from the due date until paid. This rate may not exceed the rate allowed by law, and, if no rate is provided in the declaration, then interest shall accrue at the *highest rate permitted by law for consumer loans to individuals legal rate*

(4)(a) The association has a lien on each condominium parcel for any unpaid assessments with interest and, ~~if the declaration so allows~~, for reasonable attorney's fees incurred by the association incident to the collection of the assessment or enforcement of the lien. The lien is effective from and after recording a claim of lien in the public records in the county in which the condominium parcel is located, stating the description of the condominium parcel, the name of the record owner, the amount due, and the due dates. The lien is in effect until all sums secured by it have been fully paid or until barred by chapter 95. The claim of lien ~~shall recite includes~~ only assessments which are due when the claim is recorded; *however such claim of lien shall secure all unpaid assess-*

ments, interest, costs, and attorney's fees which may accrue subsequent to the recording of the claim of lien, and prior to entry of a final judgment of foreclosure. A claim of lien must be signed and acknowledged by an officer or agent of the association. Upon payment, the person making the payment is entitled to a satisfaction of the lien. By recording a notice in substantially the following form, a unit owner or his agent or attorney may require the association to enforce a recorded claim of lien against his condominium parcel:

NOTICE OF CONTEST OF LIEN

TO: . . . (Name and address of association) . . .
 You are notified that the undersigned contests the claim of lien filed by you on . . . 19. . . . , and recorded in Official Records Book at Page , of the public records of County, Florida, and that the time within which you may file suit to enforce your lien is limited to 90 days from the date of service of this notice.

Executed this day of , 19. . . .
 Signed: . . . (Owner or Attorney) . . .

(b) The clerk of the circuit court shall mail a copy of the recorded notice of contest to the lien claimant at the address shown in the claim of lien or most recent amendment to it, shall certify to the service on the face of the notice, and shall record the notice. Service is complete upon mailing. After service, the association has 90 days in which to file an action to enforce the lien, and if the action is not filed within the 90-day period, the lien is void.

(5)(a) The association may bring an action in its name to foreclose a lien for assessments in the manner a mortgage of real property is foreclosed and may also bring an action to recover a money judgment for the unpaid assessments without waiving any claim of lien.

(b) No foreclosure judgment may be entered until at least 30 days after the association gives written notice to the unit owner of its intention to foreclose its lien to collect the unpaid assessments. If this notice is not given at least 30 days before the foreclosure action is filed, and if the unpaid assessments, including those coming due after the claim of lien is recorded, are paid before the entry of a final judgment of foreclosure, the association shall not recover attorney's fees or costs. The notice must be given by delivery of a copy of it to the unit owner or by certified mail, return receipt requested, addressed to the unit owner. If, after diligent search and inquiry, the association cannot find the unit owner or a mailing address within the United States at which the unit owner will receive the notice, the court may proceed with the foreclosure action and may award attorney's fees and costs as permitted by law. *If at the time the notice is given, the unit owner is a resident of or is located in a country other than the United States, and if the unit owner is not then occupying the unit, the notice may be sent by registered mail, return receipt requested, and upon such mailing, the notice shall be deemed to have been given, and the court shall proceed with the foreclosure action and may award attorney's fees and costs as permitted by law.* The notice requirements of this subsection are satisfied if the unit owner records a Notice of Contest of Lien as provided in subsection (4). *The notice requirements of this subsection shall not apply if an action to foreclose a mortgage on the condominium unit is pending before any court, if the condominium association's rights would be affected by such foreclosure, and if actual, constructive, or substitute service of process has been made on the unit owner.*

(c) If the unit owner remains in possession of the unit and the claim of lien is foreclosed, the court, in its discretion, may require the unit owner to pay a reasonable rental for the unit, and the association is entitled to the appointment of a receiver to collect the rent.

(d) The association, unless prohibited by the declaration, the documents creating the association, or its bylaws, has the power to purchase the condominium parcel at the foreclosure sale and to hold, lease, mortgage, or convey it.

(6) When the mortgagee of a first mortgage of record, or other purchaser, of a condominium unit obtains title to the condominium parcel as a result of foreclosure of the first mortgage, or, if the declaration so provides, as a result of a deed given in lieu of foreclosure, such acquirer of title and his successors and assigns shall not be liable for the share of common expenses or assessments by the association pertaining to the condominium parcel or chargeable to the former unit owner of the parcel which became due prior to acquisition of title as a result of the foreclosure, unless the share is secured by a claim of lien for assessments that is

recorded prior to the recording of the foreclosed mortgage. The unpaid share of common expenses or assessments are common expenses collectible from all of the unit owners, including such acquirer and his successors and assigns. If the declaration so provides, the foregoing provision may apply to any mortgage of record and shall not be restricted to first mortgages of record. A first mortgagee acquiring title to a condominium parcel as a result of foreclosure, or a deed in lieu of foreclosure, may not, during the period of its ownership of such parcel, whether or not such parcel is unoccupied, be excused from the payment of some or all of the common expenses coming due during the period of such ownership.

~~(7) Any unit owner has the right to require from the association a certificate showing the amount of unpaid assessments against him with respect to his condominium parcel. The holder of a mortgage or other lien of record has the same right as to any condominium parcel upon which he has a lien.~~

(7)(a)(8) No unit owner may be excused from the payment of his share of the common expense of a condominium unless all unit owners are likewise proportionately excused from payment, except as provided in subsection (6) and in the following cases:

1.(a) If the declaration so provides, a developer or other person owning condominium units offered for sale may be excused from the payment of the share of the common expenses and assessments related to those units for a stated period of time subsequent to the recording of the declaration of condominium. The period must terminate no later than the first day of the fourth calendar month following the month in which the closing of the purchase and sale of the first condominium unit occurs. However, the developer must pay the portion of common expenses incurred during that period which exceed the amount assessed against other unit owners.

2.(b) A developer or other person owning condominium units or having an obligation to pay condominium expenses may be excused from the payment of his share of the common expense which would have been assessed against those units during the period of time that he shall have guaranteed to each purchaser in the purchase contract, declaration, or prospectus, or by agreement between the developer and a majority of the unit owners other than the developer, that the assessment for common expenses of the condominium imposed upon the unit owners would not increase over a stated dollar amount and shall have obligated himself to pay any amount of common expenses incurred during that period and not produced by the assessments at the guaranteed level receivable from other unit owners.

(b) *If the purchase contract, declaration, prospectus, or agreement between the developer and a majority of unit owners other than the developer provides for the developer or another person to be excused from the payment of assessments pursuant to paragraph (a), no funds collected from unit purchasers or owners by the developer or the association, other than regular periodic assessments for common expenses as provided in the declaration and disclosed in the estimated operating budget pursuant to s. 718.503(2)(f) or s. 718.504(20)(b), shall be used for payment of common expenses prior to the assumption of control of the association's finances by unit owners other than the developer, pursuant to s. 718.301. This restriction shall apply to funds including, but not limited to, capital contributions or start-up funds collected from unit purchasers at closing.*

Section 9. Section 718.202, Florida Statutes, is amended to read:

718.202 *Escrow of sales* Sales or reservation deposits prior to closing.—

(1)(a) If a developer contracts to sell a condominium parcel and the construction, furnishing, and landscaping, or, in the case of a conversion of existing improvements, any renovation, remodeling, or other improvement, of the property submitted or to be submitted to condominium ownership has not been substantially completed in accordance with the plans and specifications and representations made by the developer in the disclosures required by this chapter, the developer shall directly deposit, within 5 business days, all payments received by the developer from the buyer towards the sale price pay into an escrow account or accounts as provided herein. ~~The escrow agent shall be either established with a bank, a or trust company, having trust powers, an attorney who is a member of The Florida Bar,; a real estate broker registered under chapter 475; any financial lending institution having a net worth in excess of \$5 million; or a title insurance company authorized to insure title to real property in the State of Florida, all payments up to 10~~

~~percent of the sale price received by the developer from the buyer towards the sale price. Funds shall not be deposited out of state unless the out-of-state party holding such escrow funds submits to the jurisdiction of the division and the courts of this state for any cause of action arising from the escrow.~~

(b) The escrow agent shall give to the ~~buyer~~ purchaser a receipt for any the deposit, upon request. In lieu of the foregoing, the division director shall have the discretion to accept other assurances, including, but not limited to, a surety bond or an irrevocable letter of credit in an amount equal to the escrow requirements of this section. Default determinations and refund of deposits shall be governed by the escrow release provision of this subsection.

(c) The escrowed funds may be deposited in separate accounts or in common escrow or trust accounts or commingled with other escrow or trust accounts handled by or received by the escrow agent. The escrow agent may invest the escrow funds in securities of the United States or any agency thereof or in savings or time deposits in institutions insured by an agency of the United States. Funds shall be released from escrow as follows:

1.(a) If a buyer properly terminates the contract pursuant to its terms or pursuant to this chapter, the funds shall be paid to the buyer together with any interest earned.

2.(b) If the buyer defaults in the performance of his obligations under the contract of purchase and sale, the funds shall be paid to the developer together with any interest earned.

3.(e) If the contract does not provide for the payment of any interest earned on the escrowed funds, interest shall be paid to the ~~buyer~~ developer at the closing of the transaction.

4.(d) If the funds of a buyer have not been previously disbursed in accordance with the provisions of this subsection, they may be disbursed to the developer by the escrow agent at the closing of the transaction, unless prior to the disbursement the escrow agent receives from the buyer written notice of a dispute between the buyer and developer.

~~(2) All payments in excess of the 10 percent of the sale price described in subsection (1) received prior to completion of construction by the developer from the buyer on a contract for purchase of a condominium parcel shall be held in a special escrow account by the developer or his agent and may not be used by the developer prior to closing the transaction, except as provided in subsection (3) or except for refund to the buyer. If the money remains in this special account for more than 3 months and earns interest, the interest shall be paid as provided in subsection (1).~~

~~(3) If the contract for sale of the condominium unit so provides, the developer may withdraw escrow funds in excess of 10 percent of the purchase price from the special account required by subsection (2) when the construction of improvements has begun. He may use the funds in the actual construction and development of the condominium property in which the unit to be sold is located. However, no part of these funds may be used for salaries, commissions, or expenses of salesmen or for advertising purposes. A contract which permits use of the advance payments for these purposes shall include the following legend conspicuously printed or stamped in boldfaced type on the first page of the contract and immediately above the place for signature of the buyer: ANY PAYMENT IN EXCESS OF 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION PURPOSES BY THE DEVELOPER.~~

(2)(4) "Completion of construction" means issuance of a certificate of occupancy for the entire building or improvement, or the equivalent authorization issued by the governmental body having jurisdiction, and, in jurisdictions where no certificate of occupancy or equivalent authorization is issued, it means substantial completion of construction, finishing, and equipping of the building or improvements according to the plans and specifications.

(3)(5) Failure to comply with the provisions of this section renders the contract voidable by the buyer, and, if voided, all sums deposited or advanced under the contract shall be refunded with interest at the highest rate then being paid on savings accounts, excluding certificates of deposit, by savings and loan associations in the area in which the condominium property is located.

(4)(6) If a developer enters into a reservation agreement, the developer shall pay into an escrow account established with an escrow agent meeting the requirements of subsection (1) ~~a trust company, a bank having trust powers, an attorney who is a member of The Florida Bar, a real estate broker registered under chapter 475, or a title insurance company authorized to insure title to real property in this state~~ all reservation deposit payments. Reservation deposits shall be payable to the escrow agent, who shall give to the prospective purchaser a receipt for the deposit, acknowledging that the deposit is being held pursuant to the requirements of this subsection. Funds shall not be deposited out of state unless the out-of-state party holding such escrow funds submits to the jurisdiction of the division and the courts of this state for any cause of action arising from the escrow. The funds may be placed in either interest-bearing or non-interest-bearing accounts, provided that the funds shall at all reasonable times be available for withdrawal in full by the escrow agent. The developer shall maintain separate records for each condominium or proposed condominium for which deposits are being accepted. Upon written request to the escrow agent by the prospective purchaser or developer, the funds shall be immediately and without qualification refunded in full to the prospective purchaser. Upon such refund, any interest shall be paid to the prospective purchaser, unless otherwise provided in the reservation agreement. A reservation deposit shall not be released directly to the developer except as a downpayment on the purchase price simultaneously with or subsequent to the execution of a contract. Upon the execution of a purchase agreement for a unit, any funds paid by the purchaser as a deposit to reserve the unit pursuant to a reservation agreement, and any interest thereon, shall cease to be subject to the provisions of this subsection and shall instead be subject to the provisions of subsections (1), (2), and (3) ~~(4)-(5)~~.

(5)(7) Any developer who willfully fails to pay all required funds into the escrow accounts required by this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Section 718.203, Florida Statutes, is amended to read:

718.203 Warranties.—

(1) The developer shall be deemed to have granted to the purchaser of each unit an implied warranty of fitness and merchantability for the purposes or uses intended as follows:

~~(a) As to each unit, a warranty for 3 years commencing with the completion of the building containing the unit.~~

(a)(b) As to the personal property that is transferred with, or appurtenant to, each unit, a warranty which is for the same period as that provided by the manufacturer of the personal property, commencing with the date of closing of the purchase or the date of possession of the unit, whichever is earlier.

~~(c) As to all other improvements for the use of unit owners, a 3-year warranty commencing with the date of completion of the improvements.~~

(b)(d) As to all other personal property for the use of unit owners, a warranty which shall be the same as that provided by the manufacturer of the personal property.

(c)(e) As to the roof and structural components of a building, ~~and~~ or other improvements to real property and as to mechanical, electrical, and plumbing elements serving improvements, ~~or~~ a building, ~~except mechanical elements serving only one or more units~~ unit, a warranty for a period beginning with the completion of construction of each building or improvement and continuing for 3 years thereafter or 1 year after owners other than the developer obtain control of the association, whichever occurs last, but in no event more than 5 years.

~~(f) As to all other property which is conveyed with a unit, a warranty to the initial purchaser of each unit for a period of 1 year from the date of closing of the purchase or the date of possession, whichever occurs first.~~

(2) The contractor and all subcontractors and suppliers grant to the developer and to the purchaser of each unit implied warranties of fitness as to the work performed or materials supplied by them for the same periods as the warranties provided by the developer to purchasers pursuant to subsection (1), as follows:

~~(a) For a period of 3 years from the date of completion of construction of a building or improvement, a warranty as to the roof and struc-~~

~~tural components of the building or improvement and mechanical and plumbing elements serving a building or an improvement, except mechanical elements serving only one unit~~

~~(b) For a period of 1 year after completion of all construction, a warranty as to all other improvements and materials.~~

(3) "Completion of a building or improvement" means, for new construction, issuance of a certificate of occupancy for the entire building or improvement, or the equivalent authorization issued by the governmental body having jurisdiction, and in jurisdictions where no certificate of occupancy or equivalent authorization is issued for the building or improvement, it means substantial completion of construction, finishing, and equipping of the building or improvement according to the plans and specifications.

(4) These warranties are conditioned upon routine maintenance being performed, unless the maintenance is an obligation of the developer or a developer-controlled association.

(5) The warranties provided by this section shall inure to the benefit of each owner and his successor owners and to the benefit of the developer.

(6) Nothing in this section affects a condominium as to which rights are established by contracts for sale of 10 percent or more of the units in the condominium by the developer to prospective unit owners prior to July 1, 1974, or as to condominium buildings on which construction has been commenced prior to July 1, 1974.

(7) Residential condominiums may be covered by an insured warranty program underwritten by a licensed insurance company registered in this state, ~~provided that such warranty program meets the minimum requirements of this chapter~~; To the degree that such warranty program does not meet the minimum requirements of this chapter, the developer, contractor, subcontractors, and suppliers shall be liable as provided in this section ~~such requirements shall apply~~.

(8) The warranties provided by this section shall not operate to exclude any warranties implied at common law or expressly provided by the developer, contractor, subcontractors, or suppliers, but are intended to be coexistent with any such warranties.

Section 11. Subsection (4) of section 718.301, Florida Statutes, is amended, and subsection (5) is added to said section to read:

(Substantial rewording of subsection. See s. 718.301(4), F.S., for present text.)

718.301 Transfer of association control.—

(4) Before closing on a contract for sale or executing a lease for a period of more than 5 years, of any unit in the condominium building pursuant to s. 718.104(4)(e) or phase pursuant to s. 718.403, the developer shall, at the expense of the developer, provide to the association operating the condominium a copy of each of the following:

(a) The as-built architectural, structural, engineering, mechanical, electrical, and plumbing plans; or, in the case of a conversion of existing improvements, any such plans regarding remodeling, renovation, or other improvement.

(b) The original specifications, indicating thereon all material changes; or, in the case of a conversion of existing improvements, any such specifications and changes thereof regarding remodeling, renovation, or other improvement.

(c) The plans for underground site service, site grading, drainage, and landscaping together with any cable television drawings if available; or, in the case of a conversion of existing improvements, any such plans or drawings regarding remodeling, renovation, or other improvement.

(d) Such other available plans and information not mentioned in paragraphs (a), (b), or (c) but relevant to future repair or maintenance of the property.

(e) Copies of any certificates of occupancy that have been issued for any part of the property.

(f) Any other permits issued by governmental bodies applicable to any part of the property and either in force or issued within 3 years of the first closing or applicable lease in the condominium, building, or phase, as provided in this section.

(g) Any written warranties of the contractor, subcontractors, suppliers, or manufacturers, that are still effective.

(h) The names and addresses of all contractors, subcontractors, and suppliers involved in the construction, improvement, furnishing, and landscaping of the condominium or property owned by the association.

(i) All records specified in s. 718.111(7) that may be applicable.

(5) *The developer shall relinquish all control of the association, including but not limited to control of its finances, immediately upon election of a majority of the association board of administration by unit owners other than the developer. Prior to or not more than 60 days after that time, the developer shall provide to the association, at the developer's expense, a review of the association's financial records, including financial statements and source documents from the date of incorporation of the association through the date of such election. The review shall be performed by an independent certified public accountant. The minimum report required shall be a review in accordance with generally accepted accounting standards as defined by rule by the Board of Accountancy. The accountant performing the review shall examine to the extent necessary supporting documents and records including the cash disbursements and related paid invoices to determine whether expenditures were for association purposes, and billings, cash receipts, and related records to determine whether the developer was charged and paid the proper amounts of assessments.*

Section 12. Paragraphs (a), (b), (c), and (d) of subsection (1) of section 718.302, Florida Statutes, are amended to read:

718.302 Agreements entered into by the association.—

(1) Any grant or reservation made by a declaration, lease, or other document, and any contract made by an association prior to assumption of control of the association by unit owners other than the developer, that provides for operation, maintenance, or management of a condominium association or property serving the unit owners of a condominium shall be fair and reasonable, and may be canceled by unit owners other than the developer:

(a) If the association operates only one condominium and the unit owners other than the developer have assumed control of the association, or if unit owners other than the developer own not less than 75 percent of the voting interests ~~units~~ in the condominium, the cancellation shall be by concurrence of the owners of not less than 75 percent of the voting interest ~~units~~ other than the voting interests ~~units~~ owned by the developer. If a grant, reservation, or contract is so canceled and the unit owners other than the developer have not assumed control of the association, the association shall make a new contract or otherwise provide for maintenance, management, or operation in lieu of the canceled obligation, at the direction of the owners of not less than a majority of the voting interests ~~units~~ in the condominium other than the voting interests ~~units~~ owned by the developer.

(b) If the association operates more than one condominium and the unit owners other than the developer have not assumed control of the association, and if unit owners other than the developer own at least 75 percent of the voting interests ~~units~~ in a condominium operated by the association, any grant, reservation, or contract for maintenance, management, or operation of buildings containing the units in that condominium or of improvements used only by unit owners of that condominium may be canceled by concurrence of the owners of at least 75 percent of the voting interests ~~units~~ in the condominium other than the voting interests ~~units~~ owned by the developer. No grant, reservation, or contract for maintenance, management, or operation of recreational areas or any other property serving more than one condominium, and operated by more than one association, may be canceled except pursuant to paragraph (d). If a grant, reservation, or contract is canceled under this provision, the association shall provide for maintenance, management, or operation of the property in a manner consented to by the owners of not less than a majority of the voting interests ~~units~~ in the condominium other than the voting interests ~~units~~ owned by the developer.

(c) If the association operates more than one condominium and the unit owners other than the developer have assumed control of the association, the cancellation shall be by concurrence of the owners of not less than 75 percent of the total number of voting interests ~~units~~ in all condominiums operated by the association other than the voting interests ~~units~~ owned by the developer.

(d) If the owners of units in a condominium have the right to use property in common with owners of units in other condominiums and those condominiums are operated by more than one association, no grant, reservation, or contract for maintenance, management, or operation of the property serving more than one condominium may be canceled until unit owners other than the developer have assumed control of all of the associations operating the condominiums that are to be served by the recreational area or other property, after which cancellation may be effected by concurrence of the owners of not less than 75 percent of the total number of ~~voting interests units~~ in those condominiums other than ~~voting interests units~~ owned by the developer.

Section 13. Subsection (3) is added to section 718.303, Florida Statutes, to read:

718.303 Obligations of owners.—

(3) *If the declaration so provides the association may levy reasonable fines against a unit for failure of the owner of the unit or its licensee or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. No fine shall be levied except after giving reasonable notice and opportunity for a hearing to the unit owner and, if applicable, its licensee or invitee.*

Section 14. Subsection (1), paragraphs (a), (b), (c), and (d) of subsection (2), and subsection (6) of section 718.403, Florida Statutes, are amended and subsection (7) is added to said section to read:

718.403 Phase condominiums.—

(1) *Notwithstanding the provisions of s. 718.110, a developer may develop a condominium in phases, if the original declaration of condominium submitting the initial phase to condominium ownership or an amendment to the declaration approved by all of the unit owners and unit mortgagees provides for and describes in detail all anticipated phases; the impact, if any, which the completion of subsequent phases would have upon the initial phase; and the time period, which shall not exceed 7 years from the date of recording the declaration of condominium, within which all phases must be added to the condominium and comply with the requirements of this section or said right to add additional phases shall expire ~~each phase must be completed.~~*

(2) *The original declaration of condominium, or an amendment to the declaration approved by all unit owners and unit mortgagees, and the developer, shall describe:*

(a) *The land which may become part of the condominium and the land on which each phase is to be built. The descriptions shall include metes and bounds or other legal descriptions of the land for each phase, plot plans, and surveys. *Plot plans, attached as an exhibit, must show the approximate location of all existing and proposed buildings and improvements that may ultimately be contained within the condominium. The plot plan may be modified by the developer as to unit or building types to the extent that such changes are described in the declaration. If provided in the declaration, the developer may make nonmaterial changes in the legal description of a phase.**

(b) *The minimum and maximum number and general size of units to be included in each phase. *The general size may be expressed in terms of minimum and maximum square feet. In stating the minimum and maximum number of units, the difference between the minimum and maximum numbers shall not be greater than 20 percent of the maximum.**

(c) *Each unit's percentage ownership in the common elements as each phase is added. *In lieu of specific percentages, a formula for reallocating each unit's proportion or percentage of ownership in the common elements and manner of sharing common expenses and owning common surplus as additional units are added to the condominium by the addition of any land may be described. The basis for allocating percentage ownership of units in phases added shall be consistent with the basis for allocation made among the units originally in the condominium.**

(d) *The recreation areas and facilities which will ~~to~~ be owned as common elements by all unit owners and all personal property to be provided as each phase is added to the condominium. ~~and~~ A description of those facilities or areas which may not be built or provided if any phase or phases are not developed and added as a part of the condominium. *The developer may reserve the right to add additional common element recreational facilities if the original declaration contains a description of each type of facility and its proposed location. The declaration shall set forth the circumstances under which such facilities will be added.**

(4) *If one or more phases are not built, the units which are built are entitled to 100 percent ownership of all common elements within the phases actually developed and added as a part of the condominium.*

(6) *Notwithstanding other provisions of this chapter, any amendments by the developer adding any land to the condominium shall be consistent with the provisions of the declaration granting such right and shall contain or provide for the following matters:*

(a) *A statement submitting the additional land to condominium ownership as an addition to the condominium.*

(b) *The legal description of the land being added to the condominium.*

(c) *An identification of each unit within the land added to the condominium by letter, name of number, or a combination thereof, so that no unit in the condominium including the additional land will bear the same designation as any other unit.*

(d) *A survey of the additional land and graphic description of the improvements in which any units are located and a plot plan thereof, and a certificate of surveyor, in conformance with s. 718.104(4)(e).*

(e) *The undivided share in the common elements appurtenant to each unit in the condominium stated as percentages or fractions which, in the aggregate, must equal the whole and must be determined in conformance with the manner of allocation set forth in the original declaration of condominium.*

(f) *The proportions or percentages and the manner of sharing common expenses and owning common surplus which for residential units must be the same as the undivided share in the common elements.*

(g) ~~Notwithstanding the provisions of s. 718.110, Amendments adding phases to a condominium shall not require the execution of such amendments or consents thereto by unit owners other than the developer, unless the amendment permits the creation of time-share estates in any unit of the additional phase of the condominium and such creation is not authorized by the original declaration.~~

(7) *An amendment to the declaration of condominium adding land to the condominium shall be recorded in the public records of the county where the land is located, executed and acknowledged with the requirements for a deed. All persons having record title to the interest in the land submitted to condominium ownership, or their lawfully authorized agents, must join in the execution of the amendment. All such amendments shall comply with the provisions of s. 718.104(3).*

Section 15. Paragraph (b) of subsection (4) and subsection (14) of section 718.504, Florida Statutes, are amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Land Sales and Condominiums prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years, and furnish a copy of the prospectus or offering circular to each buyer. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units if the condominium is not a phase condominium. *If the condominium is a phase condominium, the maximum number of buildings that may be contained within the condominium, the minimum and maximum number of units in each building, the minimum and maximum number of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium.*

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(14) If the condominium is part of a phase project, the following shall be stated: ~~there shall be a statement to that effect and a complete description of the phasing.~~

(a) A statement in conspicuous type in substantially the following form shall be included: THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration providing for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from the residential buildings and units originally in the condominium, and if the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing 11.3 units, the maximum and minimum number of units in each building, the maximum number of units, and the minimum and maximum square footage of the units, that may be contained within each parcel of land which may be added to the condominium.

Section 16. Subsection (3) of section 718.616, Florida Statutes, is amended to read:

718.616 Disclosure of condition of building and estimated replacement costs.—

(3)(a) Disclosure of condition shall be made for each of the following components that the existing improvements may include:

1. Roof.
2. Structure.
3. Fireproofing and fire protection systems.
- 4.2. Elevators.
- 5.3. Heating and cooling systems.
- 6.4. Plumbing.
- 7.5. Electrical systems.
- 8.6. Swimming pool.
- 9.7. Seawalls.
- 10.8. Pavement and parking areas.
- 11.9. Drainage systems.

(b) For each component, the following information shall be disclosed and substantiated by attaching a copy of a certificate under seal of an architect or engineer authorized to practice in this state:

1. The age of the component.
2. The estimated remaining useful life of the component.
3. The estimated current replacement cost of the component, expressed:
 - a. As a total amount; and

b. As a per unit amount, based upon each unit's proportional share of the common expenses.

4. The structural and functional soundness of the component.

5. The compliance of the component with any applicable building codes.

Section 17. Paragraph (a) of subsection (1), and subsections (4) and (7) of section 718.618, Florida Statutes, are amended to read:

718.618 Converter reserve accounts; warranties.—

(1) When existing improvements are converted to ownership as a residential condominium, the developer shall establish reserve accounts for capital expenditures and deferred maintenance, or give warranties as provided by subsection (7), or post a surety bond as provided by subsection (8). The developer shall fund the reserve accounts in amounts calculated as follows:

(a)1. When the existing improvements include an air conditioning system serving more than one unit or property which the association is responsible to repair, maintain, or replace, the developer shall fund an air conditioning reserve account. When such air conditioning system includes a central air or water cooling system, the amount of the reserve account shall be not less than 72 cents for each square foot of floor area served by the air conditioning system, multiplied by a fraction, the numerator of which shall be the lesser of the age of the system in years or 18 and the denominator of which shall be 20. In addition, when such air conditioning system includes a compressor, the amount of the reserve account funding shall be increased by not less than 19 cents for each square foot of floor space served by the air conditioning system, multiplied by a fraction, the numerator of which shall be the lesser of the age of the system in years or 18 and the denominator of which shall be 20.

2. ~~When water is supplied to the existing improvements through galvanized plumbing,~~ The developer shall fund a plumbing reserve account. The amount of the funding shall be not less than 63 cents for each square foot of floor area in the existing improvements, multiplied by a fraction, the numerator of which shall be the lesser of the age of the plumbing in years or 18 and the denominator of which shall be 20.

3. Each developer converting existing improvements to ownership as a residential condominium shall fund a roof reserve account. The amount of the funding shall be not less than the unit amount for each square foot of roof, multiplied by a fraction, the numerator of which shall be the lesser of the age of the roof in years or 18 and the denominator of which shall be 20. The unit amount shall be determined based on the roof type, as follows:

Roof Type	Unit Amount
a. Built-up roof without insulation	\$1.00
b. Built-up roof with insulation	1.85
c. Cement tile roof	2.00
d. Asphalt shingle roof	1.00
e. Copper roof	0.00
f. All other types	1.00

(4) The developer shall establish the reserve account in the name of the association at a bank, savings and loan association, or trust company located in this state.

(7) A developer makes no implied warranties when existing improvements are converted to ownership as a residential condominium and reserve accounts are funded in accordance with this section. As an alternative to establishing such reserve accounts, or when a developer fails to establish the reserve accounts in accordance with this section, the developer shall be deemed to have granted to the purchaser of each unit an implied warranty of fitness and merchantability for the purposes or uses intended, as to the roof and structural components of the improvements, as to fire proofing and fire protection systems, and as to mechanical, electrical, and plumbing elements serving the improvements, except mechanical elements serving only one unit. The warranty shall be for a period beginning with the notice of intended conversion and continuing for 3 years thereafter, or the recording of the declaration to condominium and continuing for 3 years thereafter, or 1 year after owners other than the developer obtain control of the association, whichever occurs last, but in no event more than 5 years.

Section 18. Section 718.304, Florida Statutes, is hereby repealed.

Section 19. This act shall take effect October 1, 1983.

Senator Scott offered the following amendment to Amendment 2 which was moved by Senator Gersten and adopted:

Amendment 2A—On page 11, between lines 14 and 15 insert:

Section 6. Section 718.1115, Florida Statutes, is created to read:

718.1115 Master associations.—

(1) It is the intent of the Legislature to recognize and ratify the existence of master condominium associations. The existence of previously existing master associations or joint ventures acting as master associations is hereby validated.

(2) After control of an association has passed to the unit owners, an association may join with one or more other such associations to form a master association. The master association shall be a corporation not for profit organized under chapter 617. The master association may, on behalf of and with the approval of the associations forming the master association, exercise all powers of an association, either jointly or individually.

(Renumber subsequent sections.)

Further consideration of CS for SB 463 with pending amendment was deferred.

SB 623—A bill to be entitled An act relating to transportation; directing the Department of Transportation to install a plaque at each end of the Seven-Mile Bridge in the Florida Keys commemorating the late honorable Representative Bernard C. Papy from Monroe County; providing an effective date.

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote SB 623 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Grizzle	Malchon	Rehm
Beard	Hair	Mann	Stuart
Castor	Henderson	Margolis	Thomas
Childers, D.	Hill	Maxwell	Thurman
Childers, W. D.	Jenne	McPherson	Vogt
Dunn	Jennings	Meek	Weinstein
Frank	Johnston	Myers	
Girardeau	Kirkpatrick	Neal	
Grant	Langley	Plummer	

Nays—None

Vote after roll call:

Yea—Carlucci, Scott

Consideration of SB 352 was deferred.

On motion by Senator Thomas, the rules were waived and by two-thirds vote HB 392 was withdrawn from the Committee on Commerce.

On motion by Senator Thomas—

HB 392—A bill to be entitled An act relating to service warranty associations; amending s. 634.401, Florida Statutes, 1982 Supplement, providing definitions; amending s. 634.402, Florida Statutes, relating to the powers of the Department of Insurance with respect to service warranty associations; amending s. 634.404, Florida Statutes, providing criteria for the department to renew service warranty association licenses; amending s. 634.405, Florida Statutes, providing for the maintenance of certain limits on deposits or bonds required of service warranty associations by the department; amending s. 634.406, Florida Statutes, providing financial requirements with respect to service warranty associations; amending s. 634.407, Florida Statutes, deleting the requirement that the department refund the annual license fee to certain applicants; amending s. 634.408, Florida Statutes, providing that service warranty association licenses expire on June 1 next following the date of issuance; amending s. 634.409, Florida Statutes, providing grounds for suspension or revocation of licenses; repealing s. 634.410, Florida Statutes, relating to the procedure to suspend or revoke a service warranty association license; amend-

ing s. 634.412, Florida Statutes, relating to license suspension and reinstatement; amending s. 634.413, Florida Statutes, providing for administrative fines in lieu of suspension or revocation; creating s. 634.4145, Florida Statutes, providing grounds for the disapproval of certain forms; amending s. 634.415, Florida Statutes, relating to a tax on premiums and certain annual statements and reports, authorizing the imposition of a fine for failure to file a required annual statement; amending s. 634.416, Florida Statutes, providing fees for the examination of associations; creating s. 634.4165, Florida Statutes, providing that service warranty associations shall be required to keep certain office records; amending s. 634.417, Florida Statutes, providing for service of process; repealing s. 634.418, Florida Statutes, relating to service of process; amending s. 634.419, Florida Statutes, deleting the prohibition against the advertising of service warranty contracts by certain persons; amending s. 634.420, Florida Statutes, relating to the registration of sales representatives; amending s. 634.421, Florida Statutes, providing a penalty for the illegal appropriation of funds by sales representatives; amending s. 634.422, Florida Statutes, providing grounds for the compulsory denial, suspension, revocation, or nonrenewal of the registration of a sales representative; amending s. 634.423, Florida Statutes, providing grounds for the discretionary denial, suspension, revocation, or nonrenewal of registration of a sales representative; amending s. 634.424, Florida Statutes, eliminating the right to certain hearings with respect to the refusal, suspension, or revocation of registration of a sales representative; amending s. 634.425, Florida Statutes, prohibiting the department from granting or issuing any registration to any individual whose registration has been twice revoked; amending s. 634.426, Florida Statutes, increasing to \$1,000 the maximum administrative fine that may be imposed in lieu of suspension or revocation of registration; amending s. 634.427, Florida Statutes, relating to the disposition of taxes and fees; amending s. 634.429, Florida Statutes, relating to the practice of fronting; creating s. 634.432, Florida Statutes, relating to the acquisition of an association; creating s. 634.433, Florida Statutes, providing for civil remedy; creating s. 634.434, Florida Statutes, relating to investigatory records; creating ss. 634.435, 634.436, 634.437, 634.438, 634.439, 634.440, 634.441, 634.442, and 634.443, Florida Statutes, prohibiting unfair methods of competition and unfair or deceptive acts or practices; providing a definition; providing for the powers of the department; providing for hearings, witnesses, appearances, production of books and service of process with respect to prohibited practices; providing for cease and desist and penalty orders; providing for appeals from actions of the department; providing penalties; providing injunctive relief; providing civil liability; saving specified sections of part III of chapter 634, Florida Statutes, from sunset repeal scheduled October 1, 1983; providing for future review and repeal of said part on October 1, 1993; repealing s. 3 of chapter 81-148, Laws of Florida, relating to the sunset review of parts II and III of chapter 634, Florida Statutes; providing effective dates.

—a companion measure, was substituted for CS for SB 208 and read the second time by title.

The President presiding

Senators Margolis and Thomas offered the following amendments which were moved by Senator Thomas and adopted:

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

Section 1. Subsections (2), (9), and (14) of section 634.401, Florida Statutes, 1982 Supplement, are amended, and subsection (17) is added to said section to read:

634.401 Definitions.—As used in this part:

(2) "Service warranty" means any warranty, guaranty, extended warranty or extended guaranty, contract agreement, or other written promise under the terms of which there is an undertaking to indemnify against the cost of repair or replacement of a consumer product in return for the payment of a segregated charge by the consumer; however, maintenance service contracts under the terms of which there are no provisions for such indemnification, *motor vehicle service agreements*, and *automobile* and home warranties subject to regulation under parts I and II of this chapter are expressly excluded from this definition. However, "service warranty" shall not include service contracts entered into between consumers and nonprofit organizations or cooperatives the members of which consist of condominium associations and condominium owners, which contracts require the performance of repairs and maintenance of appliances or maintenance of the residential property.

(9) "Premium" means the total consideration received or to be received by whatever name called, by an insurer or service warranty association for, or related to, the issuance and delivery of a service warranty, including any charges designated as assessments or fees for membership, policy, survey, inspection, service or other charges. However, a repair charge is not a premium unless it exceeds the usual and customary repair fee charged by the association, provided the repair is made prior to the issuance and delivery of the warranty.

(14) "Net assets" means the amount by which the total assets of an association, excluding goodwill, franchises, customer lists, patents or trademarks, and receivables from or advances to officers, directors, employees, salesmen, and affiliated companies, exceed the total liabilities of the association. For purposes of this definition, the term "total liabilities" does not include capital stock, paid in capital, or retained earnings the capital and surplus of an association.

(17) "Insurance code" means the Florida Insurance Code as defined in s. 624.01.

Section 2. Section 634.404, Florida Statutes, is amended to read:

634.404 Qualifications for license.—The department shall not issue or renew a license to any service warranty association unless the association:

- (1) Is a solvent association.
- (2) Furnishes the department with evidence satisfactory to it that the management of the association is competent and trustworthy and can successfully manage the association's affairs in compliance with law.
- (3) Proposes to use and uses in its business a name, together with a trademark or emblem, if any, which is distinctive and not so similar to the name or trademark of any other person already doing business in this state as will tend to mislead or confuse the public.
- (4) Makes the deposit or files the bond or letter of credit required under s. 634.405.
- (5) Is formed under the laws of Florida or another state, district, territory, or possession of the United States, if the association is other than a natural person.

Section 3. Section 634.405, Florida Statutes, is amended to read:

634.405 Required deposit or, bond, or letter of credit.—

(1) To assure the faithful performance of its obligations to its members or subscribers in the event of insolvency, each service warranty association shall, prior to the issuance of its license by the department and during such time as the association may have premiums in force in this state, deposit and maintain securities of the type eligible for deposit by insurers under s. 625.52. Whenever the market value of the securities deposited with the department is less than 95 percent of the amount required, the association shall deposit additional securities or otherwise increase the deposit to the amount required. Such securities shall have at all times a market value as follows:

- (a) Warrantors.—
 1. Any warrantor which:
 - a. Was licensed under this part prior to October 1, 1983;
 - b. Was transacting service warranty business in this state prior to June 14, 1978;
 - c. Has continuously transacted service warranty business in this state since June 14, 1978; and
 - d. Has not during any year since June 14, 1978, written more than \$100,000 of gross written premiums,
 shall place and maintain in trust with the department an amount equal to 50 percent of the gross written premium in force.

2. A warrantor which has \$300,000 or less of gross written premiums in this state and to which the provisions of subparagraph 1. do not apply shall place and maintain in trust with the department an amount not less than \$50,000. A new warrantor, prior to the issuance of its license and before receiving any premiums, shall place and maintain in trust with the department the amount of \$50,000.

1.—Any warrantor which has transacted no service warranty business in this state prior to June 14, 1978, shall, prior to the issuance of its license and before receiving any premiums, place in trust with the department an initial amount of \$50,000.

2.—A warrantor which has less than \$300,000 of gross written premiums shall place in trust with the department an amount equal to 50 percent of the gross premiums in force or \$50,000, whichever is less.

3. A warrantor which has more than \$300,000 but less than \$750,000 of gross written premiums in this state shall place and maintain in trust with the department an amount not less than \$75,000.

4. A warrantor which has \$750,000 or more of gross written premiums in this state shall place and maintain in trust with the department an amount equal to \$100,000.

5. All warrantors, upon receipt of written notice from the department, shall have 30 calendar days in which to make additional deposits.

(b) Warranty sellers.—

1. A warranty seller licensed after June 14, 1978, shall, prior to the issuance of its license, place in trust with the department an amount not less than \$100,000.

2.—Any warranty seller licensed under part II of this chapter prior to June 14, 1978, shall be required to deposit an amount equal to \$75,000 by October 1, 1978, and \$100,000 by October 1, 1979.

(2) In lieu of any deposit of securities required under subsection (1) and subject to the department's approval, the service warranty association may file with the department a surety bond issued by an authorized surety insurer or an irrevocable letter of credit from a state or federally chartered bank located in this state. The letter of credit or bond shall be for the same purpose as the deposit in lieu of which it is filed. The department shall not approve any bond or letter of credit under the terms of which the protection afforded against insolvency is not equivalent to the protection afforded by those securities provided for in subsection (1). When a letter of credit or bond is deposited in lieu of the required securities, no warranties may be written which provide coverage for a time period beyond the duration of such letter of credit or bond. The bond shall guarantee that the service warranty association shall faithfully and truly perform all the conditions of any service warranty contract. No such bond shall be cancelled or be subject to cancellation unless at least 60 days' advance notice thereof, in writing, is filed with the department. In the event that notice of termination of the bond is filed with the department, the service warranty association insured thereunder shall, within 30 days of the filing of notice of termination, provide the department with a replacement bond meeting the requirements of this part, or deposit additional securities as required under subsection (1). Cancellation of a bond shall not relieve the obligation of the issuer of the bond for claims arising out of contracts issued prior to cancellation of the bond unless a replacement bond or securities are filed. In no event shall the issuer's liability under the bond exceed the face amount of the bond. If within 30 days of filing the notice of termination, no replacement bond or additional security is provided, the department shall suspend the association's license until the deposit requirements are satisfied.

(3) In lieu of any deposit of securities required under subsection (1) or the bond required under subsection (2), and subject to the department's approval, a service warranty association, which has less than \$50,000 in gross written premiums as reflected in its most recent financial statement, may maintain an escrow trust account with a bank or other recognized depository in Florida into which shall be deposited unearned service warranty premiums. Seventy-five percent of first-year premiums and 100 percent of subsequent-year premiums paid for multi-year contracts shall be deposited. No more than one-twelfth of the total amount of first-year premiums on deposit shall be withdrawn in any one calendar month. No more than one-twelfth of the total annual unearned premium for the current contract year shall be withdrawn in any one calendar month.

(4)(3) Securities and, bonds, and letters of credit posted by an association pursuant to this section shall be for the benefit of and subject to action thereon, in the event of insolvency or impairment of any association or insurer, by any person or persons sustaining an actionable injury due to the failure of the association to faithfully perform its obligations to its warranty holders.

(5)(4) The state shall be responsible for the safekeeping of all securities deposited with the department under this part. Such securities shall not, on account of being in this state, be subject to taxation, but shall be held exclusively and solely to guarantee the association's faithful performance of its obligations to its members or subscribers.

(6)(5) The depositing association shall, during its solvency, have the right to exchange or substitute other securities of like quality and value for securities on deposit, to receive the interest and other income accruing to such securities, and to inspect the deposit at all reasonable times.

(7)(6) Such deposit or, bond, or letter of credit shall be maintained unimpaired as long as the association continues in business in this state. Whenever the association ceases to do business in this state and furnishes the department proof satisfactory to the department that it has discharged or otherwise adequately provided for all its obligations to its members or subscribers in this state, the department shall release the deposited securities to the parties entitled thereto, on presentation of the department's receipts for such securities, or shall release any bond or letter of credit filed with it in lieu of such deposit.

(8) A service warranty association utilizing a letter of credit on October 1, 1982, entirely or in part for the deposit required by this section may continue to utilize the letter of credit entirely or in part for the deposit only until the letter of credit expires or until July 1, 1984, whichever occurs first.

Section 4. Section 634.406, Florida Statutes, is amended to read:

634.406 Financial requirements.—

(1) An association licensed under this part shall maintain a funded, unearned premium reserve account, consisting of unencumbered assets, equal to a minimum of 25 percent of the gross written premiums received on all warranty contracts in force, whenever written. Such assets shall be held as prescribed under ss. 625.301-625.340. In the case of multiyear contracts offered by associations having net assets of less than \$500,000 and for which premiums are collected in advance for coverage in a subsequent year, 100 percent of the premiums for such subsequent years shall be placed in the funded, unearned premium reserve account.

(2) An association shall not be required to establish an unearned premium reserve if it has purchased contractual liability insurance which demonstrates to the satisfaction of the department that 100 percent of its claim exposure is covered by such policy. The contractual liability insurance shall be obtained from an insurer that holds a certificate of authority to do business within the state or from an insurer approved by the department as financially capable of meeting the obligations incurred pursuant to the policy. For the purposes of this subsection, the contractual liability policy shall contain the following provisions:

(a) In the event that the service warranty association is unable to fulfill its obligation under contracts issued in this state for any reason, including insolvency, bankruptcy or dissolution, the contract liability insurer will pay losses and unearned premiums under such plans directly to the person making a claim under the contract.

(b) The insurer issuing the contractual liability policy shall assume full responsibility for the administration of claims in the event of the inability of the association to do so.

(c) The policy shall not be canceled or nonrenewed by either the insurer or the association unless 60 days' written notice thereof has been given to the department by the insurer prior to the date of such cancellation or nonrenewal.

(3)(2) No warrantor shall allow its gross written premiums to exceed a 7 to 1 ratio to net assets.

(4)(3) No warranty seller shall allow its gross written premiums to exceed a 5 to 1 ratio to net assets.

Section 5. Subsection (4) of section 634.407, Florida Statutes, is amended to read:

634.407 Application for and issuance of license.—

(4) Upon completion of the application for license, the department shall examine the same and make such further investigation of the applicant as it deems advisable. If it finds that the applicant is qualified therefor, the department shall issue to the applicant a license as a service war-

ranty association. If the department does not find the applicant to be qualified, it shall refuse to issue the license and shall give the applicant written notice of such refusal, setting forth the grounds therefor. ~~Any such notice of refusal shall be accompanied by refund of the annual license fee tendered in connection with the application.~~

Section 6. Section 634.408, Florida Statutes, is amended to read:

634.408 License expiration; renewal.—Each license issued to a service warranty association under this part shall expire on ~~June 1~~ September 30 next following the date of issuance. If the association is then qualified therefor under the provisions of this part, its license may be renewed annually, upon its request, and upon payment to the department of the license fee in the amount of \$200 in advance for each such license year.

Section 7. Subsection (1) and paragraphs (a) and (d) of subsection (2) of section 634.409, Florida Statutes, are amended, and paragraph (f) is added to said subsection to read:

634.409 Grounds for suspension or revocation of license.—

(1) The license of any service warranty association may be revoked or suspended, or the department may refuse to renew any such license, if it is determined that the association has violated any lawful rule or order of the department or any provision of this part.

(2) The license of any service warranty association shall be suspended or revoked if it is determined that such association:

(a) Is in an unsound financial condition, or is in such condition, ~~or using such methods and practices in the conduct of its business,~~ as would render its further transaction of service warranties in this state hazardous or injurious to its warranty holders or to the public.

(d) Has, ~~with such frequency as to indicate its general business practice in this state,~~ and without just cause, refused to pay proper claims arising under its service warranties, or, without just cause, has compelled warranty holders to accept less than the amount due them, or to employ attorneys, or to bring suit against the association to secure full payment or settlement of such claims.

(f) Is using such methods or practices in the conduct of its business as would render its further transaction of service warranties in this state hazardous or injurious to its warranty holders or to the public.

Section 8. Subsections (3) and (4) of section 634.412, Florida Statutes, are amended to read:

634.412 Duration of suspension; association's obligations during suspension; reinstatement.—

(3) Upon expiration of the suspension period, if within such period the license has not otherwise terminated, the association's license shall automatically be reinstated, unless it is determined, upon notice and hearing, that the causes of the suspension have not been removed, or that the association is otherwise not in compliance with the requirements of this part.

(4) Upon reinstatement of the association's license, or upon reinstatement of the certificate of authority of an insurer, following suspension, the authority of the association's sales representatives in this state to represent the association or insurer shall likewise be reinstated. ~~The department shall promptly notify the association and its sales representatives in this state, which are of record in its office, of such reinstatement.~~

Section 9. Section 634.413, Florida Statutes, is amended to read:

634.413 Administrative fine in lieu of suspension or revocation.—~~If, upon notice and hearing as provided for in s. 634.410,~~ the department finds that one or more grounds exist for the discretionary revocation or suspension of a certificate of authority issued under this part, the department may, in lieu of such suspension or revocation, impose a fine upon the insurer or service warranty association in an amount not to exceed \$1,000 per violation; however, if it is found that an insurer or service warranty association has knowingly and willfully violated a lawful rule or order of the department or a provision of this part, the department may impose a fine upon the insurer or association in an amount not to exceed \$10,000 for each violation.

Section 10. Section 634.4145, Florida Statutes, is created to read:

634.4145 Grounds for disapproval of forms.—The department shall disapprove any form filed under s. 634.312 if the form:

- (1) Violates this part,
- (2) Is misleading in any respect, or
- (3) Is reproduced so that any material provision is substantially illegible.

Section 11. Subsection (3) of section 634.415, Florida Statutes, is amended to read:

634.415 Tax on premiums ~~and assessments~~; annual statement; reports; quarterly statements.—

(3) *The department may levy a fine of up to \$100 a day for each day an association neglects to file the annual statement in the form and within the time provided by this part. Any association or insurer neglecting to file the annual statement in the form and within the time provided by this section shall forfeit \$100 for each day during which such neglect continues, and, upon notice by the department to that effect, its authority to do business in this state shall cease while such default continues. The department shall deposit all sums collected by it under this section to the credit of the Insurance Commissioner's Regulatory Trust Fund.*

Section 12. Section 634.416, Florida Statutes, is amended to read:

634.416 Examination of associations.—Service warranty associations licensed under this part shall be subject to periodic examination by the department, in the same manner and subject to the same terms and conditions that apply to insurers under part II of chapter 624. *However, the rate charged service warranty associations by the department for examinations may be adjusted to reflect the amount collected for the 10-K filing fee as provided herein. On or before May 1 of each year, an association may submit to the department Form 10-K, as filed with the United States Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended. Upon receipt and review of the most current Form 10-K, the department may waive the examination requirement; if the department determines not to waive the examination, such examination shall be limited to that necessary to ensure compliance with this part. The form 10-K shall be accompanied by a filing fee of \$2,000 to be deposited into the Insurance Commissioner's Regulatory Trust Fund. The department shall not be required to examine an association that has less than \$20,000 in gross written premiums as reflected in its most recent annual statement. The department may examine such an association if it has reason to believe that the association may be in violation of this part or is otherwise in an unsound financial condition. If the department examines an association that has less than \$20,000 in gross written premiums, the examination fee may not exceed 5 percent of the association's gross written premiums.*

Section 13. Section 634.4165, Florida Statutes, is created to read:

634.4165 Office records required.—As a minimum requirement for permanent office records, each licensed service warranty association shall maintain:

- (1) A complete set of accounting records, including, but not limited to, a general ledger, cash receipts and disbursements journals, accounts receivable registers, and accounts payable registers.
- (2) A detailed warranty register of warranties in force, by unique identifier. The register shall include the unique identifier, date of issue, issuing sales representative, name of warranty holder, location of the property, warranty period, gross premium, commission to sales representatives and net premium.
- (3) A detailed centralized claims or service records register which shall include the unique identifier, date of issue, date of claim, issuing service representative, amount of claim or service, date claim paid, and, if applicable, disposition other than payment and reason therefor.

Section 14. Section 634.417, Florida Statutes, is amended to read:

(Substantial rewording of 634.417. See s. 634.417, F.S., for present text.)

634.417 Service of process.—Service warranty associations shall be subject to service of process in the same manner and subject to the same terms, conditions, and fees as apply to insurers under chapter 624.

Section 15. Section 634.420, Florida Statutes, is amended to read:

634.420 Sales representatives to be registered.—Each service warranty association or insurer shall, on forms prescribed by the department,

register, on or before October 1 of each *even-numbered* year, the name and business address of each sales representative utilized by it in Florida and shall, within 30 days after termination of the contract, notify the department of such termination. At the time of *biennial said-annual* registration, a ~~\$40~~ *\$20* filing fee for each sales representative shall be paid by the service warranty association or insurer to the department. Any sales representative utilized subsequent to the October 1 filing date shall be registered with the department within 10 days after such utilization. No employee or sales representative of a service warranty association or insurer shall directly or indirectly solicit or negotiate insurance contracts, or hold himself out in any manner to be an insurance agent or solicitor, unless so qualified and licensed therefor under the Insurance Code.

Section 16. Section 634.421, Florida Statutes, is amended to read:

634.421 Reporting and accounting for funds.—

(1) All funds belonging to insurers, service warranty associations, or others received by a sales representative in transactions under his registration shall be trust funds so received by such agent in a fiduciary capacity, and the agent in the applicable regular course of business shall account for and pay the same to the insurer, association, warranty holder, or other person entitled thereto.

(2) Any sales representative who, not being entitled thereto, diverts or appropriates such funds or any portion thereof to his own use is guilty of ~~theft larceny~~, punishable as provided in s. ~~812.014 s-812.021~~.

Section 17. Subsection (11) is added to section 634.422, Florida Statutes, to read:

634.422 Grounds for compulsory refusal, suspension, or revocation of registration of sales representatives.—The department shall deny, suspend, revoke, or refuse to renew or continue the registration of any sales representative if it is found that, as to the representative, any one or more of the following applicable grounds exist:

(11) *He has been found guilty of or has pleaded nolo contendere to a felony, in this state or any other state, which involves moral turpitude, without regard to whether judgment of conviction has been entered by the court having jurisdiction of such case.*

Section 18. Section 634.423, Florida Statutes, is amended to read:

634.423 Grounds for discretionary refusal, suspension, or revocation of registration of sales representatives.—The department may deny, suspend, revoke, or refuse to renew or continue the registration of any sales representative if it is found, ~~after notice and hearing thereon as provided in s. 634.424~~, that as to the representative any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 634.422:

(1) Any cause for which granting of the registration could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this part, or of any other law applicable to the business of service warranties, in the course of dealings under the registration.

(3) Violation of any lawful order or rule of the department.

(4) Failure or refusal to pay over, upon demand, to any service warranty association or insurer he represents or has represented any money coming into his hands belonging to the association or insurer.

(5) In the conduct of business under the registration, he has engaged in unfair methods of competition or in unfair or deceptive acts or practices, as such methods, acts, or practices are or may be defined under *this part VII of chapter 626*, or has otherwise shown himself to be a source of injury or loss to the public or detrimental to the public interest.

(6) *He has been found guilty of, or has pleaded guilty or nolo contendere to, a felony, in this state or any other state, without regard to whether judgment of conviction has been entered by the court having jurisdiction of such case. Conviction of a felony.*

Section 19. Section 634.424, Florida Statutes, is amended to read:

634.424 Procedure for refusal, suspension, or revocation of registration of sales representatives.—

(1) If any sales representative is convicted by a court of a violation of any provision of this part, the registration of such individual shall thereby be deemed to be immediately revoked without any further procedure relative thereto by the department.

~~(2) As to a registration denied, suspended, or revoked by the department, the person aggrieved thereby shall have the right to a hearing thereon pursuant to chapter 120.~~

(2)(3) If, after an investigation or upon other evidence, the department has reason to believe that there may exist any one or more grounds for the suspension, revocation, or refusal to renew or continue the registration of any sales representative, as such grounds are specified in ss. 634.422 and 634.423, the department may proceed to suspend, revoke, or refuse to renew or continue the registration, as the case may be.

(3) If a registered sales representative also holds a license to perform professional services of the type covered by the service warranty issued, the department shall file a recommendation with the regulatory authority issuing such license that any such license held be suspended or revoked. Such regulatory authority shall promptly review the recommendation and take appropriate action in accordance with its laws and rules to suspend or revoke such license.

(4) Whenever it appears that any licensed insurance agent has violated the provisions of this part, the department may take such action relative thereto as is authorized by the Insurance Code as for a violation of the Insurance Code by such agent.

Section 20. Section 634.425, Florida Statutes, is amended to read:

634.425 Duration of suspension or revocation.—

(1) The department shall, in its order suspending a registration, specify the *time* period during which the suspension is to be in effect, ~~but~~ Such period shall not exceed 1 year. The registration shall remain suspended during the period so specified, subject to any rescission or modification of the order by the department prior to expiration of the suspension period. A registration which has been suspended shall not be reinstated except upon request for such reinstatement, but the department shall not grant such reinstatement if it finds that the ~~circumstances~~ ~~or~~ circumstances for which the registration was suspended still exist or are likely to recur.

(2) No person whose registration has been revoked by the department shall have the right to apply for another registration within 2 years from the effective date of such revocation or, if judicial review of such revocation is sought, within 2 years from the date of final court order or decree affirming the revocation. The department, however, shall not grant a new registration if it finds that the circumstance or circumstances for which the previous registration was revoked still exist or are likely to recur.

(3) ~~The department shall not grant or issue any registration to any individual whose registration has been twice revoked. If registrations as to the same person have been revoked at two separate times, the department shall not thereafter grant or issue any registration as to such person.~~

(4) During the period of suspension, or after revocation of the registration, the former registrant shall not engage in or attempt to ~~profess to~~ engage in any transaction or business for which a registration is required under this part.

Section 21. Subsection (1) of section 634.426, Florida Statutes, is amended to read:

634.426 Administrative fine in lieu of suspension or revocation of registration.—

(1) If, pursuant to procedures provided for in this part, it is found that one or more grounds exist for the suspension, revocation, or refusal to renew or continue any registration issued under this act, on a first offense and except where such suspension, revocation, or refusal is mandatory, an order may be entered imposing upon the registrant, in lieu of such suspension, revocation, or refusal, an administrative penalty for each violation in the amount of \$100, or in the event of willful misconduct or willful violation on the part of the registrant, an administrative fine ~~not to exceed \$1,000~~ of \$500 for each violation. The administrative penalty may be augmented by an amount equal to any commissions received by or accruing to the credit of the registrant in connection with any transaction to which the grounds for suspension, revocation, or refusal are related.

Section 22. Section 634.427, Florida Statutes, is amended to read:

634.427 Disposition of taxes and fees.—All license fees, taxes on premiums ~~and assessments~~, registration fees, and administrative fines and penalties collected under this part from service warranty associations and sales representatives shall be deposited to the credit of the Insurance Commissioner's Regulatory Trust Fund.

Section 23. Section 634.429, Florida Statutes, is amended to read:

634.429 Fronting not permitted.—No authorized insurer or licensed service warranty association shall act as a fronting company for any unauthorized insurer or unlicensed service warranty association. A fronting company is an authorized insurer or licensed service warranty association which, by reinsurance or otherwise, generally transfers to one or more unauthorized insurers or unlicensed service warranty associations ~~substantially all~~ of the risk of loss under warranties written by it in this state.

Section 24. Section 634.432, Florida Statutes, is created to read:

634.432 Acquisition of association.—No person may merge or consolidate with or obtain control of a service warranty association unless prior documentation is filed with the department demonstrating that the requirements for issuance of a license under this part will be satisfied.

Section 25. Section 634.434, Florida Statutes, is created to read:

634.434 Investigative records.—All active examination or investigation records of the department made or received pursuant to this part shall be deemed privileged and confidential and shall not be subject to public inspection under the provisions of chapter 119 for so long as reasonably necessary to complete the examination or investigation.

Section 26. Section 634.435, Florida Statutes, is created to read:

634.435 Unfair methods of competition and unfair or deceptive acts or practices prohibited.—No person shall engage in this state in any trade practice which is defined in this part as, or determined pursuant to s. 634.437 to be, an unfair method of competition or an unfair deceptive act or practice involving the business of service warranty.

Section 27. Section 634.436, Florida Statutes, is created to read:

634.436 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(1) MISPRESENTATION AND FALSE ADVERTISING OF INSURANCE POLICIES.—Knowingly making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

(a) Misrepresents the benefits, advantages, conditions, or terms of any service warranty contract.

(b) Is misleading, or is a misrepresentation as to the financial condition of any person.

(c) Uses any name or title of any contract misrepresenting the true nature thereof.

(d) Is a misrepresentation for the purpose of inducing, or tending to induce, the lapse, forfeiture, exchange, conversion, or surrender of any service warranty contract.

(2) FALSE INFORMATION AND ADVERTISING GENERALLY.—Knowingly making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public:

(a) In a newspaper, magazine, or other publication,

(b) In the form of a notice, circular, pamphlet, letter, or poster,

(c) Over any radio or television station, or

(d) In any other way,

an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of service warranty, which is untrue, deceptive, or misleading.

(3) DEFAMATION.—Knowingly making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of, any oral or written statement, or any pamphlet, circular, article, or literature, which is false or maliciously critical of, or derogatory to, any person and which is calculated to injure such person.

(4) FALSE STATEMENTS AND ENTRIES.—

(a) Knowingly:

1. Filing with any supervisory or other public official,
 2. Making, publishing, disseminating, or circulating,
 3. Delivering to any person,
 4. Placing before the public,
 5. Causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or place before the public,
- any false statement.

(b) Knowingly making any false entry of a material fact in any book, report, or statement of any person.

(5) UNFAIR CLAIM SETTLEMENT PRACTICES.—

(a) Attempting to settle claims on the basis of an application or any other material document which was altered without notice to, or knowledge or consent of, the warranty holder;

(b) A material misrepresentation made to the warranty holder for the purpose and with the intent of effecting settlement of such claims, loss, or damage under such contract on less favorable terms than those provided in, and contemplated by, such contract; or

(c) Committing or performing with such frequency as to indicate a general business practice any of the following:

1. Failure to properly investigate claims;
2. Misrepresentation of pertinent facts or contract provisions relating to coverages at issue;
3. Failure to acknowledge and act promptly upon communications with respect to claims;
4. Denial of claims without conducting reasonable investigations based upon available information;
5. Failure to affirm or deny coverage of claims upon written request of the warranty holder within a reasonable time after proof-of-loss statements have been completed; or
6. Failure to promptly provide a reasonable explanation to the warranty holder of the basis in the contract in relation to the facts or applicable law, for denial of a claim or for the offer of a compromise settlement.

(6) FAILURE TO MAINTAIN COMPLAINT-HANDLING PROCEDURES.—Failure of any person to maintain a record of all the complaints received for a 3-year period after the date of the receipt of a written complaint.

(7) REFUSAL TO ISSUE A CONTRACT.—The refusal to issue a contract solely because of an individual's race, color, creed, marital status, sex, or national origin.

Section 28 Section 634.437, Florida Statutes, is created to read:

634.437 Power of department.—The department shall have the power to examine and investigate the affairs of every person involved in the business of service warranty in this state in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by s. 634.435.

Section 29. Section 634.438, Florida Statutes, is created to read:

634.438 Defined practices; hearings, witnesses, appearances, production of books, and service of process.—

(1) Whenever the department has reason to believe that any person has engaged, or is engaging, in this state in any unfair method of competition or any unfair or deceptive act or practice as defined in s. 634.436, or is engaging in the business of service warranty without being properly licensed as required by this part, and that a proceeding by it in respect thereto would be to the interest of the public, it shall conduct or cause to have conducted a hearing in accordance with chapter 120.

(2) The department or a duly empowered hearing officer shall, during the conduct of such hearing, have those powers enumerated in s. 120.58; however, the penalties for failure to comply with a subpoena or with an order directing discovery shall be limited to a fine not to exceed \$1,000 per violation.

(3) Statements of charges, notices, and orders under this part may be served by anyone duly authorized by the department, either in the manner provided by law for service of process in civil actions or by certifying and mailing a copy thereof to the person affected by such statement, notice, order, or other process at his or its residence or principal office or place of business. The verified return by the person so serving such statement, notice, order, or other process, setting forth the manner of the service, shall be proof of the same, and the return postcard receipt for such statement, notice, order, or other process, certified and mailed as aforesaid, shall be proof of service of the same.

Section 30. Section 634.439, Florida Statutes, is created to read:

634.439 Cease and desist and penalty orders.—After the hearing provided in s. 634.438, the department shall enter a final order in accordance with s. 120.59. If it is determined that the person charged has engaged in an unfair or deceptive act or practice or the unlawful transaction of service warranty business, the department shall also issue an order requiring the violator to cease and desist from engaging in such method of competition, act, or practice or the unlawful transaction of service warranty business. Further, the department may, at its discretion, order any one or more of the following:

(1) Suspension or revocation of the person's license, or eligibility for any license, if he knew, or reasonably should have known, he was in violation of this part.

(2) If it is determined that the person charged has provided or offered to provide service warranties without proper licensure, an administrative penalty not to exceed \$1,000 for each service warranty contract offered or effectuated.

Section 31. Section 634.440, Florida Statutes, is created to read:

634.440 Appeals from the department.—Any person subject to an order of the department under s. 634.439 may obtain a review of such order by filing an appeal therefrom in accordance with the provisions and procedures for appeal from the orders of the department in general under s. 120.68.

Section 32. Section 634.441, Florida Statutes, is created to read:

634.441 Penalty for violation of cease and desist orders.—Any person who violates a cease and desist order of the department under s. 634.439 while such order is in effect, after notice and hearing as provided in s. 634.438, shall be subject, at the discretion of the department, to any one or more of the following:

(1) A monetary penalty of not more than \$50,000 as to all matters determined in such hearing.

(2) Suspension or revocation of such person's license or eligibility to hold a license.

Section 33. Section 634.442, Florida Statutes, is created to read:

634.442 Injunction.—In addition to the penalties and other enforcement provisions of this part, if any person violates s. 634.403 or s. 634.420 or any rule adopted pursuant thereto, the department may resort to proceedings for injunction in the circuit court of the county where such person resides or has his or its principal place of business, and therein apply for such temporary and permanent orders as the department may deem necessary to restrain such person from engaging in any such activities, until such person complies with such provisions and rules.

Section 34. Section 634.443, Florida Statutes, is created to read:

634.443 Civil liability.—The provisions of this part are cumulative to rights under the general civil and common law, and no action of the department shall abrogate such rights to damages or other relief in any court.

Section 35. Notwithstanding the provisions of the Regulatory Sunset Act, sections 634.401 through 634.409, sections 634.411 through 634.417, and sections 634.419 through 634.431, Florida Statutes, shall not stand repealed on October 1, 1983 as scheduled by such act but such sections, as amended, are hereby revived and readopted. Sections 634.410 and 634.418, Florida Statutes, shall stand repealed on October 1, 1983, as scheduled by the Regulatory Sunset Act.

Section 36. Notwithstanding any provision of law to the contrary, no provision of sections 634.401 through 634.431 scheduled for repeal on

July 1, 1983 shall stand repealed on that date, and all such provisions are revived and readopted. This section shall not be construed to conflict with any repeal provided for in this act.

Section 37. Sections 634.401 through 634.443, Florida Statutes, are repealed on October 1, 1993, and shall be reviewed pursuant to section 11.61, Florida Statutes.

Section 38. This act shall take effect October 1, 1983, except section 36 which shall take effect upon becoming a law. However, if this act does not become a law until after July 1, 1983, section 36 shall retroactively take effect on July 1, 1983

Amendment 2—On page 6 of Amendment 1, line 3, strike "*contract*" and insert: *contract*

Amendment 3—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to service warranty associations; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ss. 634.401-634.409, 634.411-634.417, and 634.419-634.431, Florida Statutes; relating to the regulation of service warranty associations; amending ss. 634.401(2), (9), (14), Florida Statutes, 1982 Supplement, ss. 634.404, 634.405, 634.406, 634.407(4), 634.408, 634.409(1), (2)(a), (d), 634.412(3), (4), 634.413, 634.415(3), 634.416, 634.417, 634.420, 634.421, 634.423, 634.424, 634.425, 634.426(1), 634.427, 634.429, Florida Statutes; adding ss. 634.401(17), 634.409(2)(f), Florida Statutes; adding s. 634.422(11), Florida Statutes, creating ss. 634.4145, 634.4165, 634.432, 634.434-634.443, Florida Statutes; providing definitions; providing that license issuance requirements apply to license renewals; deleting obsolete language; providing deposit requirements for warrantors; phasing out letters of credit used in place of deposits; permitting the purchase of contractual liability insurance instead of maintaining an unearned premium reserve; providing that license application fees be nonrefundable upon denial of license; providing conforming language; providing grounds for refusal, suspension, or revocation of license; deleting requirement for notification of license reinstatement; providing grounds for disapproval of forms; providing grounds for waiver of examination requirement; providing for discretionary examination of qualifying associations; requiring office records; providing for service of process; providing for biennial registration of sales representatives; prohibiting the reissuance of a registration revoked twice; providing administrative fines; requiring that the department be notified before merger or consolidation of warranty associations; providing that active department investigations are confidential pending completion; prohibiting unfair methods of competition and unfair acts; authorizing the department to investigate such practices; requiring the department to conduct hearings; providing for cease and desist orders; providing administrative penalties; providing for appeals; providing for injunctive relief; providing that department action does not abrogate other remedies; allowing to stand repealed pursuant to the Regulatory Sunset Act, ss. 634.410, 634.418, Florida Statutes; relating to license suspension procedures and serving process; providing for legislative review; providing retroactivity; providing an effective date.

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

Yeas—33

Mr. President	Gordon	Langley	Rehm
Beard	Grant	Malchon	Stuart
Carlucci	Grizzle	Mann	Thomas
Castor	Hair	Margolis	Thurman
Childers, W. D.	Henderson	Maxwell	Vogt
Dunn	Hill	McPherson	Weinstein
Fox	Jenne	Meek	
Frank	Jennings	Myers	
Girardeau	Kirkpatrick	Neal	

Nays—None

Vote after roll call:

Yea—D. Childers, Scott

CS for SB 208 was laid on the table.

SB 352—A bill to be entitled An act relating to civil actions; amending ss. 48.081(5), 48.181(3), 48.193, Florida Statutes; expanding the in personam jurisdiction of the courts of Florida; providing for service of process on corporations and nonresidents; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendment which was adopted:

Amendment 1—On page 4, line 16, before the period (.) insert: and shall apply only to actions brought on or after the effective date

On motion by Senator Fox, by two-thirds vote SB 352 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Girardeau	Johnston	Myers
Beard	Gordon	Kirkpatrick	Neal
Castor	Grant	Langley	Plummer
Childers, D.	Grizzle	Malchon	Rehm
Childers, W. D.	Hair	Mann	Stuart
Crawford	Henderson	Margolis	Thomas
Dunn	Hill	Maxwell	Thurman
Fox	Jenne	McPherson	Vogt
Frank	Jennings	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Carlucci, Scott

CS for SB 34—A bill to be entitled An act relating to motor vehicles, mobile homes, and park trailers; amending s. 320.01, Florida Statutes, 1982 Supplement; providing definitions; amending s. 320.0105, Florida Statutes; providing legislative intent; amending s. 320.011, Florida Statutes; providing for adoption of rules; providing for administration and enforcement of chapter by the Department of Highway Safety and Motor Vehicles; amending s. 320.02, Florida Statutes; modifying requirements for registration of motor vehicles; amending s. 320.025, Florida Statutes; providing for registration under fictitious name; amending s. 320.03, Florida Statutes, 1982 Supplement; specifying the tax collector as agent of the department; specifying duties of tax collectors; amending s. 320.031, Florida Statutes; providing for delivery of license plates by mail; providing for mail service charge; amending s. 320.04, Florida Statutes, 1982 Supplement; providing service charges for registration-related transactions; amending s. 320.05, Florida Statutes, 1982 Supplement; modifying record keeping requirements; providing for public inspection of registration records; creating s. 320.055, Florida Statutes; specifying registration and renewal periods; modifying registration period for vehicles bearing dealer license plates and certain trucks; amending s. 320.06, Florida Statutes; providing for issuance of license plates and validation stickers; providing renewal procedures; providing a reflectorization fee; creating s. 320.0605, Florida Statutes; requiring that the registration certificate be in possession of the vehicle operator; providing exceptions; creating s. 320.0607, Florida Statutes; providing procedures for replacement of lost or damaged license plates; authorizing department license inspectors to inspect license plates for proper display and to require replacement thereof; creating s. 320.0609, Florida Statutes; providing procedures, requirements, and fees for the transfer or exchange of license plates; amending s. 320.061, Florida Statutes; prohibiting alteration of license plates, mobile home stickers, or validation stickers; providing penalties; amending s. 320.065, Florida Statutes, 1982 Supplement; providing for indefinite registration of certain trailers and semitrailers; specifying that part of the annual fee constitutes a service charge; creating s. 320.0655, Florida Statutes; providing for permanent license plates for governmental entities and volunteer fire departments; amending s. 320.07, Florida Statutes, 1982 Supplement; requiring annual renewal of registration; creating s. 320.0705, Florida Statutes; providing for semiannual registration of certain vehicles; amending s. 320.071, Florida Statutes; providing procedures for advance registration; increasing service charges; amending s. 320.08, Florida Statutes, 1982 Supplement, as amended by s. 52 of chapter 83-3, Laws of Florida; specifying license taxes for vehicles subject to registration; amending s. 320.0803, Florida Statutes; providing procedures for the issuance of moped license plates; providing for limited applicability of the chapter to mopeds; amending s. 320.0805, Florida Statutes, 1982 Supplement; providing for issuance of personalized prestige license plates; providing procedures for transfer of such plates; creating s. 320.0807, Florida Statutes; providing for issuance of special license plates for the Governor and legislators; amending s. 320.081, Florida Statutes; providing for collection and distribution of mobile home and park trailer license tax revenue; amending s. 320.0815, Florida Statutes; providing procedures and criteria for the taxation of mobile homes, park

trailers, and recreational vehicles; increasing service charges; amending s. 320.083, Florida Statutes; providing for issuance of special license plates to amateur radio operators and citizens' band radio operators; amending s. 320.084, Florida Statutes; providing for issuance of free license plates to certain disabled veterans; amending s. 320.0841, Florida Statutes; providing for issuance of free license plates to Miccosukee and Seminole Indian Tribes; amending s. 320.0842, Florida Statutes; providing for issuance of free license plates to veterans confined to wheelchairs; amending s. 320.0843, Florida Statutes; providing for special license plates for wheelchair users; amending s. 320.0848, Florida Statutes; providing for issuance of parking permits to certain handicapped persons; amending s. 320.086, Florida Statutes; providing for special license plates for ancient motor vehicles; requiring that the license tax be paid annually; amending s. 320.087, Florida Statutes; providing for apportioned taxation of intercity buses used in interstate commerce; amending s. 320.089, Florida Statutes, 1982 Supplement; providing for special license plates for members of the National Guard, active Armed Forces reservists, and ex-prisoners of war; amending s. 320.10, Florida Statutes, 1982 Supplement; providing exemptions from license tax; amending s. 320.13, Florida Statutes; providing for dealer license plates and alternative method of registration; amending s. 320.131, Florida Statutes, 1982 Supplement; providing for the design, sale, use, and regulation of temporary tags by department; specifying the cost of such tags; specifying the period during which such tags are valid; increasing service charges; amending s. 320.14, Florida Statutes; providing procedures for fractional license taxes; amending s. 320.15, Florida Statutes; providing for refund of license taxes under certain conditions; amending s. 320.17, Florida Statutes; authorizing the department to classify vehicles and assess license taxes on such vehicles; amending s. 320.18, Florida Statutes; authorizing the department to withhold the registration of a vehicle; amending s. 320.19, Florida Statutes; providing for creation and enforcement of a lien for unpaid license taxes; amending s. 320.20, Florida Statutes, as amended by s. 53 of chapter 83-3, Laws of Florida; providing for the distribution of license tax revenue; amending s. 320.23, Florida Statutes; declaring that license taxes are compensatory; amending s. 320.26, Florida Statutes; prohibiting certain acts in conjunction with license plates and validation stickers; providing penalties; amending s. 320.261, Florida Statutes; prohibiting attachment of an unassigned license plate; providing penalties; amending s. 320.33, Florida Statutes; prohibiting possession of vehicles from which the identification number has been removed; amending s. 320.37, Florida Statutes; providing exemptions from registration requirements for certain nonresidents; creating s. 320.371, Florida Statutes; providing that the requirements of registration and display of license number plates shall not apply to new automobiles or trucks whose equitable or legal title is vested in a manufacturer, distributor, importer, or exporter and which vehicles are in the custody of a vehicle servicing, processing, and handling agency; requiring such agency to display its name and address on a temporary sign on the vehicle; amending s. 320.38, Florida Statutes, 1982 Supplement; providing conditions under which nonresidents are required to register their vehicles in the state; amending s. 320.39, Florida Statutes, 1982 Supplement; authorizing reciprocal agreements; amending s. 320.51, Florida Statutes; exempting farm tractors and farm trailers from registration requirements; amending s. 320.57, Florida Statutes; providing penalties for violation of provisions of the chapter; amending s. 320.58, Florida Statutes; authorizing the appointment of license inspectors; providing powers and duties; repealing s. 320.0611, Florida Statutes, relating to replacement of lost, stolen or defaced license plates; repealing s. 320.062, Florida Statutes, relating to requirement that certain vehicles be equipped with safety glass prior to registration; repealing s. 320.0835, Florida Statutes, relating to special license plates for citizens' band radio operators; repealing s. 320.088, Florida Statutes, relating to certification requirements for motorcycles manufactures; repealing s. 320.0987, Florida Statutes, relating to front designation license plates for certain emergency service professions; repealing s. 320.09, Florida Statutes, relating to additional seating capacity fees for certain vehicles; repealing s. 320.132, Florida Statutes, relating to in-transit tags; repealing s. 320.16, Florida Statutes, relating to tax on for-hire vehicles in interstate commerce collected in the form of a registration fee; repealing s. 320.24, Florida Statutes, relating to prohibition against license taxes imposed by counties or municipalities; repealing s. 320.25, Florida Statutes, relating to obtaining a license plate by false representations; repealing s. 320.351, Florida Statutes, relating to compliance with motor vehicle noise limits as a prerequisite to registration; repealing s. 320.36, Florida Statutes, relating to registration of for-hire vehicles; repealing s. 320.694, Florida Statutes, relating to the advisory council of motor vehicle dealers; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 77, strike all of lines 27 and 28 and insert: is currently certified, by a physician or an osteopathic physician licensed in the United States under chapter 458 or chapter 459, by the Division of Blind Services of the

Amendment 2—On page 78, line 6, strike "Florida" and insert: rear Florida

Senator Jennings moved the following amendment which was adopted:

Amendment 3—On page 34, line 13, after the period (.) insert: Validation stickers issued to vehicles taxed under the provisions of s. 320.08(6)(a) for companies which own 1000 vehicles or more may be placed on any vehicle in the fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.

On motion by Senator Beard, by two-thirds vote CS for SB 34 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Langley	Rehm
Carlucci	Grant	Malchon	Scott
Childers, D.	Grizzle	Margolis	Stuart
Childers, W. D.	Henderson	Maxwell	Thomas
Crawford	Hill	McPherson	Thurman
Dunn	Jenne	Meek	Vogt
Fox	Jennings	Myers	Weinstein
Frank	Johnston	Neal	

Nays—None

Vote after roll call:

Yea—Hair

On motion by Senator Beard, the rules were waived and CS for SB 34 after being engrossed was ordered immediately certified to the House.

Consideration of SB 308 was deferred.

SB 787—A bill to be entitled An act relating to State Uniform Traffic Control; amending s. 316.003(54), Florida Statutes, 1982 Supplement; providing a definition; providing for the enforcement of state uniform traffic laws in certain airport areas; adding s. 316.008(1)(v), Florida Statutes; permitting local authorities to regulate traffic within certain airport areas; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 23-28 and insert: of vehicular traffic or any area, such as runways, taxiways, ramps, clear zones, and parking lots, within the boundary of any airport owned by the state, a county, a municipality or political subdivision, which area is used for vehicular traffic but which is not open for vehicular operation by the general public.

On motion by Senator Plummer, by two-thirds vote SB 787 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Jennings	Myers
Barron	Girardeau	Johnston	Neal
Beard	Gordon	Langley	Plummer
Castor	Grant	Malchon	Rehm
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Henderson	Maxwell	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Carlucci, Kirkpatrick, Scott

On motion by Senator Plummer, the rules were waived and SB 787 after being engrossed was ordered immediately certified to the House.

On motion by Senator Meek, the rules were waived and HB 89 was ordered immediately certified to the House.

SB 806—A bill to be entitled An act relating to drivers' licenses; amending s. 322.251(1), Florida Statutes, 1982 Supplement; providing methods of delivery of orders of cancellation, suspension, or revocation; amending s. 120.60(6), Florida Statutes; exempting delivery of orders of cancellation, suspension, or revocation of driver licenses from certain notice requirements of the Administrative Procedure Act; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 17, strike "certified" and insert: *notice by first class certified*

On motion by Senator Beard, by two-thirds vote SB 806 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Langley	Rehm
Barron	Gordon	Malchon	Scott
Beard	Grant	Mann	Stuart
Castor	Grizzle	Margolis	Thomas
Childers, D.	Hair	Maxwell	Thurman
Childers, W. D.	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	
Frank	Jennings	Neal	
Gersten	Johnston	Plummer	

Nays—None

Vote after roll call:

Yea—Carlucci, Kirkpatrick

Consideration of SB 1000 was deferred.

SB 947—A bill to be entitled An act relating to seed; amending s. 578.26, Florida Statutes; revising procedures for complaints; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 23-31 and insert: *the dealer from whom the seed was purchased.*

(c) ~~The and file same with the department within 10 days after defect or violation becomes apparent and send a copy of said complaint to said dealer by United States registered mail; provided that requirement for filing and serving such complaint shall be therein set forth appears~~ legibly typed or printed on the analysis label attached to the package containing such seed at the time of purchase by the farmer. *If the requirement is not so placed on the package label, the filing and serving of a complaint under this subsection shall not be required.*

Pending further consideration of SB 947 as amended, on motion by Senator Grant—

HB 307—A bill to be entitled An act relating to The Florida Seed Law; amending s. 578.26, Florida Statutes; revising procedures relating to complaints about seeds which fail to produce; providing an effective date.

—a companion measure, was substituted for SB 947 and read the second time by title. On motion by Senator Grant, by two-thirds vote HB 307 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Jennings	Plummer
Beard	Girardeau	Johnston	Rehm
Carlucci	Gordon	Kirkpatrick	Scott
Castor	Grant	Langley	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Hill	Myers	Weinstein
Fox	Jenne	Neal	

Nays—None

SB 947 was laid on the table.

On motion by Senator Gersten, by two-thirds vote HB 1190 was withdrawn from the Committee on Commerce.

On motion by Senator Gersten—

HB 1190—A bill to be entitled An act relating to telephone companies; creating s. 364.037, Florida Statutes, requiring the Public Service Commission to consider certain directory advertising revenues in establishing rates; amending s. 364.05(4), Florida Statutes, allowing certain rates to become effective under certain conditions; amending s. 364.07(2), Florida Statutes, authorizing the Public Service Commission to review intrastate interexchange service contracts and take certain actions; creating s. 364.285, Florida Statutes, authorizing the Public Service Commission to impose certain penalties; providing that such penalties become liens on certain property; providing for the deposit of such penalties in the General Revenue Fund unallocated; amending s. 364.33, Florida Statutes, requiring a certificate of necessity for persons obtaining ownership or control of certain telephone property; adding subsection (6) to s. 364.335, Florida Statutes, 1982 Supplement, relating to duplicative or competitive cellular mobile radio telephone service; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 813. On motions by Senator Gersten, by two-thirds vote HB 1190 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—37

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Stuart
Carlucci	Gordon	Langley	Thomas
Castor	Grant	Malchon	Thurman
Childers, D.	Grizzle	Mann	Vogt
Childers, W. D.	Hair	Margolis	Weinstein
Crawford	Henderson	Maxwell	
Dunn	Hill	McPherson	
Fox	Jenne	Meek	

Nays—1

Scott

Vote after roll call:

Yea to Nay—Jenne, Weinstein

CS for SB 813 was laid on the table.

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

CS for SB 916—A bill to be entitled An act relating to the tax on sales, use and other transactions; amending s. 212.08(7)(c), Florida Statutes, 1982 Supplement; including certain organizations within the definitions of charitable institutions or veterans organizations; providing the Department of Revenue with authority to review and renew or revoke certain sales tax exemptions; providing an effective date.

—as amended passed this day.

On motion by Senator Maxwell, the Senate reconsidered the vote by which CS for SB 916 was read the third time.

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

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

Amendment 3—On page 1, strike everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (c) of subsection (7) of section 212.08, Florida Statutes, 1982 Supplement, 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.

(7) MISCELLANEOUS EXEMPTIONS.—

(a) Religious, charitable, *scientific*, educational, and veteran.—There shall be exempt from the tax imposed by this chapter articles of tangible personal property sold or leased directly to or by churches or sold or leased to nonprofit religious, nonprofit educational, *nonprofit scientific* or nonprofit charitable institutions and state headquarters for veterans' organizations and state headquarters of their auxiliaries when used in carrying on their customary nonprofit religious, nonprofit educational, *nonprofit scientific*, nonprofit charitable, or veterans' organization activities, including church cemeteries. *If a qualified veteran organization or its auxiliary does not maintain a permanent state headquarters, then articles of tangible personal property sold or leased to such organization and used to maintain the office of the highest ranking state official shall be exempt from the tax imposed by this chapter.*

(c) Restrictive definitions.—The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

1. "Religious institutions" means churches and established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on.

2. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Secondary Schools, Department of Education, or the Florida Council of Independent Schools. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit corporations whose purpose is to raise funds for colleges and universities located in this state.

3. "Charitable institutions" means only:

a. Nonprofit corporations ~~providing operating physical facilities in Florida at which are provided~~ charitable services, a reasonable percentage of which shall be provided without cost to those unable to pay; *and qualified as charitable organizations under s. 501(c)(3), United States Internal Revenue Code, 1954, as amended; and*

b. Nonprofit organizations, nonprofit associations, or other nonprofit entities whose sole or primary function is providing, or serving, one or more of the following charitable services or purposes:

(I) Providing medical aid for the relief of disease, injury, or disability, a reasonable percentage of which aid must be rendered without cost to those unable to pay;

(II) Providing on a regular basis physical necessities such as food, clothing, or shelter, a reasonable percentage of which must be without cost to those unable to pay;

(III) Engaging in activities which contribute to the development of good character, good sportsmanship, or moral improvement or to the cultural development of minors in this state, a reasonable percentage of which shall be provided without charge to those unable to pay;

(IV) Providing telephone or personal counseling or referral services to the poor or services which provide for the prevention or rehabilitation of alcoholism, drug abuse, the prevention of suicides, or the alleviation of mental health problems, a reasonable percentage of which are provided without cost to those unable to pay;

(V) Engaging primarily in medical research for the relief of disease, injury, or disability; or

(VI) Providing legal services, a reasonable percentage of which are provided without cost to those unable to pay.

Any nonprofit organization, nonprofit association, or other nonprofit entity whose sole or primary function is raising funds which are distributed to any organization providing charitable services or serving a charitable purpose as described in this subparagraph shall be deemed to be serving a charitable purpose. Nonprofit corporations or nonprofit organizations operating hospitals in Florida shall not be required to be classified under the Internal Revenue Code as a s. 501(c)(3) organization in order to obtain the exemption provided herein.

4. "Veterans' organizations" means nationally chartered veterans' organizations and their auxiliary and nationally recognized veterans' organizations and their auxiliary holding a current exemption from federal income tax under s. 501(c)(19) or s. 501(c)(4) of the Internal Revenue Code, ~~or, in the case of the Disabled American Veterans, Department of Florida, Inc., and its auxiliaries, under s. 501(c)(4) of said code.~~

5. "Scientific organizations" means scientific organizations holding a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

6. The Department of Revenue may adopt rules providing for the review and renewal or revocation of exemptions granted to religious, educational, scientific, or charitable institutions hereunder within 5 years from the date the exemption was established by the department. Such rules shall provide procedures which allow an organization whose exemption is proposed to be revoked by the department a period of 6 months before the revocation shall become effective to correct any operational deficiencies determined by the department to exist.

a. Any institution whose exemption is revoked by the department shall be subject to any tax, penalty, or interest due under this chapter only after the effective date of the revocation.

b. Any institution whose qualification for exemption under s. 501(c)(3), Internal Revenue Code, 1954, as amended, is revoked by the Internal Revenue Service and which has used such qualification as the basis for exemption under this subsection, shall notify the Department of Revenue of the revocation within 30 days and shall provide to the department the facts and circumstances surrounding the revocation.

c. All exemptions which have been heretofore granted by the department under this subsection may be reviewed and renewed or revoked after the effective date of this act.

Section 2. This act shall take effect October 1, 1983.

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

Senator Maxwell moved the following substitute amendment for Amendment 2 which was adopted:

Amendment 4—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the tax on sales, use and other transactions; amending s. 212.08(7)(a), (c), Florida Statutes, 1982 Supplement; including certain organizations within the definitions of charitable institutions or veterans organizations; providing exemption for scientific organizations; providing the Department of Revenue with authority to review and renew or revoke certain sales tax exemptions; providing an effective date.

On motion by Senator Maxwell, by two-thirds vote CS for SB 916 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Frank	Jenne	Myers
Barron	Gersten	Jennings	Neal
Beard	Girardeau	Johnston	Stuart
Carlucci	Gordon	Malchon	Thomas
Castor	Grant	Mann	Thurman
Childers, D.	Grizzle	Margolis	Vogt
Childers, W. D.	Hair	Maxwell	
Crawford	Henderson	McPherson	
Fox	Hill	Meek	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Langley, Scott

SB 871—A bill to be entitled An act relating to honey certification and honeybees; amending s. 586.11, Florida Statutes; providing that another state's certificate of inspection of bees or used beekeeping equipment is valid for the purpose of acquiring an import permit only if such other state honors similar Florida certificates; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike line 18 and insert: *has standards of inspection adequate to ensure the health and safety of Florida honeybees, as determined by the department.*

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2—On page 1, line 13, strike “, as determined by the department” and insert: *at least equal to such standards established by the department*

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

Amendment 3—In title, on page 1, line 8, after the word “state” strike “honors similar Florida certificates” and insert: *has adequate inspection standards*

On motion by Senator Kirkpatrick, by two-thirds vote SB 871 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Fox	Jennings	Myers
Barron	Frank	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Scott
Carlucci	Gordon	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Crawford	Henderson	Maxwell	Weinstein
Dunn	Hill	Meek	

Nays—None

Vote after roll call:

Yea—Jenne

On motion by Senator Kirkpatrick, the rules were waived and SB 871 after being engrossed was ordered immediately certified to the House.

On motion by Senator Kirkpatrick, the rules were waived and by two-thirds vote HB 1203 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Kirkpatrick—

HB 1203—A bill to be entitled An act relating to state attorneys; amending s. 27.14(2), Florida Statutes, providing that a state attorney may designate his assistant state attorneys and state attorney investigators to perform duties assigned under an executive order; providing an effective date.

—a companion measure, was substituted for SB 1000 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 1203 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Childers, D.	Frank	Hair
Barron	Childers, W. D.	Girardeau	Henderson
Beard	Crawford	Gordon	Hill
Carlucci	Dunn	Grant	Jenne
Castor	Fox	Grizzle	Jennings

Johnston	Maxwell	Plummer	Thurman
Kirkpatrick	McPherson	Rehm	Vogt
Langley	Meek	Scott	Weinstein
Malchon	Myers	Stuart	
Margolis	Neal	Thomas	

Nays—None

SB 1000 was laid on the table.

SB 1001—A bill to be entitled An act relating to the Division of Building Construction and Property Management of the Department of General Services; adding s. 944.10(3), Florida Statutes; requiring the division to give priority in siting capital facilities to certain local governments; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote SB 1001 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Girardeau	Johnston	Neal
Barron	Gordon	Kirkpatrick	Rehm
Beard	Grant	Langley	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Mann	Thomas
Crawford	Henderson	Margolis	Thurman
Fox	Hill	Maxwell	Vogt
Frank	Jenne	McPherson	Weinstein
Gersten	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Carlucci, Castor, Plummer

On motion by Senator Crawford—

HB 118—A bill to be entitled An act relating to livestock at large; amending s. 588.18(1), (2) and (3), Florida Statutes, increasing the fees allowed for impounding, service notice and care and feeding of impounded animals; providing an effective date.

—a companion measure, was substituted for SB 897 and read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 118 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gersten	Kirkpatrick	Plummer
Barron	Gordon	Langley	Rehm
Beard	Grant	Malchon	Scott
Carlucci	Grizzle	Mann	Stuart
Childers, D.	Henderson	Margolis	Thomas
Childers, W. D.	Hill	Maxwell	Thurman
Crawford	Jenne	Meek	Vogt
Dunn	Jennings	Myers	Weinstein
Fox	Johnston	Neal	

Nays—None

Vote after roll call:

Yea—Castor, Frank, Girardeau, Hair

SB 897 was laid on the table.

SB 664—A bill to be entitled An act relating to public records; amending s. 119.01, Florida Statutes, requiring the establishment of agency programs for the disposal of certain public records; amending s. 119.011(1), Florida Statutes, modifying the definition of “public records”; amending s. 119.021, Florida Statutes, relating to the designation of custodian; amending s. 119.031, Florida Statutes, relating to the keeping of records in safe places; amending s. 119.041, Florida Statutes, providing for the disposal of records no longer needed; amending s. 119.09, Florida Statutes; requiring public officials to assist the Division of Archives, History and Records Management by preparing certain inventories for the division; requiring the division, rather than the agency having custody of records, to establish a time period for the retention or disposal of records; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike all of lines 4-13 and renumber subsequent sections

Amendment 2—On page 4, line 3, before “public” insert: *categories of*

Amendment 3—In title, on page 1, lines 5-7, strike “amending s. 119.011(1), Florida Statutes, modifying the definition of ‘public records;’”

On motion by Senator Henderson, by two-thirds vote SB 664 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnston	Neal
Barron	Gersten	Kirkpatrick	Plummer
Beard	Girardeau	Langley	Rehm
Carlucci	Gordon	Malchon	Stuart
Castor	Grant	Mann	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	Maxwell	Vogt
Crawford	Henderson	McPherson	Weinstein
Dunn	Jenne	Meek	
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Hill, Scott

On motion by Senator Henderson, the rules were waived and SB 664 after being engrossed was ordered immediately certified to the House.

On motion by Senator Thomas, the rules were waived and by two-thirds vote HJR 435 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thomas—

HJR 435—A joint resolution proposing an amendment to Section 4 of Article IV of the State Constitution relating to disbursement of state funds by the Treasurer.

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

That the amendment to Section 4 of Article IV 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 1984:

SECTION 4. Cabinet.—

(a) There shall be a cabinet composed of a secretary of state, an attorney general, a comptroller, a treasurer, a commissioner of agriculture and a commissioner of education. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law.

(b) The secretary of state shall keep the records of the official acts of the legislative and executive departments.

(c) The attorney general shall be the chief state legal officer.

(d) The comptroller shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state.

(e) The treasurer shall keep all state funds and securities. He shall disburse state funds only upon the order of the comptroller. *Such order may be in any form and may require the disbursement of state funds by electronic means or by means of a magnetic tape or any other transfer medium, countersigned by the governor. The governor shall countersign as a ministerial duty subject to original mandamus.*

(f) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(g) The commissioner of education shall supervise the public education system in the manner prescribed by law.

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:

DISBURSEMENT OF STATE FUNDS

Authorizes the disbursement of state funds by electronic means, magnetic tape, or any other transfer medium. Deletes obsolete language relating to the countersigning of warrants by the Governor.

—a companion measure, was substituted for SJR 235 and read the second time by title. On motion by Senator Thomas, by two-thirds vote HJR 435 was read the third time in full, and passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Girardeau	Kirkpatrick	Plummer
Beard	Grant	Langley	Scott
Carlucci	Grizzle	Malchon	Stuart
Castor	Hair	Mann	Thomas
Childers, D.	Henderson	Maxwell	Thurman
Childers, W. D.	Hill	McPherson	Weinstein
Crawford	Jenne	Meek	
Dunn	Jennings	Myers	
Fox	Johnston	Neal	

Nays—None

SJR 235 was laid on the table.

Consideration of SB 234 was deferred.

On motion by Senator Thomas, the rules were waived and by two-thirds vote HB 436 was withdrawn from the Committee on Rules and Calendar.

SCR 713—A concurrent resolution to the Secretary of the United States Department of the Interior, urging him to delete certain tracts from the South Atlantic Outer Continental Shelf lease sale 78 and from the Gulf of Mexico lease sale 79 until certain information has been gathered on such tracts.

—was read the second time in full. On motion by Senator Dunn, SCR 713 was adopted and certified to the House. The vote on adoption was:

Yeas—39

Mr. President	Frank	Jennings	Neal
Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Crawford	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jenne	Myers	

Nays—None

Consideration of CS for SB 854 was deferred.

CS for SB 274—A bill to be entitled An act relating to bicycle safety and traffic control; directing the Department of Transportation to recognize bicycles as a serious mode of transportation in planning transportation facilities; amending s. 316.003(2) and (64), Florida Statutes, 1982 Supplement; redefining the terms “bicycle” and “vehicle” with respect to the “Florida Uniform Traffic Control Law”; amending s. 316.125, Florida Statutes; providing that a vehicle entering or crossing a highway or sidewalk shall yield the right-of-way; amending s. 316.130(15), Florida Statutes; requiring the driver of a vehicle to exercise due care; amending s. 316.151, Florida Statutes; providing turning procedures; providing exceptions; amending s. 316.155(1) and (2), Florida Statutes; providing an exception to the requirement that bicycle operators give continuous hand turn signals; amending s. 316.1945(1)(a) and (b), Florida Statutes; prohibiting parking on a bicycle path or lane; amending s. 316.1995, Florida Statutes; providing that no person shall drive any vehicle other than by human power on a sidewalk; amending s. 316.2005, Florida Statutes; providing conditions for opening vehicle doors; amending s. 316.2065, Florida Statutes; regulating the operation of bicycles; establishing certain age

criteria; requiring identification numbers under certain circumstances; creating s. 316.451, Florida Statutes; requiring brakes on bicycles; providing an effective date.

--was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 2, line 28, strike everything after the enacting clause and insert:

Section 1. Subsections (2) and (64) of section 316.003, Florida Statutes, 1982 Supplement, are amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) BICYCLE.—~~Every vehicle~~ Any device propelled solely by human power, or any moped propelled by a pedal-activated helper motor with a manufacturer's certified maximum rating of 1½ brake horsepower, upon which any person may ride, having two tandem wheels, ~~either of which is 20 inches or more in diameter,~~ and including any device generally recognized as a bicycle though equipped with two front or two rear wheels, ~~except such vehicles with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position, and except scooters and similar devices.~~

(64) VEHICLE.—~~Every~~ Any device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, ~~except bicycles or mopeds as defined in subsection (2) or devices used exclusively upon stationary rails or tracks.~~

Section 2. Subsection (15) of section 316.130, Florida Statutes, is amended to read:

316.130 Pedestrian obedience to traffic control devices and traffic regulations. —

(15) Notwithstanding ~~other the foregoing~~ provisions of this chapter section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian ~~or any person propelling a human powered vehicle upon any roadway~~ and shall give warning ~~by sounding the horn~~ when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person ~~upon a roadway.~~

Section 3. Subsections (1) and (2) of Section 316.151, Florida Statutes, are amended, present subsection (3) is renumbered as subsection (4), and a new subsection (3) is added to said section to read:

316.151 Required position and method of turning at intersections.—The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) **RIGHT TURNS.**—Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) **LEFT TURNS.**—The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. *A person riding a bicycle intending to turn left in accordance with this section shall be entitled to the full use of the lane from which such a turn may legally be made.* Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) **LEFT TURNS BY BICYCLE.**—*In addition to the method of making a left turn described in subsection (2), a person riding a bicycle intending to turn left shall have the option of following the course described hereafter: the rider shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the turn shall be made as close as practicable to the curb or edge of the roadway on the far side of the intersection. Before proceeding, the bicyclist shall comply with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed.*

Section 4. Subsection (2) of section 316.155, Florida Statutes, is amended to read:

316.155 When signal required.—

(2) A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning, *except that such a signal by hand or arm need not be given continuously by a bicyclist if the hand is needed in the control or operation of the bicycle.*

Section 5. Paragraphs (a) and (b) of subsection (1) of section 316.1945, Florida Statutes, are amended to read:

316.1945 Stopping, standing, or parking prohibited in specified places.—

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

2. On a sidewalk;

3. Within an intersection;

4. On a crosswalk;

5. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Division of Road Operations of the Department of Transportation indicates a different length by signs or markings;

6. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

8. On any railroad tracks;

9. *On a bicycle path.*

10.9. At any place where official traffic control devices signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

1. In front of a public or private driveway;

2. Within 15 feet of a fire hydrant;

3. Within 20 feet of a crosswalk at an intersection;

4. Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;

5. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when property signposted);

6. *On an exclusive bicycle lane;*

7.6. At any place where official traffic control devices signs prohibit standing.

Section 6. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk.—No person shall drive any vehicle other than by human power upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

Section 7. Section 316.2005, Florida Statutes, is amended to read:

316.2005 Opening and closing vehicle doors.—No person shall open any the door on of a motor vehicle ~~on the side available to moving traffic~~ unless and until it is reasonably safe to do so *and can be done without interfering with the movement of other traffic*, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Section 8. Subsections (1) through (11) of Section 316.2065, Florida Statutes, are amended and a new subsection (11) is added to said section to read:

316.2065 Bicycle regulations.—

(1) Every person *propelling a vehicle by human power shall have riding a bicycle upon a roadway shall be granted* all of the rights and be *subject to* all of the duties applicable to the driver of *any other* a vehicle under by this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.

(2) A person *operating* ~~propelling~~ a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No bicycle shall be used to carry more persons at one time than the number for which it is designed or ~~and~~ equipped, *except that an adult rider may carry a child securely attached to his person in a backpack or sling.*

(4) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway. *This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer has been designed for such attachment and solely for carrying cargo.*

(5)(a) ~~Every person operating a bicycle upon a roadway shall ride with the flow of traffic as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:~~

1. *When overtaking and passing another bicycle or vehicle proceeding in the same direction.*
2. *When preparing for a left turn at an intersection or into a private road or driveway.*
3. *When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.*

(b) *Any person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.*

(6) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. *Persons riding two abreast shall not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and shall ride within a single lane.*

~~(7) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.~~

(7)(8) Any person operating a bicycle shall keep at least one hand upon the handlebars.

(8)(9) ~~After sundown,~~ Every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp on the rear exhibiting a red light visible from a distance of 600 500 feet to the rear, except that a red reflector meeting the requirements of this section may be used in lieu of the red light. *A bicycle or its rider may be equipped with lights or reflectors in addition to those required by this section All such lamps and reflectors shall be in place and in operation whenever a bicycle is operated after sundown.*

(9)(10) No parent of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

~~(10)(11) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances. This section shall apply whenever a bicycle is operated upon any street, or upon any public path set aside for exclusive use of bicycles, subject to those exceptions stated herein.~~

(11) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

Section 9. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to bicycle safety; amending s. 316.003(2) and (64), Florida Statutes, 1982 Supplement; redefining the terms "bicycle" and "vehicle" with respect to the "Florida Uniform Traffic Control Law"; amending s. 316.130(15), Florida Statutes; requiring the driver of a vehicle to exercise due care; amending s. 316.151(1) and (2), Florida Statutes, and adding a new subsection (3); providing turning procedures; amending s. 316.155(2), Florida Statutes; providing an exception to the requirement that a bicycle operator give continuous hand turn signals; amending s. 316.1945(1)(a) and (b), Florida Statutes; prohibiting parking on a bicycle path or lane; amending s. 316.1995, Florida Statutes; providing that no person shall drive any vehicle other than by human power on a sidewalk; amending s. 316.2005, Florida Statutes; providing conditions for opening vehicle doors; amending s. 316.2065(1)-(11), Florida Statutes, and adding a new subsection; regulating the operation of bicycles; providing an effective date.

Pending further consideration of CS for SB 274 as amended, on motion by Senator Malchon, the rules were waived and by two-thirds vote HB 225 was withdrawn from the Committee on Transportation.

On motion by Senator Malchon—

HB 225—A bill to be entitled An act relating to bicycle safety; amending s. 316.003(2) and (64), Florida Statutes, 1982 Supplement; redefining the terms "bicycle" and "vehicle" with respect to the "Florida Uniform Traffic Control Law"; amending s. 316.130(15), Florida Statutes; requiring the driver of a vehicle to exercise due care; amending s. 316.151(1) and (2), Florida Statutes, and adding a new subsection (3); providing turning procedures; amending s. 316.155(2), Florida Statutes; providing an exception to the requirement that a bicycle operator give continuous hand turn signals; amending s. 316.1945(1)(a) and (b), Florida Statutes; prohibiting parking on a bicycle path or lane; amending s. 316.1995, Florida Statutes; providing that no person shall drive any vehicle other than by human power on a sidewalk; amending s. 316.2005, Florida Statutes; providing conditions for opening vehicle doors; amending s. 316.2065(1)-(11), Florida Statutes, and adding a new subsection; regulating the operation of bicycles; providing an effective date.

—a companion measure, was substituted for CS for SB 274 and read the second time by title. On motion by Senator Malchon, by two-thirds vote HB 225 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Girardeau	Malchon	Rehm
Beard	Grant	Mann	Scott
Castor	Hair	Margolis	Stuart
Childers, D.	Henderson	Maxwell	Thomas
Childers, W. D.	Hill	McPherson	Thurman
Crawford	Jennings	Meek	Vogt
Fox	Johnston	Myers	Weinstein
Frank	Kirkpatrick	Neal	
Gersten	Langlely	Plummer	

Nays—None

Vote after roll call:

Yea—Carlucci

CS for SB 274 was laid on the table.

On motions by Senator Scott, the rules were waived and by two-thirds vote HB 393 was withdrawn from the Committees on Commerce and Judiciary-Civil.

On motion by Senator Scott—

HB 393—A bill to be entitled An act relating to legal expense insurance; amending ss. 642.011, 642.013, 642.015, 642.017, and 642.019, Florida Statutes, relating to short title, purpose, definitions, exemptions, and organization of legal expense insurance corporations; amending s. 642.021, Florida Statutes; revising certificate of authority application requirements for such corporations; amending s. 642.023, Florida Statutes; revising requirements with respect to amount of required security deposit and reduction thereof; requiring additional securities under certain circumstances; eliminating the option to file a bond in lieu of securities; deleting administrative provisions; amending s. 642.025, Florida Statutes; providing procedure for filing and approval of policy and certificate forms; creating s. 642.026, Florida Statutes; requiring the Department of Insurance to develop a buyer's guide; amending s. 642.029, Florida Statutes; providing a standard for approval of contracts; amending s. 642.032, Florida Statutes; specifying provisions of the Insurance Code applicable to legal expense insurance and deleting authority of department to modify or waive such requirements; creating ss. 642.0331, 642.0332, and 642.0333, Florida Statutes; providing grounds for suspension or revocation of certificate of authority and procedures and requirements related thereto; creating s. 642.0334, Florida Statutes; authorizing imposition of administrative fine in lieu of suspension or revocation; amending ss. 642.034 and 642.036, Florida Statutes; revising registration requirements; providing for biennial registration; requiring casualty insurers to file information with the department on agents and solicitors who solicit legal expense insurance contracts; amending s. 642.038, Florida Statutes; requiring sales representatives, agents, and solicitors to account for funds received and providing a penalty for misuse; amending ss. 642.041, 642.043, and 642.045, Florida Statutes; revising grounds for refusal, suspension, or revocation of a sales representative's registration and procedures therefor; specifying applicability to agents and solicitors; amending s. 642.047, Florida Statutes; increasing amount of administrative fine which may be imposed in lieu of suspension or revocation of registration; creating s. 642.0471, Florida Statutes; providing that certain investigatory records of the department are confidential and exempt from the public records law for a specified period of time; creating s. 642.0475, Florida Statutes; providing a civil remedy; amending s. 642.049, Florida Statutes, relating to construction; creating s. 642.051, Florida Statutes; providing rulemaking authority; generally clarifying and conforming language; saving chapter 642, Florida Statutes, from sunset repeal scheduled October 1, 1983; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 87 and read the second time by title.

Senators Thomas and Scott offered the following amendments which were moved by Senator Scott and adopted:

Amendment 1—On page 3, line 9, strike everything after the enactment clause and insert:

Section 1. Section 642.015, Florida Statutes, is amended to read:

642.015 Definitions.—As used in ss. 642.011-642.049:

(1) "Department" means the Department of Insurance.

(2) "Insurer" means any person authorized to conduct a *life* or casualty insurance business in this state or a legal *expense service* insurance corporation authorized under ss. 642.011-642.049.

(3) "Legal expense insurance" means a contractual obligation to provide specific legal services, or to reimburse for specific legal expenses, in consideration of a specified payment for an interval of time, regardless of whether the payment is made by the beneficiaries individually or by a third person for them, but does not include the provision of, or reimbursement for, legal services incidental to other insurance coverages.

(4) "Insurance Code" means the Florida Insurance Code as provided in s. 624.01.

Section 2. Section 642.017, Florida Statutes, is amended to read:

642.017 Exemptions.—The provisions of the Florida Insurance Code and insurance laws of this state, including ss. 642.011-642.049, shall not apply to:

(1) Retainer contracts made by attorneys-at-law with individual clients with fees based on estimates of the nature and amount of services to be provided to the specific client and similar contracts made with a group of clients involved in the same or closely related legal matters.

(2) Any lawyer referral service authorized by The Florida Bar.

(3) The furnishing of legal assistance by labor unions or other employee organizations to their members in matters relating to employment or occupation.

(4) The furnishing of legal assistance to members, or their dependents, by a church, cooperative, educational institution, credit union, or organization of employees, in which the organization contracts directly with a lawyer or law firm for the provision of legal services and the administration and marketing of such legal services is conducted wholly by the organization.

(5) Employee welfare benefit plans to the extent that state laws are superseded by the Employee Retirement Income Security Act of 1974, 29 U.S.C. s. 1144, provided evidence of exemption from state laws is shown to the department.

Section 3. Section 642.019, Florida Statutes, is amended to read:

642.019 Organization of legal *expense service* insurance corporations.—

(1) Any number of corporations or adult natural persons may organize a legal *expense service* insurance corporation under the law of this state relating to corporations generally.

(2) The articles of incorporation shall conform to the requirements applicable to corporations, and, in addition:

(a) The name of the corporation shall indicate that legal services or indemnity for legal expenses is to be provided; and

(b) The purposes of the corporation shall be limited to providing legal services or indemnity for legal expenses and business reasonably related thereto.

Section 4. Section 642.021, Florida Statutes, is amended to read:

642.021 Certificate of authority.—

(1) It is unlawful for any person to engage in a legal expense insurance business in this state without a valid certificate of authority issued by the department, pursuant to ss. 642.011-642.049, except that a domestic, foreign, or alien insurer authorized to transact *life* or casualty insurance in this state may transact legal expense insurance provided it complies with the applicable provisions of ss. 642.011-642.049. A certificate of authority under ss. 642.011-642.049 may be issued only to a legal *expense service* insurance corporation.

(2) The corporation shall file with the department an application for a certificate of authority upon a form to be furnished by the department, which shall include or have attached the following:

(a) The names, ~~and for the preceding 10 years, all~~ addresses, and ~~all~~ occupations of all incorporators and proposed directors and officers.

(b) A certified copy of the corporate articles and bylaws ~~and a list of the names, addresses, and occupations of all directors and principal officers~~ and, for the 3 most recent years, the corporation's annual statements and reports.

(c) Each agreement relating to the corporation to which any incorporator or proposed director or officer is a party.

(d) A statement of the amount and sources of the funds available for organization expenses and the proposed arrangements for reimbursement and compensation of incorporators or other persons.

(e) A statement of compensation to be provided directors and officers.

(f) The forms to be used for any proposed contracts between the corporation and participating attorneys, between the corporation and corporations which perform administration, marketing, or management services, and forms relating to the provision of services to insureds.

(g) The plan for conducting the insurance business, which plan shall include all of the following:

1. The geographical area in which business is intended to be conducted in the first 5 years.

2. The types of insurance intended to be written in the first 5 years, including specification whether and to what extent indemnity rather than service benefits are to be provided.

3. The proposed marketing methods.

(h) A current statement of the assets and liabilities of the corporate applicant.

(i) Forms of all legal service contracts the applicant proposes to offer showing the rates to be charged for each form of contract.

(j) Such other documents and information as the department may reasonably require.

(3) Copies of the documents filed pursuant to paragraphs (f) and (i) of subsection (2) shall be filed with The Florida Bar within 5 days after filing with the department.

(4) The department shall issue a certificate of authority only to a legal expense service insurance corporation, provided it is satisfied that:

(a) All requirements of law have been met;

(b) All natural persons who are incorporators, the directors and principal officers of corporate incorporators, and the proposed directors and officers of the corporation being formed are trustworthy and collectively have the competence and experience to engage in the particular insurance business proposed; and

(c) The business plan is consistent with the interests of potential insureds and of the public.

Section 5. Section 642.023, Florida Statutes, is amended to read:

642.023 Required deposit or bond.—

(1) To assure the faithful performance of its obligations in the event of insolvency, each legal expense service insurance corporation, prior to the issuance of its certificate of authority, shall deposit and maintain with the department securities of the type eligible for deposit by insurers under s. 625.52, which securities shall be held in trust and shall have at all times a market value in the amount specified. *Whenever the market value of the securities deposited with the department is less than 95 percent of the amount of the deposit required, the insurer shall deposit additional securities or otherwise increase the deposit to the amount required.* The initial deposit for a corporation shall be in the amount of \$50,000 for at least the first full year of operation; ~~except that the initial deposit for any organization applying for a certificate of authority and having previously been engaged in the sale of legal expense insurance under the supervision of The Florida Bar prior to October 1, 1979, shall be in the amount of \$50,000 or 50 percent of its gross written premiums in force, whichever is less.~~ The amount of the initial deposit shall be adjusted annually thereafter on October 1 as follows:

(a) Each corporation having in force ~~less than \$300,000 or less~~ of gross written premiums shall deposit with the department an amount equal to ~~50 percent of such premiums in force or \$50,000, whichever is less.~~

(b) Each corporation having in force more than \$300,000 of gross written premiums, but less than \$750,000, shall deposit with the department an amount equal to ~~not less than~~ \$75,000.

(c) Each corporation having in force more than \$750,000 of gross written premiums shall deposit with the department an amount equal to \$100,000.

(2) In lieu of any deposit of securities required under subsection (1) and subject to the approval of the department, a legal service insurance corporation may file with the department a surety bond issued by an authorized surety insurer. The bond shall be for the same purpose as the deposit in lieu of which it is filed. The department shall not approve any bond under the terms of which the protection afforded against insolvency is not equivalent to the protection afforded by those securities provided for in subsection (1).

(3) Securities or bonds deposited pursuant to this section shall be for the benefit of, and subject to, action thereon by any person sustaining an actionable injury due to the failure of the corporation to faithfully perform its obligations to its insureds in the event of insolvency or impairment of any legal expense service insurance corporation.

(4) The state shall be responsible for the safekeeping of all securities deposited with the department under ss. 642.011-642.049. Such securities shall not, on account of being in this state, be subject to taxation, but shall be held exclusively and solely to guarantee the performance by the legal expense service insurance corporation of its obligations to its insureds.

(5) Such deposit or bond shall be maintained unimpaired as long as the legal expense service insurance corporation continues to do business in this state. Whenever the corporation ceases to do business in this state and furnishes proof satisfactory to the department that it has discharged or otherwise adequately provided for all its obligations to its insureds in this state, the department shall release the deposited securities to the parties entitled thereto, on presentation of the department's receipts for such securities, or shall release the bond filed with it in lieu of such deposit.

(6) The department, upon written request of the legal expense insurance corporation may reduce the amount of deposit or bond required under subsections (1) and (2) if it finds that the policyholders and certificateholders of the corporation are adequately protected the reduction is justified by:

(a) The terms and number of existing contracts with subscribers;

(b) Financial guarantees of Support by financially sound public or private organizations or agencies;

(c) Other reliable financial guarantees; or

~~(d) A pressing social need in the community to be served for the benefits to be provided;~~

~~(d)(e) Plan attorney agreements that provide for full plan benefits to subscribers without additional payments by the subscribers if the plan terminates; or~~

~~(f) Other special circumstances.~~

(7) The department may at any time enter an order modifying the amount of the deposit or bond specified under subsections (1) or (2) if it finds that there has been a substantial change in the facts on which the determination was based. ~~The department shall hold a hearing within 30 days after receiving a request from the corporation which shall be submitted within 30 days after notification of the modification order. Failure to meet the new requirements within 30 days after final decision or after the expiration of the 30-day period for submitting the hearing request constitutes a ground for rehabilitation.~~

Section 6. Subsection (2) of section 642.025, Florida Statutes, is amended to read:

642.025 Policy and certificate forms.—

(2) No policy or certificate of legal expense insurance may be issued in this state unless a copy of the form has been filed with and approved by the department pursuant to s. 627.410.

Section 7. Section 642.029, Florida Statutes, is amended to read:

642.029 Contracts by insurers.—

(1) Contracts made between the insurer and participating attorneys, management contracts, or contracts with providers of other services covered by the legal expense insurance policy shall be filed with and approved by the department.

(2) Insurers shall annually report to the department, in such detail as is reasonably required, the number and geographical distribution of attorneys and providers of other services covered by the legal expense insurance policy with whom it maintains contractual relations and the nature of the relations. The department may require more frequent reports from an insurer or group of insurers.

Section 8. Section 642.032, Florida Statutes, is amended to read:

642.032 Provisions of general insurance law applicable to legal expense service insurance corporations.—

(1) The following provisions of the insurance laws of this state shall apply to legal service insurance corporations, to the extent that they are not inconsistent with the provisions of ss. 642.011-642.049:

(a) Chapter 624, Administration and General Provisions.

- (b) Chapter 625, Accounting, Investments, and Deposits.
- (c) Chapter 626, part VII, Unfair Insurance Trade Practices.
- (d) Chapter 627, part I, Rates and Rating Organizations, and part II, The Insurance Contract.
- (e) Chapter 631, Insurer Insolvency; Guaranty of Payment.

~~(2) The department may, by rule, modify or waive any requirement of the law referred to in subsection (1) to avoid unreasonable hardship, expense, or inconvenience to a legal service insurance corporation if the interests of policyholders continue to be adequately protected.~~

Section 9. Section 642.0331, Florida Statutes, is created to read:

642.0331 Grounds for suspension or revocation of certificate.—

(1) The certificate of authority of an insurer, whether issued pursuant to this chapter or the Insurance Code, may be revoked or suspended, or the department may refuse to renew a certificate of authority, if the department determines that the insurer:

- (a) Has violated any lawful rule or order of the department or any provision of this chapter.
- (b) Is in an unsound financial condition which would render its further transaction of business in this state hazardous or injurious to its policyholders, certificateholders, or the public.
- (c) Is using such methods or practices in the conduct of its business so as to render its further transaction of business in this state hazardous or injurious to its policyholders, certificateholders, or the public.
- (d) Has refused to be examined or to produce its accounts, records, or files for examination, or if any of its officers have refused to give information with respect to its affairs or have refused to perform any other legal obligation as to such examination, when required by the department.
- (e) Has failed to pay any final judgment rendered against it in this state within 60 days after the judgment became final.
- (f) Without just cause has refused to pay proper claims or perform services arising under its policies or contracts, without just cause has compelled policyholders or certificateholders to accept less than the amount due them, or has employed attorneys, or has brought suit against the association to secure full payment or settlement of such claims.
- (g) Is affiliated with and under the same general management or interlocking directorate or ownership as another insurer which transacts business in this state without having a certificate of authority.

(2) The department may, pursuant to s. 120.60, in its discretion and without advance notice or hearing thereon, immediately suspend the certificate of any insurer, whether such certificate was issued pursuant to this chapter or the Insurance Code, if it finds that one or more of the following circumstances exist:

- (a) The insurer is insolvent or impaired.
- (b) The deposit required by s. 642.023 is not maintained.
- (c) Proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings regarding the insurer have been commenced in any state.
- (d) The financial condition or business practices of the insurer otherwise pose an imminent threat to the public health, safety, or welfare of the residents of this state.

Section 10. Section 642.0332, Florida Statutes, is created to read:

642.0332 Order; notice of suspension or revocation of certificate; effect; publication.—

(1) Suspension or revocation of a certificate of authority of an insurer shall be by order of the department mailed to the corporation by registered or certified mail. The department shall also promptly give notice of such suspension or revocation to the corporation's sales representatives in this state which are of record in the department's office. The insurer shall not solicit or write any new contracts in this state during the period of any such suspension or revocation.

(2) In its discretion, the department may cause notice of any such revocation or suspension to be published in one or more newspapers of general circulation published in this state.

Section 11. Section 642.0333, Florida Statutes, is created to read:

642.0333 Duration of suspension; obligations during suspension; reinstatement.—

(1) Suspension of an insurer's certificate of authority shall be for such period, not to exceed 1 year, as is fixed in the order of suspension, unless such suspension or the order upon which the suspension is based is modified, rescinded, or reversed.

(2) During the period of suspension, the insurer shall file its annual statement and pay fees as required under this chapter as if the certificate of authority had continued in full force.

(3) Upon expiration of the suspension period, if within such period the certificate of authority has not otherwise terminated, the certificate of authority shall automatically be reinstated, unless the causes of the suspension have not been removed, or the insurer is otherwise not in compliance with the requirements of this chapter.

(4) Upon reinstatement of an insurer's certificate of authority, following suspension, the authority of the sales representatives in this state to represent the insurer shall be reinstated.

Section 12. Section 642.0334, Florida Statutes, is created to read:

642.0334 Administrative fine in lieu of suspension or revocation.—

(1) If the department finds that one or more grounds exist for the revocation or suspension of a certificate of authority issued under this chapter, the department may, in lieu of such suspension or revocation, impose a fine upon the insurer.

(2) With respect to any nonwillful violation, such fine shall not exceed \$1,000 per violation. In no event shall such fine exceed an aggregate amount of \$5,000 for all nonwillful violations arising out of the same action. When an insurer discovers a nonwillful violation, the insurer shall correct the violation and, if restitution is due, make restitution to all affected persons. Such restitution shall include interest at 12 percent per annum from either the date of the violation or the date of inception of the affected person's policy, at the insurer's option. The restitution may be a credit against future premiums due provided that the interest on the restitution shall accumulate until the premiums are due. If the amount of restitution due to any person is \$50 or more and the insurer wishes to credit it against future premiums, the insurer shall notify such person that it wishes to do so but that the person may receive a check instead of a credit. If the credit is on a policy which is not renewed, the insurer shall pay the restitution to the person to whom it is due.

(3) With respect to any knowing and willful violation of an order or rule of the department or a provision of this chapter, the department may impose a fine upon the insurer in an amount not to exceed \$5,000 for each such violation. In no event shall such fine exceed an aggregate amount of \$25,000 for all knowing and willful violations arising out of the same action. In addition to such fines, such insurer shall make restitution when due in accordance with the provisions of subsection (2).

(4) The failure of an insurer to make restitution when due as required under this section shall constitute a willful violation of this chapter. However, if an insurer in good faith is uncertain as to whether any restitution is due or as to the amount of such restitution, it shall promptly notify the department of the circumstances and the failure to make restitution pending a determination thereof shall not constitute a violation of this chapter.

Section 13. Section 642.034, Florida Statutes, is amended to read:

642.034 Registration required.—No person shall solicit, negotiate, sell, advertise, or execute legal expense insurance contracts on behalf of an insurer in this state unless such person is registered as a sales representative agent or is commissioned for that purpose by a sales agent, ~~except a person who is licensed under the Insurance Code as a general lines agent or solicitor. No person registered as a legal expense insurance sales representative shall solicit, negotiate, sell, or execute any other contract of insurance, unless such person is duly licensed to do so under the provisions of chapter 626~~

Section 14. Section 642.036, Florida Statutes, is amended to read:

642.036 Sales representatives agents to be registered.—

(1) Each ~~insurer legal service insurance corporation~~ shall, on forms prescribed by the department, register, on or before October 1 of each odd-numbered year, the name and business address of each sales representative agent under contract with it in this state and shall, within 30 days after termination of the contract, notify the department of such termination. At the time of the ~~biennial annual~~ registration, a \$20 \$10 filing fee for each sales representative agent shall be paid by the ~~insurer legal service insurance corporation~~ to the department. Any sales representative agent employed after the October 1 filing date shall be registered with the department within 10 days after such employment. No employee or sales representative agent of an ~~insurer a legal service insurance corporation~~ shall directly or indirectly solicit or negotiate insurance contracts, or hold himself out in any manner to be an insurance agent or solicitor, unless so qualified and licensed therefor under the Insurance Code.

(2) Each casualty insurer shall, on or before October 1 of each year, file with the department the name and business address of each licensed general lines agent or solicitor who solicits, negotiates, sells, or executes legal expense insurance contracts on behalf of the casualty insurer.

Section 15. Section 642.038, Florida Statutes, is amended to read:

642.038 Reporting and accounting for funds.—

(1) All funds belonging to ~~insurers legal service insurance corporations~~ or others received by a sales representative agent in transactions under his registration shall be trust funds so received by such representative agent in a fiduciary capacity, and the representative agent, in the applicable regular course of business, shall account for and pay the same to the ~~insurer legal service insurance corporation~~ or other person entitled thereto.

(2) Any sales representative agent who, not being entitled thereto, diverts or appropriates such funds or any portion thereof to his own use is guilty of ~~theft larceny~~ as provided in s. 812.014 ~~812.021~~.

Section 16. Section 642.041, Florida Statutes, is amended to read:

642.041 Grounds for compulsory refusal, suspension, or revocation of registration of contracting sales representatives agents.—The department shall, pursuant to the Insurance Code, deny, suspend, revoke, or refuse to renew or continue the registration of any sales representative or the license of any general lines agent or solicitor agent if it finds that, as to the sales representative, general lines agent, or solicitor agent, any one or more of the following applicable grounds exist:

(1) Material misstatement, misrepresentation, or fraud in registration.

(2) The registration is willfully used, or to be used, to circumvent any of the requirements or prohibitions of ss. 642.011-642.049.

(3) Willful misrepresentation of any legal service expense contract or willful deception with regard to any such contract, performed either in person or by any form of dissemination of information or advertising.

(4) In the adjustment of claims, material misrepresentation to a contract holder or other interested party of the terms and coverage of a contract, with the intent and for the purpose of settling such claim on less favorable terms than those provided in and contemplated by the contract.

(5) Demonstrated lack of fitness or trustworthiness to engage in the business of legal expense insurance.

(6) Demonstrated lack of adequate knowledge and technical competence to engage in the transactions authorized by the registration.

(7) Fraudulent or dishonest practices in the conduct of business under the registration.

(8) Misappropriation, conversion, or unlawful withholding of moneys belonging to an ~~insurer a legal service insurance corporation~~ or to others and received in the conduct of business under the registration.

(9) Rebating, or attempting to rebate, or unlawfully dividing, or offering to divide, his commission with another.

(10) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of ss. 642.011-642.049.

(11) The sales representative has been found guilty of or has plead guilty or nolo contendere to a felony which involves moral turpitude, without regard to whether a judgment of conviction has been entered.

Section 17. Section 642.043, Florida Statutes, is amended to read:

642.043 Grounds for discretionary refusal, suspension, or revocation of registration of sales representatives agents.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the registration of any sales representative agent if it finds, after notice and hearing thereon as provided in s. 642.045, that, as to the representative agent, any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 642.041:

(1) Any cause for which granting of the registration could have been refused had it been known to the department at the time of application.

(2) Violation of any provision of ss. 642.011-642.049, or of any other law applicable to the business of legal expense insurance in the course of dealings under the registration.

(3) Violation of any lawful order or rule of the department.

(4) Failure or refusal to pay over, upon demand, to any ~~legal service insurer he represents, or has represented, any money coming into his hands which belongs to the insurer legal service insurance corporation.~~

(5) In the conduct of business under the registration, he has engaged in unfair methods of competition or in unfair or deceptive acts or practices, as such methods, acts, or practices are defined under part VII of chapter 626, or has otherwise shown himself to be a source of injury or loss to the public or detrimental to the public interest.

(6) The sales representative has been found guilty of or has plead guilty or nolo contendere to a felony, whether or not a judgment of conviction has been entered ~~Conviction of a felony.~~

Section 18. Section 642.045, Florida Statutes, is amended to read:

642.045 Procedure for refusal, suspension, or revocation of registration of sales representative agent.—

(1) If any sales representative agent is convicted by a court of a violation of any provision of ss. 642.011-642.049, the registration of such individual shall thereby be deemed to be immediately revoked without any further procedure relative thereto by the department.

~~(2) As to a registration denied, suspended, or revoked by the department, the person aggrieved thereby shall have the right to a hearing thereon.~~

~~(3) If, after an investigation or upon other evidence, the department has reason to believe that grounds may exist for the suspension or revocation of, or refusal to renew or continue, the registration of any sales agent, as such grounds are specified in ss. 642.041 and 642.043, the department may proceed to suspend, revoke, or refuse to renew or continue the registration.~~

~~(2)(4) Whenever it appears that any licensed insurance agent or solicitor has violated the provisions of ss. 642.011-642.049, or if any grounds listed in s. 642.041 or s. 642.043 exist as to such agent or solicitor, the department may take such action relative thereto as is authorized by the Insurance Code for a violation of the Insurance Code by such agent or solicitor, or such action as is authorized by this chapter for a violation of this chapter by a sales representative.~~

Section 19. Notwithstanding the provisions of the Regulatory Sunset Act, chapter 642, Florida Statutes, shall not stand repealed on October 1, 1983, as scheduled by such act, but such chapter, as amended, is hereby revived and readopted.

Section 20. Chapter 642, Florida Statutes, is repealed on October 1, 1993, and shall be reviewed pursuant to s. 11.61, Florida Statutes.

Section 21. This act shall take effect October 1, 1983

Amendment 2—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to legal expense insurance; amending ss. 642.015-642.023, 642.025(2), 642.029-642.045, Florida Statutes; providing technical revisions and clarifying language; providing for additional deposit of securities under certain circumstances; requiring life or casualty insurers to file certain infor-

mation with the department; increasing certain fees; providing additional grounds for refusal, suspension, or revocation of certain registrations; creating s. 642.0331, Florida Statutes; providing grounds for revoking or suspending certain certificates; creating s. 642.0332, Florida Statutes; requiring suspension or revocation of certain certificates to be by order of the department; providing for notice of suspension or revocation; creating s. 642.0333, Florida Statutes; providing for duration of suspensions and reinstatement of a certificate; creating s. 642.0334, Florida Statutes; providing for administrative fines in lieu of suspension or revocation; providing for the revival and readoption of chapter 642, Florida Statutes, as amended; providing for future review and repeal of chapter 642, Florida Statutes, pursuant to the Regulatory Sunset Act; providing an effective date.

On motion by Senator Scott, by two-thirds vote HB 393 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Kirkpatrick	Plummer
Barron	Gersten	Langley	Rehm
Beard	Girardeau	Malchon	Scott
Carlucci	Grant	Mann	Stuart
Castor	Grizzle	Margolis	Thomas
Childers, D.	Hair	Maxwell	Thurman
Childers, W. D.	Henderson	McPherson	Vogt
Crawford	Hill	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnston	Neal	

Nays—None

CS for SB 87 was laid on the table.

CS for SB's 462 and 794—A bill to be entitled An act relating to motor vehicle warranties; creating the "Motor Vehicle Warranty Enforcement Act"; providing legislative intent; providing definitions; requiring new motor vehicles to conform to all applicable express warranties; providing requirements for the manufacturer when a new motor vehicle does not conform to applicable express warranties; providing penalties for bad faith claims; providing for an informal dispute settlement procedure; providing for attorneys fees; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 2, line 7, after the second comma (,) insert: primarily used for personal, family or household purposes, and

Amendment 2—On page 2, lines 12 and 13, strike "passenger motor vehicle or a commercial"

Pending further consideration of CS for SB's 462 and 794 as amended, on motions by Senator Gordon, by two-thirds vote CS for HB 885 was withdrawn from the Committees on Commerce and Transportation.

On motion by Senator Gordon—

CS for HB 885—A bill to be entitled An act relating to motor vehicle warranties; creating the "Motor Vehicle Warranty Enforcement Act"; providing legislative intent; providing definitions; requiring new motor vehicles to conform to all applicable express warranties; providing requirements for the manufacturer when a new motor vehicle does not conform to applicable express warranties; providing penalties for bad faith claims; providing for an informal dispute settlement procedure; providing an effective date.

—a companion measure, was substituted for CS for SB's 462 and 794. On motions by Senator Gordon, by two-thirds vote CS for HB 885 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Childers, D.	Frank	Grizzle
Barron	Childers, W. D.	Gersten	Hair
Beard	Crawford	Girardeau	Henderson
Carlucci	Dunn	Gordon	Hill
Castor	Fox	Grant	Jenne

Jennings	Mann	Myers	Stuart
Johnston	Margolis	Neal	Thomas
Kirkpatrick	Maxwell	Plummer	Thurman
Langley	McPherson	Rehm	Vogt
Malchon	Meek	Scott	Weinstein

Nays—None

CS for SB's 462 and 794 was laid on the table.

SB 793—A bill to be entitled An act relating to licensure of motor vehicle manufacturers, factory branches, distributors, and importers; adding a subsection (15) to s. 320.64, Florida Statutes, relating to grounds for denial, suspension, or revocation of license, to provide additional grounds; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 24-31 and insert: *franchised motor vehicle dealer against any judgment for damages or settlement agreed to in writing by the applicant or licensee, including, but not limited to, court costs and reasonable attorney's fees of the motor vehicle dealer, arising out of complaints, claims, or lawsuits based upon such grounds as strict liability, negligence, misrepresentation, warranty, express or implied, or rescission of the sale as described in s. 672.608, less any offset for use recovered by the licensee's franchised motor vehicle dealer, and only to the extent that the judgment or settlement relates to the alleged defective or negligent*

Senator Langley moved the following substitute amendment which was adopted:

Amendment 2—On page 1, lines 24-31, strike all underlined language and insert: *franchised motor vehicle dealer against any judgment for damages or settlement agreed to in writing by the applicant or licensee, including, but not limited to, court costs and reasonable attorney's fees of the motor vehicle dealer, arising out of complaints, claims, or lawsuits based upon such grounds as strict liability, negligence, misrepresentation, warranty, express or implied, or rescission of the sale as described in s. 672.608, less any offset for use recovered by the licensee's franchised motor vehicle dealer, and only to the extent that the judgment or settlement relates to the alleged defective or negligent*

Pending further consideration of SB 793 as amended, on motion by Senator Langley, by two-thirds vote CS for HB 977 was withdrawn from the Committee on Transportation.

On motion by Senator Langley—

CS for HB 977—A bill to be entitled An act relating to licensure of motor vehicle manufacturers, factory branches, distributors, and importers; adding a subsection (15) to s. 320.64, Florida Statutes, relating to grounds for denial, suspension, or revocation of license, to provide additional grounds; providing an effective date.

—a companion measure, was substituted for SB 793. On motions by Senator Langley, by two-thirds vote CS for HB 977 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Plummer
Carlucci	Gordon	Langley	Rehm
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Hill	McPherson	Weinstein
Fox	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Scott

SB 793 was laid on the table.

SB 595—A bill to be entitled An act relating to county government; amending s. 125.35(1), Florida Statutes, authorizing a board of county commissioners to lease property belonging to the county seaport operation or facility, under certain conditions; providing an effective date.

—was read the second time by title.

Senator Gersten moved the following amendment which was adopted:

Amendment 1—On page 1, line 24, after the period (.) insert: *However, in the case of a seaport, leased space shall not be negotiated for a hotel; retail establishment; or an office complex in excess of 25,000 square feet. Any leased space for an office complex of less than 25,000 square feet must be reasonable and necessary for the operation of the port and be required to be physically located within the jurisdiction of the port authority.*

Pending further consideration of SB 595 as amended, on motion by Senator Gersten, the rules were waived and by two-thirds vote HB 643 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Gersten—

HB 643—A bill to be entitled An act relating to county government; amending s. 125.35(1), Florida Statutes, authorizing a board of county commissioners to lease property belonging to the county seaport operation or facility, under certain conditions; providing an effective date.

—a companion measure, was substituted for SB 595 and read the second time by title. On motion by Senator Gersten, by two-thirds vote HB 643 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Plummer
Barron	Girardeau	Langley	Rehm
Beard	Grant	Malchon	Scott
Carlucci	Grizzle	Mann	Stuart
Castor	Hair	Margolis	Thomas
Childers, D.	Henderson	Maxwell	Thurman
Childers, W. D.	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnston	Neal	

Nays—None

SB 595 was laid on the table.

On motion by Senator Kirkpatrick, the rules were waived by unanimous consent and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1341 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Ogden and others—

HB 1341—A bill to be entitled An act relating to the Division of Pari-mutuel Wagering; adding s. 550.02(9), Florida Statutes; authorizing the Division of Pari-mutuel Wagering to exclude from all pari-mutuel facilities in this state any person who has been excluded from pari-mutuel facilities in this or in any other state by such other state's official regulatory agency having jurisdiction over such pari-mutuel facilities, amending s. 550.03, Florida Statutes; authorizing each horseracing, dogracing and jai alai permitholder up to 5 charity or scholarship days in addition to the regular racing days; providing for eligibility and selection of a charity; providing for the payment of proceeds to the charity; providing for the determination of profit; amending s. 550.08, Florida Statutes; deleting provisions requiring additional racing day for benefit of the Board of Regents; amending s. 550.10(3)(b), Florida Statutes; authorizing the division to file administrative charges for violations occurring while a person held an occupational license; authorizing the division to exclude any person who has been denied an occupational license or whose occupational license has been suspended or revoked by the division from attend-

ing any pari-mutuel facility; amending s. 550.16(2)(b), Florida Statutes; allowing a lessee of a racetrack or fronton to withhold certain funds from the pari-mutuel pool for capital improvements to the racetrack or fronton in certain circumstances; amending s. 550.162(3) and s. 551.09(2), Florida Statutes; authorizing certain permitholders to withhold additional sums on certain wagers; repealing s. 550.41(4)-(8), Florida Statutes, which subsections authorize specific additional charity racing days; reenacting s. 550.241(6), Florida Statutes, 1982 Supplement, which authorizes the division to permit use of certain medications by rule; ratifying a rule of the division; providing an effective date.

—was read the first time by title. On motions by Senator Kirkpatrick, by unanimous consent HB 1341 was placed on the calendar and taken up instanter.

On motion by Senator Kirkpatrick, by two-thirds vote HB 1341 was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 12, strike lines 13-18 and insert:

(Renumber subsequent section.)

Amendment 2—In title, on page 2, lines 12 and 13, strike "ratifying a rule of the division;"

On motion by Senator Kirkpatrick, by two-thirds vote HB 1341 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Johnston	Neal
Barron	Gersten	Kirkpatrick	Plummer
Beard	Girardeau	Langley	Rehm
Carlucci	Gordon	Malchon	Stuart
Castor	Grant	Mann	Thomas
Childers, D.	Grizzle	Margolis	Thurman
Childers, W. D.	Hair	Maxwell	Vogt
Crawford	Henderson	McPherson	Weinstein
Dunn	Jenne	Meek	
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Scott

On motion by Senator Kirkpatrick, the rules were waived and HB 1341 was ordered immediately certified to the House.

Consideration of SB 782 was deferred.

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 1080 was withdrawn from the Committee on Governmental Operations.

SPECIAL ORDER, continued

SB 256—A bill to be entitled An act relating to public officers, employees, and candidates; adding ss. 112.313(13), 112.322(9), Florida Statutes, 1982 Supplement; permitting public officers and full-time agency employees to appear before the Legislature; permitting the Commission on Ethics to extend the deadline for the filing of public disclosure statements under certain circumstances; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 14-22 and renumber subsequent sections

Senator Maxwell moved the following amendment which was adopted:

Amendment 2—On page 1, between lines 13 and 14, insert:

Section 1. Subsection (19) is added to section 112.312, Florida Statutes, 1982 Supplement, to read:

112.312 Definitions.—As used in this part and for purposes of full and public disclosure under the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(19) "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.

Section 2. Subsections (1), (2), (3), (4) and (5) of section 112.3145, Florida Statutes, 1982 Supplement, are amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires:

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of a board, commission, authority, community college district board of trustees, or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.

3. Any person holding one or more of the following positions: *mayor*; ~~by whatever title, including persons appointed to act directly in such capacity, but excluding assistants and deputies unless specifically named herein:~~ *clerk of the circuit court; clerk of the county court; county or city manager; chief administrative employee of a county, municipality or other political subdivision; chief, county or city administrator; county or municipal city attorney; chief county or municipal city building inspector; county or municipal city water resources coordinator; county or municipal city pollution control director; county or municipal city environmental control director; county or municipal city administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal city or town clerk; district school superintendent; community college president; or purchasing agent having the authority to make any purchase exceeding \$1,000 *\$100* for any political subdivision of the state or any entity thereof*

(b) "Specified state employee" means:

1. Public counsel created by chapter 350; an assistant state attorney; an assistant public defender; a full-time state employee who serves as counsel or assistant counsel to any state agency; a deputy commissioner; ~~or and a hearing officer examiner.~~

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet, if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field ~~or; the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation; or any person having the power normally conferred on such persons by whatever title.~~

5. Business managers, purchasing agents *having the power to make any purchase exceeding \$1,000*, finance and accounting directors, personnel officers, ~~and grants coordinators for any state agency, or persons having the power normally conferred upon such persons, by whatever title.~~

6. The Auditor General; the Sergeant-at-Arms and Secretary of the Senate; the Sergeant-at-Arms and Clerk of the House of Representatives; the Executive Director of the Joint Legislative Management Committee; the Director of Statutory Revision; and the staff director of each committee of the Legislature.

7. Each employee of the Commission on Ethics.

~~8. Any full-time state employee who, in addition to his regular duties, accepts compensation which in the aggregate exceeds \$250 for consultations with other state agencies or with other government or business entities.~~

(c) "State officer" means:

1. Any elected public officer, excluding those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents; the Chancellor and Vice Chancellor of the State University System; and the president of a state university.

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he files, his qualifying papers.

(b) Each state or local officer and each specified *state* employee shall file a statement of financial interests no later than ~~12 o'clock noon of July 15~~ *15* of each year, ~~including the July 15th following the last year he is in office.~~ Each state or local officer who is appointed and each specified *state* employee who is employed shall file a statement of financial interests within 30 days from the date of appointment or, in the case of specified *state* employees, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(c) State officers, persons qualifying for a state office, and specified *state* employees shall file their statements of financial interests with the Secretary of State. Local officers shall file their statements of financial interests with the supervisor of elections of the county in which they ~~permanently reside~~ *are principally employed or are residents*. Persons seeking to qualify as candidates for local public office shall file their statements of financial interests with the officer before whom they qualify.

(3) The statement of financial interests for state officers, specified *state* employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include:

(a) All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his own name or by any other person for his use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first.

(b) All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he received an amount which was in excess of 10 percent of his gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

(c) The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and the general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph, indirect ownership does not include ownership by a spouse or minor child.

(d) A list of all persons, business entities, or other organizations, and the address and a description of the principal business activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. The person reporting

shall list such benefactors in descending order of value with the largest listed first. Gifts received from a parent, grandparent, sibling child, or spouse of the person reporting, or from a spouse of any of the foregoing; gifts received by bequest or devise; gifts required to be disclosed pursuant to s. 111.011; or campaign contributions which were reported as required by law need not be listed. For purposes of this paragraph, a debt on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances is charged shall be deemed a gift of an amount equal to the amount represented by the difference between the preferential and customary rate charged on the debt.

(e) Every liability which in sum equals more than the reporting person's net worth.

(4) Each elected constitutional officer, state officer, local officer, and specified state employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his level of government. For the purposes of this part, agencies of government shall be classified as state level agencies or agencies below state level. Each local officer shall file such report with the supervisor of elections of the county in which he is principally employed or is a resident. Each state officer, elected constitutional officer, and specified state employee shall file such report with the Secretary of State. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than 15 days after the last day of the quarter. Representation before any agency shall be deemed to include representation by such officer or specified state employee or by any partner or associate of the professional firm of which he is a member and of which he has actual knowledge. For the purposes of this subsection, "representation before any agency" does not include appearances before any court or worker's compensation commissioners or deputy commissioners of industrial claims or representations on behalf of one's agency in his official capacity. Such term does not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(5) Forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure shall be provided by the Commission on Ethics to the Secretary of State and to each Supervisor of Elections, who shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner.

(a)1. Not later than April 1 of each year the Commission on Ethics shall prepare a current list of the name and address and office or position held of each state officer, local officer, and specified employee. In compiling the list the commission shall be assisted by each unit of government in providing the name, address, name of agency, and office or position held by each state officer, local officer, or specified state employee within the respective unit of government, at the commission's request.

2. Not later than April 15 of each year the commission shall provide the Secretary of State with a current mailing list of all state officers and specified employees and shall provide each supervisor of elections with a current mailing list of all local officers required to file with such supervisor.

(b) Not later than 30 days before July 1 of each year, the Secretary of State and each supervisor of elections shall mail a copy of the form prescribed for compliance with subsection (3) and a notice of all applicable disclosure forms and filing deadlines to each person required to file a statement of financial interests with him.

(c) Not later than 30 days after July 1 of each year, the Secretary of State and each supervisor of elections shall determine which persons required to file a statement of financial interests in their respective offices have failed to do so and shall send by certified mail, a delinquency notice to such persons. The notice shall state that a grace period is in effect until September 1 of the current year; that no investigative or disciplinary action based upon the delinquency will be taken by the agency head or Commission on Ethics if the statement is filed by September 1 of the current year, that if the statement is not filed by September 1 of the current year, he is required by law to notify the Commission on Ethics of the delinquency; and that if the commission finds the person has failed to timely file the statement by September 1 of the current year, such person shall be subject to the penalties provided in s. 112.317.

(d) Not later than 30 days following September 1 of each year, the Secretary of State and supervisor of elections in each county shall certify to the Commission on Ethics a list of the names and addresses and offices or positions held of all persons who have failed to timely file the required statement of financial interests. The certification shall be on a form prescribed by the commission and shall indicate whether the respective certifying official has provided the disclosure forms and notice as required by this subsection to all persons named on the delinquency list.

(e) Any state officer, local officer, or specified employee whose name is not on the mailing list provided to the Secretary of State or supervisor of elections is not subject to the penalties provided in s. 112.317 for failure to timely file a statement of financial interests in any year in which the omission occurred. The Secretary of State shall by mail send a copy of the forms required to be filed by this part, together with a notice of the filing deadlines, to each state officer and specified employee no later than 30 days prior to the filing deadlines. The agency head shall send such forms and notice to each local officer no later than 30 days prior to the filing deadlines.

(f) However, The requirements of this subsection do not apply to candidates or to the first filing required of any state officer, specified employee, or local officer.

Section 3. Subsection (6) of section 112.324, Florida Statutes, is amended to read:

112.324 Procedures on complaints of violations.—

(6) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall, after determining that there are sufficient grounds for review, appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The members shall elect a chairman from among their number. If the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chairman thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

(Renumber subsequent sections.)

Senator Stuart moved the following amendment which was adopted:

Amendment 3—On page 2, between lines 5 and 6, insert:

Section 2. Paragraph (a) of subsection (1) of section 112.3145, Florida Statutes, 1982 Supplement, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires:

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of a board, commission, authority, including any expressway authority or transportation authority established by general law, community college district board of trustees, or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.

3. Any person holding one or more of the following positions, by whatever title, including persons appointed to act directly in such capaci-

ty, but excluding assistants and deputies unless specifically named herein: clerk of the circuit court; clerk of the county court; county or city manager; political subdivision chief; county or city administrator; county or city attorney; chief county or city building inspector; county or city water resources coordinator; county or city pollution control director; county or city environmental control director; county or city administrator, with power to grant or deny a land development permit; chief of police; fire chief; city or town clerk; district school superintendent; community college president; or purchasing agent having the authority to make any purchase exceeding \$100 for any political subdivision of the state or any entity thereof.

(Renumber subsequent section.)

Senator Dum moved the following amendment:

Amendment 4—On page 2, between lines 5 and 6, insert:

Section 3. Section 112.3143, Florida Statutes, is amended to read:

112.3143 Voting conflicts.—No public officer shall be prohibited from voting in his official capacity on any matter. However, any public officer voting in his official capacity upon any measure in which he *knowingly* has a personal, private, or professional interest and which inures to his special private gain or the special gain of any principal by whom he is retained shall, *either announce such interest at the time of the meeting if the public officer is aware of the conflicting interest, or file a written notice of such interest within 15 days after the vote occurs, disclosing* disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 24 was corrected and approved.

CO-INTRODUCER

Senator Carlucci—SB 786

On motion by Senator Barron, the Senate adjourned at 4:21 p.m. to reconvene at 9:00 a.m., Thursday, May 26.